

Nadler	Rohrabacher	Stupak
Napolitano	Ros-Lehtinen	Sullivan
Neal (MA)	Ross	Sweeney
Neugebauer	Rothman	Tancredo
Ney	Roybal-Allard	Tanner
Norwood	Royce	Tauscher
Nunes	Ruppersberger	Taylor (MS)
Oberstar	Rush	Taylor (NC)
Obey	Ryan (OH)	Terry
Olver	Ryan (WI)	Thomas
Ortiz	Ryun (KS)	Thompson (CA)
Osborne	Sabo	Thompson (MS)
Otter	Salazar	Thornberry
Owens	Sánchez, Linda	Tiahrt
Oxley	T.	Tiberi
Pallone	Sanders	Tierney
Pascarell	Saxton	Towns
Pastor	Schakowsky	Turner
Payne	Schiff	Udall (CO)
Pearce	Schmidt	Udall (NM)
Pelosi	Schwartz (PA)	Upton
Pence	Schwarz (MI)	Van Hollen
Peterson (MN)	Scott (GA)	Velázquez
Peterson (PA)	Scott (VA)	Visclosky
Petri	Sensenbrenner	Walden (OR)
Pickering	Serrano	Walsh
Pitts	Sessions	Wamp
Platts	Shadegg	Wasserman
Poe	Shaw	Schultz
Pombo	Shays	Watson
Pomeroy	Sherman	Watt
Porter	Sherwood	Waxman
Price (GA)	Shinkus	Weiner
Price (NC)	Shuster	Weldon (FL)
Pryce (OH)	Simmons	Weldon (PA)
Putnam	Simpson	Weller
Radanovich	Skelton	Wexler
Ramstad	Slaughter	Whitfield
Rangel	Smith (NJ)	Wicker
Regula	Smith (TX)	Wilson (NM)
Rehberg	Smith (WA)	Wilson (SC)
Reichert	Snyder	Wolf
Renzi	Sodrel	Woolsey
Reyes	Solis	Wu
Reynolds	Souder	Wynn
Rogers (AL)	Spratt	Young (AK)
Rogers (KY)	Stearns	Young (FL)
Rogers (MI)	Strickland	

NAYS—8

Abercrombie	Kilpatrick (MI)	Rahall
Conyers	McDermott	Stark
Dingell	Paul	

ANSWERED "PRESENT"—4

Kaptur	Lee
Kucinich	Waters

NOT VOTING—10

Davis (FL)	Fortenberry	Sanchez, Loretta
Davis, Jo Ann	McKinney	Westmoreland
Duncan	Northup	
Evans	Nussle	

□ 1210

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FORTENBERRY. Mr. Speaker, on Thursday, July 20, 2006, I was unavoidably detained and thus I missed rollcall votes Nos. 389, 390, and 391. Had I been present, I would have voted "yea" on all three votes.

UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 925, I call up the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "United States-Oman Free Trade Agreement Implementation Act".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.

Sec. 102. Relationship of the Agreement to United States and State law.

Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.

Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.

Sec. 105. Administration of dispute settlement proceedings.

Sec. 106. Arbitration of claims.

Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.

Sec. 202. Rules of origin.

Sec. 203. Customs user fees.

Sec. 204. Enforcement relating to trade in textile and apparel goods.

Sec. 205. Reliquidation of entries.

Sec. 206. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.

Sec. 312. Commission action on petition.

Sec. 313. Provision of relief.

Sec. 314. Termination of relief authority.

Sec. 315. Compensation authority.

Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.

Sec. 322. Determination and provision of relief.

Sec. 323. Period of relief.

Sec. 324. Articles exempt from relief.

Sec. 325. Rate after termination of import relief.

Sec. 326. Termination of relief authority.

Sec. 327. Compensation authority.

Sec. 328. Confidential business information.

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Oman entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Oman for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AGREEMENT.**—The term "Agreement" means the United States-Oman Free Trade Agreement approved by Congress under section 101(a)(1).

(2) **HTS.**—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) **TEXTILE OR APPAREL GOOD.**—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT**SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.**

(a) **APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.**—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Oman Free Trade Agreement entered into on January 19, 2006, with Oman and submitted to Congress on June 26, 2006; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on June 26, 2006.

(b) **CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.**—At such time as the President determines that Oman has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Oman providing for the entry into force, on or after January 1, 2007, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) **RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.**—

(1) **UNITED STATES LAW TO PREVAIL IN CONFLICT.**—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) **CONSTRUCTION.**—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) **RELATIONSHIP OF AGREEMENT TO STATE LAW.**—

(1) **LEGAL CHALLENGE.**—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) **DEFINITION OF STATE LAW.**—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) **EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.**—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any

State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with the Committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2006 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.15.1(a)(i)(C) or article 10.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties, as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.2.8, and 3.2.9, and Annex 2-B of the Agreement.

(2) EFFECT ON OMANI GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Oman as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Oman regarding the staging of any duty treatment set forth in Annex 2-B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Oman provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate

in the Tariff Schedule of the United States to Annex 2-B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a heading or subheading, such reference shall be a reference to a heading or subheading of the HTS.

(b) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, a good is an originating good if—

(A) the good is imported directly—

(i) from the territory of Oman into the territory of the United States; or

(ii) from the territory of the United States into the territory of Oman; and

(B)(i) the good is a good wholly the growth, product, or manufacture of Oman or the United States, or both;

(ii) the good (other than a good to which clause (iii) applies) is a new or different article of commerce that has been grown, produced, or manufactured in Oman or the United States, or both, and meets the requirements of paragraph (2); or

(iii)(I) the good is a good covered by Annex 3-A or 4-A of the Agreement;

(II)(aa) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in such Annex as a result of production occurring entirely in the territory of Oman or the United States, or both; or

(b) the good otherwise satisfies the requirements specified in such Annex; and

(III) the good satisfies all other applicable requirements of this section.

(2) REQUIREMENTS.—A good described in paragraph (1)(B)(ii) is an originating good only if the sum of—

(A) the value of each material produced in the territory of Oman or the United States, or both, and

(B) the direct costs of processing operations performed in the territory of Oman or the United States, or both,

is not less than 35 percent of the appraised value of the good at the time the good is entered into the territory of the United States.

(c) CUMULATION.—

(1) ORIGINATING GOOD OR MATERIAL INCORPORATED INTO GOODS OF OTHER COUNTRY.—An originating good, or a material produced in the territory of Oman or the United States, or both, that is incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PRODUCERS.—A good that is grown, produced, or manufactured in the territory of Oman or the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the value of a material produced in the territory of Oman or the United States, or both, includes the following:

(A) The price actually paid or payable for the material by the producer of the good.

(B) The freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant, if such costs

are not included in the price referred to in subparagraph (A).

(C) The cost of waste or spoilage resulting from the use of the material in the growth, production, or manufacture of the good, less the value of recoverable scrap.

(D) Taxes or customs duties imposed on the material by Oman or the United States, or both, if the taxes or customs duties are not remitted upon exportation from the territory of Oman or the United States, as the case may be.

(2) EXCEPTION.—If the relationship between the producer of a good and the seller of a material influenced the price actually paid or payable for the material, or if there is no price actually paid or payable by the producer for the material, the value of the material produced in the territory of Oman or the United States, or both, includes the following:

(A) All expenses incurred in the growth, production, or manufacture of the material, including general expenses.

(B) A reasonable amount for profit.

(C) Freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant.

(e) PACKAGING AND PACKING MATERIALS AND CONTAINERS FOR RETAIL SALE AND FOR SHIPMENT.—Packaging and packing materials and containers for retail sale and shipment shall be disregarded in determining whether a good qualifies as an originating good, except to the extent that the value of such packaging and packing materials and containers has been included in meeting the requirements set forth in subsection (b)(2).

(f) INDIRECT MATERIALS.—Indirect materials shall be disregarded in determining whether a good qualifies as an originating good, except that the cost of such indirect materials may be included in meeting the requirements set forth in subsection (b)(2).

(g) TRANSIT AND TRANSSHIPMENT.—A good shall not be considered to meet the requirement of subsection (b)(1)(A) if, after exportation from the territory of Oman or the United States, the good undergoes production, manufacturing, or any other operation outside the territory of Oman or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Oman or the United States.

(h) TEXTILE AND APPAREL GOODS.—

(1) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 3-A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Oman or the United States.

(C) YARN, FABRIC, OR GROUP OF FIBERS.—For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term “component of the good that determines the tariff classification of the good” means all of the fibers in the yarn, fabric, or group of fibers.

(2) GOODS PUT UP IN SETS FOR RETAIL SALE.—Notwithstanding the rules set forth

in Annex 3-A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(i) DEFINITIONS.—In this section:

(1) DIRECT COSTS OF PROCESSING OPERATIONS.—

(A) IN GENERAL.—The term “direct costs of processing operations”, with respect to a good, includes, to the extent they are includable in the appraised value of the good when imported into Oman or the United States, as the case may be, the following:

(i) All actual labor costs involved in the growth, production, or manufacture of the good, including fringe benefits, on-the-job training, and the cost of engineering, supervisory, quality control, and similar personnel.

(ii) Tools, dies, molds, and other indirect materials, and depreciation on machinery and equipment that are allocable to the good.

(iii) Research, development, design, engineering, and blueprint costs, to the extent that they are allocable to the good.

(iv) Costs of inspecting and testing the good.

(v) Costs of packaging the good for export to the territory of the other country.

(B) EXCEPTIONS.—The term “direct costs of processing operations” does not include costs that are not directly attributable to a good or are not costs of growth, production, or manufacture of the good, such as—

(i) profit; and

(ii) general expenses of doing business that are either not allocable to the good or are not related to the growth, production, or manufacture of the good, such as administrative salaries, casualty and liability insurance, advertising, and sales staff salaries, commissions, or expenses.

(2) GOOD.—The term “good” means any merchandise, product, article, or material.

(3) GOOD WHOLLY THE GROWTH, PRODUCT, OR MANUFACTURE OF OMAN OR THE UNITED STATES, OR BOTH.—The term “good wholly the growth, product, or manufacture of Oman or the United States, or both” means—

(A) a mineral good extracted in the territory of Oman or the United States, or both;

(B) a vegetable good, as such a good is provided for in the HTS, harvested in the territory of Oman or the United States, or both;

(C) a live animal born and raised in the territory of Oman or the United States, or both;

(D) a good obtained from live animals raised in the territory of Oman or the United States, or both;

(E) a good obtained from hunting, trapping, or fishing in the territory of Oman or the United States, or both;

(F) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Oman or the United States and flying the flag of that country;

(G) a good produced from goods referred to in subparagraph (F) on board factory ships registered or recorded with Oman or the United States and flying the flag of that country;

(H) a good taken by Oman or the United States or a person of Oman or the United States from the seabed or beneath the seabed outside territorial waters, if Oman or the United States, as the case may be, has rights to exploit such seabed;

(I) a good taken from outer space, if such good is obtained by Oman or the United States or a person of Oman or the United

States and not processed in the territory of a country other than Oman or the United States;

(J) waste and scrap derived from—

(i) production or manufacture in the territory of Oman or the United States, or both; or

(ii) used goods collected in the territory of Oman or the United States, or both, if such goods are fit only for the recovery of raw materials;

(K) a recovered good derived in the territory of Oman or the United States from used goods and utilized in the territory of that country in the production of remanufactured goods; and

(L) a good produced in the territory of Oman or the United States, or both, exclusively—

(i) from goods referred to in subparagraphs (A) through (J), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(4) INDIRECT MATERIAL.—The term “indirect material” means a good used in the growth, production, manufacture, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the growth, production, or manufacture of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment and buildings;

(D) lubricants, greases, compounding materials, and other materials used in the growth, production, or manufacture of a good or used to operate equipment and buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the growth, production, or manufacture of the good can reasonably be demonstrated to be a part of that growth, production, or manufacture.

(5) MATERIAL.—The term “material” means a good, including a part or ingredient, that is used in the growth, production, or manufacture of another good that is a new or different article of commerce that has been grown, produced, or manufactured in Oman or the United States, or both.

(6) MATERIAL PRODUCED IN THE TERRITORY OF OMAN OR THE UNITED STATES, OR BOTH.—The term “material produced in the territory of Oman or the United States, or both” means a good that is either wholly the growth, product, or manufacture of Oman or the United States, or both, or a new or different article of commerce that has been grown, produced, or manufactured in the territory of Oman or the United States, or both.

(7) NEW OR DIFFERENT ARTICLE OF COMMERCE.—

(A) IN GENERAL.—The term “new or different article of commerce” means, except as provided in subparagraph (B), a good that—

(i) has been substantially transformed from a good or material that is not wholly the growth, product, or manufacture of Oman or the United States, or both; and

(ii) has a new name, character, or use distinct from the good or material from which it was transformed.

(B) EXCEPTION.—A good shall not be considered a new or different article of commerce by virtue of having undergone simple combining or packaging operations, or mere dilution with water or another substance that

does not materially alter the characteristics of the good.

(8) **RECOVERED GOODS.**—The term “recovered goods” means materials in the form of individual parts that result from—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing of those parts as necessary for improvement to sound working condition.

(9) **REMANUFACTURED GOOD.**—The term “remanufactured good” means an industrial good that is assembled in the territory of Oman or the United States and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to a like good that is new; and

(C) enjoys a factory warranty similar to that of a like good that is new.

(10) **SIMPLE COMBINING OR PACKAGING OPERATIONS.**—The term “simple combining or packaging operations” means operations such as adding batteries to devices, fitting together a small number of components by bolting, gluing, or soldering, and repacking or packaging components together.

(11) **SUBSTANTIALLY TRANSFORMED.**—The term “substantially transformed” means, with respect to a good or material, changed as the result of a manufacturing or processing operation so that—

(A)(i) the good or material is converted from a good that has multiple uses into a good or material that has limited uses;

(ii) the physical properties of the good or material are changed to a significant extent; or

(iii) the operation undergone by the good or material is complex by reason of the number of different processes and materials involved and the time and level of skill required to perform those processes; and

(B) the good or material loses its separate identity in the manufacturing or processing operation.

(j) **PRESIDENTIAL PROCLAMATION AUTHORITY.**—

(1) **IN GENERAL.**—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3-A and Annex 4-A of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title, consistent with the Agreement.

(2) **MODIFICATIONS.**—

(A) **IN GENERAL.**—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS (as included in Annex 3-A of the Agreement).

(B) **ADDITIONAL PROCLAMATIONS.**—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Oman pursuant to article 3.2.5 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS (as included in Annex 3-A of the Agreement).

SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (16) the following:

“(17) No fee may be charged under subsection (a) (9) or (10) with respect to goods

that qualify as originating goods under section 202 of the United States-Oman Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.”.

SEC. 204. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) **ACTION DURING VERIFICATION.**—

(1) **IN GENERAL.**—If the Secretary of the Treasury requests the Government of Oman to conduct a verification pursuant to article 3.3 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) **DETERMINATION.**—A determination under this paragraph is a determination—

(A) that an exporter or producer in Oman is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 202, or

(ii) is a good of Oman,

is accurate.

(b) **APPROPRIATE ACTION DESCRIBED.**—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such good; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) **ACTION WHEN INFORMATION IS INSUFFICIENT.**—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) **APPROPRIATE ACTION DESCRIBED.**—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 205. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “or”; and

(B) by striking “for which” and inserting “, or section 202 of the United States-Oman Free Trade Agreement Implementation Act for which”; and

(2) in paragraph (3), by inserting “and information” after “documentation”.

SEC. 206. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (i) of section 202;

(2) the amendment made by section 203; and

(3) proclamations issued under section 202(j).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) **OMANI ARTICLE.**—The term “Omani article” means an article that—

(A) qualifies as an originating good under section 202(b); or

(B) receives preferential tariff treatment under paragraphs 8 through 11 of article 3.2 of the Agreement.

(2) **OMANI TEXTILE OR APPAREL ARTICLE.**—The term “Omani textile or apparel article” means an article that—

(A) is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) is an Omani article.

(3) **COMMISSION.**—The term “Commission” means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) **FILING OF PETITION.**—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) **INVESTIGATION AND DETERMINATION.**—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, an Omani article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Omani article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) **APPLICABLE PROVISIONS.**—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) **ARTICLES EXEMPT FROM INVESTIGATION.**—No investigation may be initiated

under this section with respect to any Omani article if, after the date on which the Agreement enters into force with respect to the United States, import relief has been provided with respect to that Omani article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 30 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or

which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2-B of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization of such relief at regular intervals during the period in which the relief is in effect.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not, in the aggregate, be in effect for more than 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—If the initial period for any import relief provided under this section is less than 3 years, the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in

the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of an Omani article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Oman has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking “and”;

(2) by inserting before the period at the end “, and title III of the United States-Oman Free Trade Agreement Implementation Act”.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of

the reduction or elimination of a duty under the Agreement, an Omani textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) **SERIOUS DAMAGE.**—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) **PROVISION OF RELIEF.**—

(1) **IN GENERAL.**—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) **NATURE OF RELIEF.**—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) **IN GENERAL.**—Subject to subsection (b), any import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) **EXTENSION.**—If the initial period for any import relief provided under section 322 is less than 3 years, the President may extend the effective period of any import relief provided under that section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) the article has been subject to import relief under this subtitle after the date on which the Agreement enters into force; or

(2) the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information that is submitted in a proceeding under this subtitle and that the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party shall also submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking “or” at the end of clause (iv);

(2) by striking the period at the end of clause (v) and inserting “; or”; and

(3) by adding at the end the following new clause:

“(vi) a party to the United States-Oman Free Trade Agreement, a product or service of that country or instrumentality which is covered under that Agreement for procurement by the United States.”

The **SPEAKER** pro tempore. Pursuant to House Resolution 925, the gentleman from California (Mr. **THOMAS**) and the gentleman from New York (Mr. **RANGEL**) each will control 1 hour.

The Chair recognizes the gentleman from California.

Mr. **THOMAS**. Mr. Speaker, I yield myself such time as I may consume.

(Mr. **THOMAS** asked and was given permission to revise and extend his remarks.)

Mr. **THOMAS**. Mr. Speaker, this particular agreement is an important one for a number of reasons. One, the United States and Oman have been friends in a formal way for almost 100 years. The Sultanate of Oman occupies an important geopolitical location in the world, which has become even more meaningful in recent times.

Oman has shown its true friendship to the United States because of the adage: “A friend in need is a friend indeed.” And Oman has been a friend in the Middle Eastern portion of the world when we needed a friend indeed.

In addition to that, this free trade agreement is significant in the advancement of opening trade in a number of areas very quickly, sort of a solid, leading-edge kind of agreement that we would like to see in a number of other countries around the world.

One of the remarks that might be made is, Oman, Oman, let me double-check, take a look at an atlas or the

globe, and then ask, to what extent are we dealing with significant trade with the United States?

The answer is, the United States is the world's largest importer and the world's largest exporter, so when you measure significance of trade, sometimes you would ask yourself not what the impact is on the United States, but what the impact would be on the country in which we are entering into this free trade agreement. And to Oman, I believe it is extremely important as it continues to modernize itself under the Sultan and continues to extend freedoms and liberties to its people.

Yes, it is oil rich. They know that is a limited resource. They are interested in investing in their people. We are interested in helping them do that.

But it cannot go unmentioned that we also need, as we look at the globe or the atlas, to make note of the location of Oman, and that this agreement can be seen in any number of ways, and one of the ways would be to allow for a closer economic relationship with a friend that has had a close security relationship with the United States.

□ 1215

Mr. Speaker, I reserve the balance of my time.

Mr. **RANGEL**. Mr. Speaker, I yield myself such time as I may consume.

Let me agree with the chairman of the committee. This agreement is important not from an economic standpoint, it would have little or no impact on our economy. For political reasons it would be important. For security reasons it would be important.

But I think that most Members would agree that we should have a trade policy that is not a Democratic trade policy or a Republican trade policy. We should have one that reflects the people of the United States of America through the people's House, which is the House of Representatives. And over the years, it appears more and more that the United States Trade Representatives will deal with the majority, but on issues that we think are important we have to deal with the country itself. This is wrong. Whatever divisions we have politically in our country, we ought to keep it on this side of our flag and not have to expose these differences with foreigners.

So often we have Presidents of Peru and Ambassadors from Oman indicating that the majority party has said we can get this out but you have to talk with the Democrats. Well, you shouldn't have to talk with the Democrats, but the United States Trade Representative should have to talk with us and Republicans and members of the committee.

The House, to a large extent, relies on the expertise that is developed by those of us who are privileged to serve on the Ways and Means Committee, and we owe it to our Members to say what is in the trade bill and what is not in the trade bill. But also, in order to give a fair explanation, we should

know what USTR intends to put in the bill.

Now, over the years, all we have said is this: The the details of a bill should be fair, and as far as I am concerned, America should have a fair advantage. We should make certain that we are able to see that our products have access to their markets. But there is also something that I think is a principle that is American, and that is that the basic rights of the workers should be protected. On so many bills the religious leaders, the labor leaders, the farmers, the peasants come to us and say, Please support the bill but please make certain that you have the same type of protections in that bill to protect our rights of assembly, protect our rights to strike, as you have in that bill for intellectual property rights.

We have taken the lowest possible denominator and taken the International Labor Organization regulations. And we have had people say they have no problem with that, but somehow that is never, but never, discussed in our committee even though we have an amendment that deals with the Peruvian Free Trade Agreement that at this very moment is in the hearing room. We are not talking about it. We are debating an amendment. What we should be talking about is what is good for both of these countries and can we walk away from these trade agreements knowing that it is good for America, but we are not driving the workers to the lowest possible denominator; but we would like to be able to say that there are basic protections for the people, especially in developing countries that we do business with.

So, Mr. Speaker, Democrats have to be respected. We may be in the minority, but we should not be excluded in participating in discussions with the United States Trade Representatives. And the United States Trade Representatives should not send us to foreign representatives in order to see what we can get in the bill. They are supposed to be our negotiators the same way they are the majority party's negotiators. That does not happen. I do believe that it should.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. CARDIN), who is the senior member of the Trade Subcommittee, who has put in hours of work on this, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS. Mr. Speaker, I would like to yield 20 minutes to the gentleman from Virginia (Mr. MORAN), and I ask unanimous consent that he be allowed to control the 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, in 2003, President Bush called for the creation of a Middle East Free Trade Area in 10 years to bring the Middle East into an expanding circle of opportunity. To date the administration has successfully negotiated free trade agreements with Bahrain, Jordan, Morocco, and Oman to provide a solid foundation for the MEFTA initiative.

As the Wall Street Journal noted in an editorial the other day: "The deal would make all U.S. industrial and consumer products duty free immediately and phase out farm tariffs over 10 years."

The promise of the Omani agreement before us is expanded market opportunities for U.S. exporters, greater financial integrity in the world economy, and enhanced regional stability. Overall, by developing greater economic friendship in the Middle East with modernizing economies like Oman, we also advance America's national security objectives in the broader war on terrorism.

As the 9/11 Commission report recommended, "Any comprehensive U.S. strategy to counterterrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve their lives." The U.S.-Oman FTA embodies this principle.

Mr. Speaker, I strongly support the U.S.-Oman Free Trade Agreement and urge its passage in the House.

Mr. CARDIN. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. KILDEE).

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, I rise in opposition to H.R. 5684.

Mr. Speaker, this Oman FTA is harmful and unbalanced and threatens our National Security.

This FTA is just a small part of a larger trade policy that has not been in the best interest of U.S. workers, small businesses, farmers or the economy and environment.

I have voted against every harmful and unbalanced trade agreement that has come before this HOUSE.

I would welcome the opportunity to vote for an agreement with strong and enforceable labor and environmental protections.

Unfortunately the U.S.-Oman FTA has neither of these and I will be voting against this bad trade deal.

The FTA falls short of the labor protections that must be included to make an acceptable agreement.

We need a time-out on trade and stop this "race to the bottom."

Our trade agreements have not significantly raised the living standards in foreign nations.

And U.S. trade policy has forced American workers to compete on an uneven playing field.

By defeating this FTA, we will tell the Administration that no longer will we accept harmful and unbalanced trade agreements.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant opposition to the Oman Free Trade Agreement. I do that for two basic reasons.

First, this agreement contains provisions that would allow companies owned by foreign governments to move into port operations. This is one of our first opportunities to deal with this since this matter became a matter of attention of this body earlier this year when Dubai Ports World attempted to take over port operations in many ports in the United States, including my own port of Baltimore. We spoke pretty decisively about our concern about allowing companies owned by foreign countries to be involved in principal port operations.

The language in this free trade agreement opens the door for exactly that to occur. Under the services provision, there is a provision that allows landside aspects of U.S. port activities, including operation and maintenance of docks; loading and unloading of vessels directly to and from land; marine cargo handling; operation and maintenance of piers; ship cleaning; stevedoring; transfer of cargo between vessels and trucks, trains, pipelines, and wharves; and waterfront terminal operations, to be given out to the Omani companies that could very well be owned by that government.

To make the matter even worse, if the Dubai Ports World were to establish operations in Oman, then they could actually come in and operate our ports under the protection of this agreement.

You will hear during the course of this debate that the United States has the ability to prevent that from happening. And, Mr. Speaker, I acknowledge that under any trade agreement, no other country can order us to do anything other than what we want to do. We maintain sovereignty.

But let me remind you that under trade agreements there are certain penalties that are imposed if we do not live up to those provisions. We in Congress were required to change our Foreign Sales Corporation tax laws. We did it. We didn't have to do it, but if we did not do it, tariffs would have been imposed and continued to be imposed against our products.

So this is a serious issue. The United States has the opportunity under this agreement to block such an operation under the essential security exception. However, Oman would have the right to challenge that under dispute settlement, and under chapter 20 we have not excluded this determination from dispute settlement resolution. It can happen. The pressure can build on our country. We do not have a very good track record with dispute settlement tribunals. In fact, our record is around less than 20 percent success when it comes to imposing penalties against the United States. This administration has already shown a willingness to allow companies owned by foreign countries to operate port facilities in the United States. This is another opportunity for them to move forward on

this. Mr. Speaker, it is our responsibility. We have a chance to speak on this, and we should speak with a clear voice in rejecting this agreement.

The second area of concern that I will talk about during the course of this debate deals with Oman's failure to meet International Labor Organization standards. And I will give you chapter and verse of letters that we have written because, as you know, the standard is enforce your own laws, and Omani laws are not up to ILO standards. Foreign workers in Oman do not have the right to join a union for a year. They are required to speak Arabic before leading a union. And the Government of Oman still does not have a law that prohibits employers from withholding passports or other documentations from the 80 percent of foreign workers in Oman, practices that can lead to human trafficking, as we have seen in Jordan. There are still inadequate laws to protect against anti-union activities. And the list goes on and on and on.

In Bahrain we not only had the commitment to change law, we saw the change in practice. We do not have that in Oman. We have not met the Bahrainian standard, and for that reason alone this agreement should be rejected.

So whether it is a matter of national security in regards to our ports or a matter of standing up for basic international workers' rights, this agreement comes up short and should be rejected.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

This trade agreement needs to pass. This trade agreement is so clearly in America's interest.

Now, when you look at the total amount of trade between the two countries, it may not seem like a big deal. A billion dollars, what is that? Four one-hundredths of 1 percent of our economy, \$500 million each way. That is no big deal.

But that was my daughter calling, and that is what this is really about. This is about the future; whether we engage with the peaceful and progressive Arab world or whether we blow up the bridges that they are trying to build with America and with the modern Western world.

Oman was the first Arab country to send an Ambassador to the United States. Today, they have the first woman and the only Arab woman Ambassador to the United States. They are showing by their actions that they get it. They understand that when 60 percent of their population is under the age of 18, they have got to go forward, not backward to fundamentalism and to the kind of theocracy that has hampered so many of their neighbors. They need to move forward. But they need the help of the United States to move forward.

Now, as I say, the amount of trade is inconsequential. It is not going to affect organized labor here. It is not going to affect any particular industry, although I have to say that it is pretty much a one-way street. What they buy from us is transport equipment, manufactured products that generate jobs in this country. And what we buy from them is largely natural resources, and some textiles, but mostly oil and gas. They want to be able to buy more. They want to make it easier for us to sell by reducing tariffs and quotas.

□ 1230

But, most importantly, is the larger context of this agreement. Oman sits on the Strait of Hormuz. More than 20 percent of the world's oil supply goes through that strait. Guess who sits on the other side of that strait? Iran. Oman is right next to Saudi Arabia. Saudi Arabia has been the instigator and the promoter of an Arab boycott against Israel, and this relatively small country has dedicated itself to breaking that boycott.

We have a letter from AIPAC here supporting this because Oman has been willing to break the tertiary, secondary and primary boycotts of Israel. Here is the letter right here.

Now, when we were attacked on 9/11/2001, we put together a bipartisan commission of very thoughtful and knowledgeable people, and one of the most important recommendations that that commission came up with was that we as a country need to reach out to the modern, progressive Arab world. We have got to do it. We can't isolate ourselves from a billion-and-a-half Muslims, because then that is going to radicalize people in their country. We have got to walk through these doors that they are willing to open up and show what happens when you trade with the United States, when you trade with progressive democracies. This is exactly what that 9/11 Commission recommended.

I am pleased that we overwhelmingly supported the Bahrain Free Trade Agreement, but this is an even better trade agreement. It is hard to believe that we are questioning the fact that this is in America's interest. It is so overwhelmingly in America's interest.

A couple of red herrings have been brought up; and as much as I respect and admire my colleagues who have brought up these red herrings, we are all entitled to our own opinions, but not our own set of facts.

The facts are that we asked the Congressional Research Service to look into this. They came up with a report that was compelling and definitive: there is no national security interest involved here, because if we decide there is a national security threat, which we self-define, that trumps everything else, and at any time we can raise the essential security justification. No one else has the authority to second-guess what it takes for us to protect our national security, and

there is no precedent for any kind of international panel second-guessing us. There is no national security issue here.

The language, the provisions in this treaty, are the same as have been in all the others. It is the same language as Bahrain, the same language as Central America. There is no change here.

In terms of labor law, and I will address this subsequently after people address it on the Democratic side to lay out their objections, but I have read the communication from the Sultan, as I trust others have. He is willing to agree to the labor rights issues. He wants to abide by the International Labor Organization's standards. He wants to do everything it takes to show that he gets it, that he wants a higher quality of life, a better standard of living and more worker protections in Oman than his people have today.

Now, the democratically elected Advisory Council is not in session right now, but within 3 months he will get them all passed. When the Sultan says he is going to do it, that is it. We may prefer the niceties of a democracy and so on, but the reality is that these laws are going to be changed if the Sultan commits to changing them.

So I really urge my colleagues to support this.

One other aspect that I haven't mentioned, and I will get into it in a greater degree later, Oman has a military access agreement with us. They have had it since 1981. They keep renewing it. We keep putting more and more forces through Oman for the war in Iraq. They were of immense help in the Gulf War.

I don't know what one country can do to be more deserving of a trade agreement with the United States.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. I do so with a degree of trepidation, because I take the time, number one, to thank my colleague from Virginia. I hope my acknowledgment doesn't do him too much damage, because his statement was not only eloquent, but accurate and, we all know, prescient.

It is absolutely critical that we continue to build the kind of relationships in that portion of the world that this agreement reflects.

Mr. Speaker, I yield the remainder of the time and control of that time to the gentleman from Florida (Mr. SHAW), the chairman of the Trade Subcommittee; and prior to that, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

The SPEAKER pro tempore. Without objection, the gentleman from Florida will control the balance of the time.

There was no objection.

Mr. WELLER. Mr. Speaker, I rise in support of what is a very good trade agreement, both for the United States as well as for our friend and ally, the nation of Oman.

It was interesting, I hear a lot of references in this body to those who argue that every one of the bipartisan 9/11

Commission recommendations should be implemented. Today, we have before us one of those recommendations, that is, the 9/11 Commission recommended that we as the United States work to further expand trade agreements with our friends and allies in the Mideast, and Oman is one of our oldest allies. As my colleague from Virginia noted, we have 170 years of friendship with the small nation known as Oman, a friend and ally, a cooperative partner.

This agreement that is before us is good for U.S. manufacturers, it is good for Illinois manufacturers, it is good for Illinois workers, it is good for Illinois farmers. Immediately, once it goes into force, 100 percent of manufactured goods exported from the United States to Oman are duty free. Immediately, 87 percent of U.S. farm products, corn and soybeans from Illinois, are duty free, and the remaining tariffs are phased out over a short period of time. Again, this is good for Illinois workers and manufacturers and farmers.

Also know that Oman has implemented significant labor reforms, enacted major labor reforms in 2003 and, like Bahrain, has followed up with specific commitments to ensure that its laws provide protections for workers. Again, this is a good agreement for workers as well.

Some on the other side of the aisle are trying to manufacture new issues; trying to claim that somehow by having a trade agreement with Oman, a Middle Eastern country, that we are jeopardizing our port security. It is a red herring. It is a phony issue.

The Congressional Research Service has stated that those statements are misleading. Under the review process this agreement is not affected.

This agreement deserves bipartisan support.

Mr. CARDIN. Mr. Speaker, I yield myself 1 minute to correct the record.

To my friend in Virginia who quoted AIPAC, the letter was the letter addressed to me that complimented the manner in which we have worked in a bipartisan manner to deal with the Arab boycott, in both the Bahrain agreement and the Oman agreement; but it does not talk about support for this legislation.

I would also point out that our friends from the WTO have been pretty clear about the dispute settlement system working: "It must not be possible for one country to evade its operations simply by proclaiming its national security is involved, however farfetched such a claim may be. Yet when national security is really involved, laws that are contrary to international trade rules must be permissible." But they said that "no country should be allowed to be the judge and jury of its own cause."

We don't give away our national sovereignty, but we are able to be second-guessed by a dispute settlement panel. They can rule against us, and have ruled against us, and they can put pressure on us through tariffs so we in fact compromise our security.

Mr. Speaker, I now yield 3½ minutes to a senior member of the Ways and Means Committee, an expert on international trade and worker rights, the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, Oman is a small nation, but there are some large issues here. It is an important place, and I would like to support an FTA with Oman, as I and many others did with Bahrain.

There is an important issue that relates to the path of globalization. Globalization has become increasingly controversial. Expanded trade, that I favor, has been hitting road bump after road bump. One major reason is because too many people within countries are not sharing in the benefits. Too many people are being left out. And that is why we have to care.

Among those who are being left out are workers. And how do we make sure that workers participate, are part of the process? By making sure in free trade agreements that they have their basic international rights. These are the basic ILO core labor standards, not American standards, especially the right to associate and to bargain.

In Oman, workers do not have those rights. There are no worker organizations today in Oman. There are only labor management committees, representative committees. In a document that the Department of Labor gave to us a few weeks ago, it stated that management holds 70 to 75 percent of the leadership positions in those committees. There is an umbrella committee of these RCs, and management holds all of the positions on the executive committee.

So, look, we need to have a free trade agreement that meets the basic ILO standards in practice and in law. In Bahrain, they were there in practice and they made commitments to do so in law. In Oman, Mr. MORAN and others, there is no semblance, semblance, of workers having their rights. There are no worker organizations.

Oman said to us they could not do anything until November because the Sultan had to consult. Then in the last few weeks, actually the last few days, we have a kind of statement of decrees of the Sultan. I guess he did not have to consult with the legislature. But so many of those have to be implemented by ministerial decree.

Mr. MORAN said the Sultan is willing to agree to anything. Let us see laws in place, with meaning as to what they imply.

I want to close with this. The Trade Representative has said this, our new Trade Representative, Ambassador Schwab: "Erosion of America's traditional bipartisan support is the most pressing problem we face in trade today."

How true. And it affects the WTO negotiations. Proceeding like this today is another nail in what is a near coffin

of bipartisan trade foundations in this country. It is unnecessary.

We could take the time to see what these decrees mean, whether they are beginning to meet basic ILO standards, so that more and more people will participate in the benefits of globalization. If that doesn't happen, globalization will continue to be in deep trouble. It will lose ground when it should not.

That is one of the major reasons to oppose this agreement at this time, to oppose it. You are turning your back on any chance of bipartisanship.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Michigan and the gentleman from Maryland and their colleagues for raising any number of labor issues in their discussion of the markup of the Omani trade agreement. In fact, in large part that resulted in the Sultan issuing a decree that incorporated virtually all of those labor laws that he could decree. And his decree is law.

For example, on July 8, 2006, this decree prohibited forced labor, including coercion by withholding travel documents of foreign employees. It endorsed collective bargaining and the use of strikes as a legitimate tool. It prohibited termination of employment or any other kind of retribution for union activity. It terminated effective immediately the Omani government's representation in union activities. It provided specific enforcement tools for violations of collective bargaining rights, and it provided rights of workers against forced or coerced labor and against child labor.

□ 1245

There are further International Labor Organization standards that the Omani Government intends to pass. It has to wait until its advisory panels meet and puts the implementing regulations into effect. But that will be done in the next 3 months. That is a pretty short period of time. The end of October is when the Sultan committed to implementing all of his labor commitments into effect.

Mr. LEVIN. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Michigan.

Mr. LEVIN. So does that mean that those provisions are not in Omani law today?

Mr. MORAN of Virginia. Those provisions are law but a number require regulations.

Mr. LEVIN. But they are not in law, right, until there is action?

Mr. MORAN of Virginia. The Sultan's decree is law. Mr. LEVIN, the purpose of a trade agreement is to advance progress and communication and economic interdependence, it seems to me. And to the extent we can, to promote social progress.

There is an enormous, profound agreement here on Oman's part that it

will adopt those standards that you and many others in this body have been urging upon countries like that. They are not perfect. I agree they are not perfect.

But Oman is not known in the Arab world or to anybody that knows Oman, as a particular violator of labor rights. I do not know of any of these kinds of forced labor places that have been referenced. I have been to Oman. I have read everything that I could.

They want to get better, but I do not think to suggest that the fact that they are not perfect now is reason to destroy, to vote against an agreement that would substantially advance the cause of labor protections.

Mr. LEVIN. First of all, there are no worker organizations today. But let me ask you this: Is there any other provision in this agreement that is based on a promise, just a promise, rather than having it in the agreement in the law between the two countries? Is there any other, like the tariff reductions, or anything else?

It is not that they promised to do something, it says "they will be." And we could, instead of saying enforce your own laws, say that within a reasonable period of time that these laws shall be in place and enforceable under the agreement.

But there is no enforceability, is there? If they do not do this, if the legislature does not act, there is no ability to enforce it except to consultation, and that is it? Is there any other place in the agreement that says enforce your own laws instead of saying what they will be with enforcement?

Mr. MORAN of Virginia. Mr. Speaker, reclaiming my time. You know as well as I do that it would be better if we could make labor protections a more integral part of many of these trade agreements. But I would also suggest that anybody that looks at this trade agreement with an open and objective mind would come to the conclusion that this is substantial advancement, that this is not only consistent with prior trade agreements, but this is better than prior trade agreements, and that this will create a more prosperous, a more open society in the Middle East, and that Oman is an ally that has always been dependable.

On July 8, the Sultan made these labor protection law.

The Sultan has never said anything with regard to use of troops, with regard to economic agreements, with regard to trade with Israel, which they do conduct despite all of the pressure on them from Saudi Arabia and other countries where he has not kept his word. In every instance, he has kept his word.

It seems to me that is a relevant consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a distinguished member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, the opposition to this fairly straightforward trade agreement has generated not one, not two, but a whole school of red herrings that I think have to be knocked down quickly in succession.

We have heard a little of it already this afternoon on the floor. What is fairly clear is that the U.S. FTA with Oman clearly has worked through and worked closely with the International Labor Organization, and also with civil society in Oman, the U.S. Congress, and the U.S. executive branch.

The measures that have been developed have gone through a legally mandated legislative, consultative process, and it has resulted in clear guarantees on labor.

On the matter of port security, critics of the U.S.-Oman Free Trade Agreement have manufactured an issue, and we have heard this reiterated this morning, by claiming that the agreement gives foreign service providers unprecedented access to U.S. ports and is a threat to U.S. security. This is absurd.

May I introduce for the RECORD a letter to Speaker HASTERT from the Secretary of the Treasury who says, in part, "The FTA negotiated with Oman neither subjects national security interests to a third-party tribunal's assessment, as some have alleged, nor does it alter, amend or adjust the President's Exon-Florio statutory powers to protect the Nation's security in any way."

DEPARTMENT OF THE TREASURY,
SECRETARY OF THE TREASURY,
Washington, DC, July 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I understand that concerns have recently arisen over the U.S.-Oman Free Trade Agreement, FTA, and its possible link to the security of U.S. ports—particularly regarding the dispute settlement provisions.

First, this agreement is strongly supportive of our national security in general and the war on terror specifically. It marks another important step in our efforts to deepen and strengthen commercial ties with countries in the Middle East that are trying to modernize and give their people long-term economic opportunities and political rights. The United States should be a catalyst for economic growth and stability in the region and an active supporter and partner of countries, such as Oman, that are seeking to integrate into the global trading community. Oman has been a solid ally in our efforts in the Middle East and in the war on terror, and we need to demonstrate to all countries that our allies in this effort have a reliable friend in the United States as they seek a better economic future.

Second, Article 21.2 of the U.S.-Oman FTA provides for a national security exception that allows the United States to take measures that we determine are necessary for the protection of our essential security interests.

Foreign acquisitions of companies in the United States that operate port terminals are subject to section 721 of the Defense Production Act, the Exon-Florio amendment, which authorizes the President to block and/

or force divestment of any proposed or ongoing foreign investment in the United States that threatens to impair U.S. national security. The Exon-Florio Amendment falls within the national security exception, noted above, as a provision that the United States "considers necessary for . . . the protection of its own essential security interests."

Port security in our country is not managed by port terminal operators. A combination of municipal and State port authorities, the U.S. Customs and Border Protection, and the U.S. Coast Guard are responsible for our Nation's port security.

As the Secretary of the Treasury, it is my responsibility to ensure the Exon-Florio amendment is executed. Protection of the national security is my highest responsibility. To be clear, the FTA negotiated with Oman neither subjects national security interests to a third-party tribunal's assessment—as some have alleged—nor does it alter, amend, or adjust the President's Exon-Florio statutory powers to protect the Nation's security in any way.

The FTA with Oman provides greater opportunities and opens new markets for U.S. products, investors, and workers. I urge you and your colleagues to pass the legislation to implement this FTA as soon as possible.

Sincerely,

HENRY M. PAULSON, Jr.,
Secretary of the Treasury.

Mr. Speaker, I have studied this issue extensively, and so has the nonpartisan Congressional Research Service. And what becomes fairly clear is that there is absolutely no merit to this charge. The Oman FTA provides no new rights to supply port-related services. In fact, as CRS notes, "The agreement actually places further restrictions on Omani port services, because it makes market access conditional upon equal access for U.S. suppliers."

The FTA preserves the CFIUS process, and does not interfere with it or in any way weaken it. In addition, the FTA preserves the right of Congress to strengthen the CFIUS process for national security reasons without running afoul of our obligations under the agreement.

Critics have taken shots at the essential security exception and have manufactured a bizarre hypothetical to scare Members into voting against the facts and against our key ally.

The essential security exemption provides complete protection, applying to all investments whether they are subject to the CFIUS process or not. Importantly, no party can appeal the essential security exception. In other words, if the U.S. blocks investment for national security reasons, reasons defined solely by the U.S. itself, then that is the final word. This self-judging standard provides foolproof tools to the U.S. to block investment when it is counter to our national security.

I realize there will be an argument that an entity can somehow set up a shell corporation in Oman and attach itself to the mutually beneficial provisions of the FTA. But even in this situation, the fact remains in any instance, the U.S. can invoke its essential security exception and block investment in the U.S., be it by an Omani company or by a company from any other country with substantial business activity.

We have heard that the WTO might entertain a challenge to this provision. But the fact remains there is no example of the WTO challenging successfully any country's use of this exception. This is purely a red herring. This is empty rhetoric. We need to approve this FTA.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds to just clarify the record. Let me assure my friend from Pennsylvania that the efforts by Dubai Port World was real to the port of Baltimore and other ports. This is not a hypothetical.

Let me also assure my colleagues, I heard the same discussion when we were changing corporation laws to help exporters, only to find that we were rejected by international panels. We don't have the unilateral right to make these determinations. We do give that to dispute panels.

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. MICHAUD), who has been one of the leaders on fair trade here in this body.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today to oppose the Oman Free Trade Agreement. I say to my colleagues on both sides of the aisle, if we are really serious about national security, especially given the bipartisan outrage over the Dubai Ports World situation earlier this year, we must reject the Oman Free Trade Agreement.

Simply put, foreign tribunals should not determine what is, in fact, a security threat to the United States of America. This provision should not be in this trade agreement. The international trade agreement would require the United States to allow any Omani company to provide landside aspects of U.S. ports activities.

A new CRS report further confirms that a company operating in Oman could use the Oman Free Trade Agreement to obtain this new right guaranteed by the international trade agreement, Dubai-United States ports operations.

Who is to say that al Qaeda would not set up shop in Oman to gain access and control of our ports? We have already seen how they have worked this in the past. They set their men in United States soil years before the September 11 attack to take flight lessons.

They know how the system works. They are strategic in their planning. Do you really think terrorists could not take advantage of this provision? It is bad enough that we are asked to support agreements that will shift more jobs overseas, that undermine our environmental standards, and that ask us to stick our head in the sand over serious human rights violations.

But it is simply unacceptable to ask this Congress to support legislation that could potentially undermine the security of our Nation. At the very least, USTR should exclude the ports from this deal and all future deals.

Mr. Speaker, I cannot think of one Member of Congress who would support

weakening our national security, and this agreement does do that. We should stand united and demand that these free trade agreements start with us negotiating for the best interests of the United States.

We will continue to see more unless we do that today. I urge my colleagues to reject this agreement.

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROYCE), the chairman of the terrorism committee.

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this U.S.-Oman Free Trade Agreement. As mentioned, I chair the Subcommittee on International Terrorism and Non-proliferation of the International Relations Committee.

There are several reasons to support this agreement. My comments will be focused on viewing this agreement as a means to advance our struggle against terrorism. Our country is facing deep challenges, deeper than most Americans probably realize.

We are in a deadly serious struggle against Islamist terrorism and against its state sponsors. And in this struggle we need all of the friends that we can get. And Oman has been a friend. The fact is that Oman has been helpful in advancing our strategic interests in the Persian Gulf region. We store military equipment there.

Oman has been helpful in combating terrorism. It has checked the flow of money to terrorist organizations, something we need to do more on and with in terms of other Gulf States. Other major countries use trade to advance their strategic interests. I am going to explain for a minute that China is doing this, and China is certainly doing it also all over Africa. I have been in 22 countries in Africa, and I have watched China do this from North Africa to subSaharan Africa.

Fortunately, there we are competing in trade through AGOA, competing for influence. You know elsewhere around the globe, China is competing for access to oil and other strategic resources. They are gaining political friends.

The difference is that China undermines transparency and the rule of law in many countries. But the U.S.-Oman agreement strengthens transparency and the rule of law, which are long-standing American values.

This agreement is good economics. In that sense it is like the African Growth and Opportunity Act. This agreement will increase access to the Oman market for American exporters of agricultural products, health care and engineering services, among others, but it is good strategy too. The 9/11 Commission recommended that we pursue this type of policy.

□ 1300

It is true that the agreement's economic significance is not that large. U.S. trade with Oman will remain mod-

est. But its rejection would set back an important strategic relationship, one that this and previous administrations have done a very good job advancing.

Let's not go that route. I ask my colleagues to support this agreement.

Mr. CARDIN. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey (Mr. PASCRELL), one of the leading voices on workers' rights.

Mr. PASCRELL. Mr. Speaker, we need to get one thing straight here before I start, and that is that those of us who oppose this trade agreement are not against trade, are not against exchange. How dare anybody stand on this floor and refer to the 9/11 Commission's report. Chapter 12. I have read the 9/11 Commission's report, by the way. I think that is a good start.

The 9/11 Commission report, chapter 12, talks about global strategy. If you read the entire chapter and you want to talk about strategy, trade must be part of when we are communicating with other countries. There is no question about it.

For those of us who believe that we need to support this trade deal, this unfair trade deal, and it is going to help workers in Oman, as well as the workers in the United States of America, I don't know what you need to refer to. Because the State Department, our own State Department, says that foreign workers at times were placed in a situation amounting to forced labor in Oman. This deal isn't for workers. This deal is for the few, like most of the trade agreements that we have given into.

We have surrendered our ability, as a branch of the government of this country, under Article I, section 8, that the Congress be in charge of commerce. We have surrendered our ability to be trade negotiators to the executive branch of government.

I have high hopes for Oman and its people. We need more moderate and forward-thinking nations like Oman in the Middle East. We need to look at how much foreign aid we provide to Oman, and even Lebanon, we, who want to help the Lebanese stop Hezbollah, and then we give them \$43 million.

I am not against free trade. I am against these free trade agreements which do not benefit the American worker. I am not a protectionist, but I think we should protect the American worker. This agreement may be to the liking of a few wealthy CEOs here in America, it may be to the liking of the Sultan of Oman, but it does not represent the interests of workers in this country. It is time for a new direction in free trades. We need free trade which is modeled around human beings and not around big business interests, because human beings are the ones who drive our economy. They are the ones who will build our partnership with other nations.

We need free trade agreements that enforce the principle of workers' rights. That is right. That is what this debate is all about: will we defend the

rights of workers of Oman, or will we take a step back in the right of all workers to organize freely. This country doesn't recognize the right of workers to organize. We need to defeat this trade agreement.

The proponents of the Oman Free Trade Agreement would have you believe that my colleagues and I who oppose this agreement do so because we are against free trade or maybe because we are against the nation of Oman. Both claims could not be further from the truth.

The fact is that I have high hopes for Oman and its people. We need more moderate and forward-thinking nations like Oman in the Middle East.

In fact we gave Oman only \$16.5 million in foreign appropriations, which I think would be a more effective vehicle to build a strong partnership rather than through this flawed free trade agreement.

An example of this is the sad fact that we gave Lebanon only \$43.2 million in foreign appropriations, of which only a scant \$7.7 million went to military and counterterrorism efforts. Perhaps if we had invested more into Lebanon we could have avoided the deadly situation we are currently witnessing.

Similarly, I am not against free trade, what I am against are these free trade agreements which benefit a few to the detriment of workers. This agreement may be to the liking of a few wealthy CEO's here in America and it may be to the liking of the Sultan of Oman, but it does not represent the interests of the workers here in the United States or in Oman.

My colleagues and I are tired of seeing the same flawed free trade model, time and time again. It is time for a new direction in free trade agreements.

We need free trade agreements that are modeled around human beings and not around big business interests. Because human beings are the ones who drive our economy, they are the ones who will build our partnership with other nations.

We need free trade agreements that enforce the principle of workers rights and the right of all workers to organize freely. Instead of just paying lip service to the problem as this agreement does.

We need free trade agreements that respect our sovereignty and our right to have full control over our critical security infrastructure. Instead this agreement takes us back to the problem we had with the Dubai Ports deal and that is simply unacceptable.

We need free trade agreements that respect environmental concerns, the rights of women and the rights of minorities. . . . I could go on longer, but I think you get my point.

My colleagues and I would be standing here championing this agreement if it met the standards it should, but sadly it does not.

It is time that we have real free trade agreements; it is time that we stand up for the workers here in America and workers throughout the world. I implore you to stand up for them today!

Mr. MORAN of Virginia. Mr. Speaker, in response to my good friend from New Jersey, and also in response to my good friend from Michigan (Mr. LEVIN), who asks about, and makes accusations with regard to, the situation in Oman, I should remind them that there were 33 strikes in 2004, more than 6,000 work-

ers went on strike. Strikes continue to this day with no repressive tactics, no government reprisals.

And the Omani Government has representatives of the International Labor Organization on the ground in Oman working with them to develop more and stronger standards.

Mr. PASCRELL. Will the gentleman yield?

Mr. MORAN of Virginia. I will shortly. I am about out of time. If you can refute that, I will yield 15 seconds to the gentleman.

Mr. PASCRELL. Thank you. Do you deny that the State Department has put us on alert as to how workers are treated, foreign workers particularly, in Oman, that they are forced to work? Are you denying that State Department report?

Mr. MORAN of Virginia. Yes, I am, because the fact that a government takes your passport, any number of governments do that. The German Government used to do it. I don't know if they do it now. That doesn't mean that is forced labor. They hold your passport, but that doesn't mean that you can't get it when you want to leave the country.

But the fact is that now the decree has been issued, and that tactic cannot be used.

Mr. PASCRELL. It is used.

Mr. MORAN of Virginia. It is no longer legal to use such a tactic. It is not used. That is the kind of progress we are wanting to achieve, and I thank Mr. PASCRELL's help in achieving that.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. I thank the gentleman for yielding.

Mr. Speaker, initially it was not my intent to come discuss this bill on the floor, but last night we were into a serious debate, a serious debate about Israel and its right to defend itself, and we talked about Hezbollah and Hamas and how they were not for peace and how they were for destruction.

I at that time took the floor, because I agreed with that significance of Israel defending itself, and here, on the very next day, as I was listening to the debate, we have a country that has come a mighty long way in a short period of time. We have a country that says they want peace, and they have exhibited the fact that they want to live in peace. They have been a strong ally to us. I have a letter from AIPAC indicating that they don't have any objection to this.

What kind of message are we sending to one of the most important areas, and volatile areas, in this world? Here we have an Arab country, a moderate Arab country, a country, as we say oftentimes, we are not against them, we are not against people who happen to be Muslim, et cetera, but they are doing everything we have asked of them.

The Sultan came in with a decree because he wanted to make sure we had a

bipartisan debate. He didn't want anything to be divided Democrat or Republican. The Sultan said, I am going to live up to my word, giving us all of the indications that they are going to do the right thing.

I know I heard in this debate some say, well, there is no agreement that it happened where there is a promise before the vote on the bill. I just thought to myself, I said, that is not true. Because I know in this bill, as in other bills, IP protections, there is a lot that has to take place and laws that have to be changed after this bill has been passed.

We did it in Bahrain. I have a letter right here that was signed by Rob Portman at the time saying, basically, that we want to make sure that Bahrain, and this was a commitment letter and a clarification letter, saying that after the bill was passed that they would do certain things in their law. That is no different, no different, than what's in this bill.

So I say we have got to do what is right. If it was right, and we sent the right message to Bahrain, it has got to be right and we send the right message to Oman. This is a small country. It is not going to have a heavy impact on the United States of America. It is not going to make a difference to John Q. Public and the United States of America with reference to jobs, but it can make a difference with reference to the message that we are sending to the Arab world and to peace across this globe. It sends a huge message, and I will support this free trade agreement.

Mr. SHAW. Mr. Speaker, I yield 5 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. RYAN).

I would like to, before I yield the floor to him, point out that my friend from Maryland brought up the United Arab Emirates debacle that he and I both opposed very much. We don't have a free trade agreement with the United Arab Emirates, so a free trade agreement in no way facilitated that action.

I now yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I appreciate the gentleman for yielding.

Mr. Speaker, what this is about is finding peace and security in the world. The future of peace and security in the world largely rests upon the future of peace and security in the Middle East. The question is what we are as Americans going to do to help Middle Eastern countries, moderate Middle Eastern countries, be more open, be more fair, be more free, be more democratic, be more peaceful. This agreement does that.

Now, for one reason or another, Members here, I believe, have decided to oppose this agreement and then look for reasons to justify that opposition. They have raised two big red herrings, labor and ports. We asked the Congressional Research Service to look at this port issue, to look at this red herring issue.

I want to read from the nonpartisan Congressional Research Service that did two studies this month on this issue. Upon close inspection of the language in this agreement, it appears that this claim is misleading because it appears that Omani companies are already presently able to perform these port services. Phrased another way, the United States has reserved the right to maintain our existing legal restrictions with respect to those aspects of maritime transportation in which we already have limitations, as well as adopt new measures in these categories that may be more restrictive.

In some ways, it imposes new opposition and new restrictions that don't currently exist with respect to management of ports.

In conclusion, report number two: while it is theoretically possible for Oman to bring a legal challenge to the actions of the United States before a third-party tribunal, the United States would appear to be on solid legal grounds for asserting not only that the panel does not have the legal authority to determine the validity of such a matter, but also that the inconsistent measure is permitted and justifiable, given the broad self-judging language of the national security exemption.

This means we decide unilaterally, we decide if any of these transactions are not in our national security interest, it doesn't happen. There is nothing the WTO can do about that.

Now, what about labor? This is another agreement that we have had, the labor standard invoked. This is the strongest labor agreement of any trade agreement we have brought to the floor in this Congress and in previous Congresses.

Now, in an effort to be bipartisan, in an effort to work with the other side of the aisle, we have had an exchange of letters and agreements between the Omanis, Democrats and our government USTR.

In November 2005, the ranking member of the Ways and Means Committee asked Oman to clarify six areas of law and asked for nine concessions in labor law. In January, Oman responded in detail to all of those concerns. In February 2006, the Democrats forwarded another set of demands and questions, raising new issues. In March, in response to those concerns, Oman made eight commitments to the United States and agreed to enact all of these reforms.

It goes on and on: new demands being requested, new demands being met, to the point where the Omanis have, by decree, already implemented many of these higher labor standards. Any of those that they didn't already decree just a couple of weeks ago, they have promised to put them into law by October 30.

What did we do with Bahrain? With Bahrain they promised to introduce legislation to raise their labor standards.

□ 1315

That was the Bahrain standard. With Oman, no, they did not promise to implement legislation. They promised to implement law by a date certain this year.

So we have increased labor standards. We have put into place core ILO standards. We are rising the tide, but what it all gets down to is this.

Because of this agreement, the Omanis are raising labor standards for their workers. Because of this agreement, Omanis are making their country more free and more transparent for their people. Because of this agreement, we are saying thank you to an ally. Let us continue to move toward peace and prosperity.

Why do I care so much about this? Because I do not want my kids to face the war on terror that we are facing right now. And how do we do that? We do that by making sure that these countries, from which many terrorists come, have opportunities for their young people.

I do not want a young person, the next generation, growing up in tyrannical dictatorships susceptible to the whims of al Qaeda, appealing to the madrassas. I want young people in these countries growing up, reaching their dreams, reaching their potential, having freedom, having the ability to determine where they want to go with their lives, being creative, being able to channel their energy in a positive direction so our children do not have to face this war or on terror.

We must pass this trade agreement because it is vital to our national security interests.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds just to point out to my friend that under this agreement, we now give third-party tribunals the opportunity to second-guess us on national security, and that was not there before this agreement. I offered an amendment to eliminate that. It should have been made in order.

Then regards labor standards in Bahrain, they had on the ground operating ILO standards. We do not have that in Oman.

Mr. Speaker, I am pleased to yield 3 minutes to my good friend from Tennessee (Mr. TANNER), a senior member of the Ways and Means Committee, one of our real leaders on trade issues.

Mr. TANNER. Mr. Speaker, I thank Mr. CARDIN and I appreciate this time.

I wanted to come and speak on this because I voted against this agreement on the Ways and Means Committee when it was reported out a couple, 3 weeks ago. I did so out of sheer frustration and exasperation with the lack of democratic process in the committee as it relates to these agreements.

Those of us who philosophically want to support agreement, engagement, with the rest of the world have had a very, very difficult time in the committee. And to call the committee, the way it has been run recently in some of these, the democratic process is really an abomination of that word.

But beyond that, regardless of one's personal feelings, regardless of how one views the way these bills have come to the floor from that committee, one has to determine for one's self what is in the best interests of the United States of America.

I have determined because history, if history teaches anything, it teaches one that engagement is better than nonengagement, and economic partners eventually become political and military partners.

So the geopolitical aspects of these trade agreements, while they are not that big in scheme of things with respect to trade itself, are very huge, and some of these other speakers have alluded to that, in terms of our role in the world and fostering all the things and values we hold dear.

I cannot see how turning down this agreement today on the floor is going to further our ability to influence things for the better in Oman or, for that matter, in that part of the world or, for that matter, in our own country.

And so for those reasons, even though I have made my feelings known about the way some of these are handled procedurally, I am going to support this agreement today. I think it is in the best interest of this country to do so, for a whole host of reasons, many of which you will hear.

I unfortunately talk so slow I do not have time to go through all of the reasons why I think that it is better on balance than it is worse on balance, and why; therefore, as one weighs what one should do for one's country in this regard, one has to make the decision yes or no. I have made that decision, and I intend to support it, and I would urge other Members to take a look at it.

Mr. MORAN of Virginia. Mr. Speaker, may I inquire how much time is left on each side?

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) has 2½ minutes remaining. The gentleman from Maryland (Mr. CARDIN) has 36 minutes remaining. The gentleman from Florida (Mr. SHAW) has 21 minutes remaining.

Mr. MORAN of Virginia. Mr. Speaker, under those circumstances, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

(Mr. KOLBE asked and was given permission to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding the time, and I am pleased today to rise in strong support of this agreement, the Oman Free Trade Agreement.

With the Doha Round of multilateral talks teetering on the brink of collapse, we need more than ever to pursue a bilateral trade agenda that makes some real gains for American workers and American consumers who, after all, are one and the same. That is

precisely what the Oman Free Trade Agreement does.

The Oman FTA is quite simply a win-win. In 2005, trade between the United States and Oman exceeded \$1 billion. The U.S. exported \$594 million in goods alone to Oman last year. While some will stand here today, beat their breasts and claim that we are going to lose jobs with this trade agreement, nothing could be further from the truth.

I ask Members to think back to economics 101. Exporting goods creates jobs here at home, and importing goods will create jobs. Consumer and industrial goods will be 100 percent duty free on day one of the trade agreement's entry into force. There will be significant gains in the agriculture and service sectors. These are the kinds of tangible changes we want and we need to bring home to our constituents.

Liberalization of trade in services is sometimes overlooked, but it is absolutely essential to keeping our economy competitive. The services sector represents 75 percent of our country's economic output and it is 80 percent of our workforce. U.S. firms have a strong advantage in the services sector, and it becomes even stronger as we add each country like Oman to an FTA.

But the economic gains are relatively small compared to the impact that a trade agreement with Oman will have in keeping Americans safe. The bipartisan 9/11 Commission recommended a comprehensive strategy to defeat terrorism, that includes economic policies, that encourages development, more open societies and opportunities for people to improve the lives of their families.

As a result of this recommendation, the administration authorized negotiations with Oman as part of the plan to create a Middle East Free Trade Area by 2013. This is a step in that direction, and I urge my colleagues to vote in favor of this free trade agreement.

Oman leads the Persian Gulf in establishing trade and other ties with Israel. It has eliminated all aspects of its boycott with Israel and when Oman acceded to the WTO in 2000, it did not request an exemption for Israel that would allow it to maintain a boycott. This is a rare exception in a tough neighborhood. I ask my colleagues today to join me in showing our commitment to Oman, is a steadfast ally in a region of the world where we need all the friends we can get.

Vote for the Oman Free Trade Pact.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. BECERRA), a member of the Ways and Means Committee, who has been extremely active on fair trade and international issues.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I hate to say it but I think it has become very obvious that our system for devising trade agreements, so very important to this country's functioning around the world, has not only broken, but it has broken completely.

Today, we have a trade regime which has led to the largest trade deficits this country has ever experienced. The latest report is that the trade deficit for the month of May was almost \$64 billion. We purchased \$64 billion more in goods than we were able to sell to others around the world.

We are on pace this year to have a trade deficit that is larger than \$800 billion. We have never faced that before, but we continue to put forward trade agreements like these that leave us naked to competition that is neither free nor fair.

Today, Mr. Speaker, you find that for every six ships that China sends laden with goods from China into this country, only one of those six ships returns to China with American goods in it for Chinese purchase. And we continue to bring forward trade deals like these that say simply this when it comes to protecting the rights of workers, whether in this country or in the country that we are reaching an agreement with: Enforce your own laws. And even though we know in most cases many of the countries, including Oman, do not have laws that protect their workers, which means that our workers will suffer as well, we continue to move forward with these agreements.

Yet, if you are not convinced that these trade agreements and the regime itself now that we use is broken, look at the provision that was included in the agreement that allows a company that has substantial business in Oman to operate our ports. We dealt with this issue with the Dubai Ports World issue. We rejected that opportunity for a Dubai company to come in and run our ports. Yet in this agreement we have something that would allow that to happen.

I know many of my friends on the Republican side say that will never happen, we have got the national security, essential security interests protection exemption. Then why is it in the agreement in the first place? What you do is you set us up to go before a trade dispute resolution panel that is not ours. It is not our courts that will decide. It will be some other body.

We have now today a system that has led to these large trade deficits, and they continue to come forward. It is time for a change. We need a new direction when it comes to our trade policy. It is broken in this Congress the way we deal with our trade. Not only for our workers, but also for the health of our American companies that have to compete in this world, where artificially other companies in other countries are gaining advantage over us because they are not following the rules.

This is another example of why we should reject trade agreements that do not protect America's interests, whether security-wise or otherwise. Vote against this trade deal.

Mr. MORAN of Virginia. Mr. Chairman, in the first place it is not some other panel. It is the U.S. and Oman, and we have the right to determine

what is in our security, but having said that, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Very briefly in reply to the last speaker, the facts contradict the information that was put out here on the floor regarding the deficit.

The United States' exports to Jordan are up 90 percent since the free trade agreement; up 92 percent to Chile since 2003; up 25 percent to Singapore since 2003; up 11 percent to Australia since 2004; up 7½ percent to Morocco. Under NAFTA, our exports have increased at 133 percent. That just does not make sense.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee who has been articulate and a leader on fair trade and international rights.

Mr. DOGGETT. Mr. Speaker, I would like to begin by responding to Mr. SHAW's comments. None of the modest steps he cited respond to the fact that we have an \$800 billion trade deficit and an Administration with a trade policy that will do nothing but make it worse.

This agreement with a small but strategically important country like Oman ought to have been approved today unanimously, and it could have been. But there is a very big problem, and that problem is not in Oman on the other side of the world; it is on Pennsylvania, 1600 Pennsylvania Avenue, to be more precise.

The problem is that just as this Administration has shown consistent disdain for the rights and needs of workers in America, just as it has shown consistent disdain for environmental protection—ready to manipulate science whenever it needs to for political purposes to justify degradation of our air, our water, and our other environmental resources—today it shows continued disdain for the environment and for workers in our international trade agreements.

What we need is a modern, bipartisan trade policy that recognizes that you cannot measure how good your trade policy is based solely on how many dollars in goods transverse international borders. You have to consider the impact of that trade on the workers that produce the goods and on the environment that surrounds them.

□ 1330

During the consideration of this bill in the Ways and Means Committee, we offered very modest amendments to try to address these concerns. On upholding international labor standards and on an amendment that I offered to prevent trade in endangered species, the Committee and the Administration would have none of it because if they showed basic dignity and respect for workers and the environment with

Oman, a small country, they might have to do it everywhere, maybe even here in America. You can tell the level of the Administration commitment by the level of enforcement remedies that they provide for the environment and for workers. Then enforcement mechanism in this agreement amounts to less than giving only a traffic ticket to the repeat offender of the most egregious abuse. You pay a fine to yourself—that is the great remedy that they offer.

So today they must, as has been done so often on so many issues, raise the specter of 9/11 and the war on terrorism. How many times has that threat been misused in this building and down the street on Pennsylvania Avenue to debase the most basic and fundamental values that make this a unique country?

It is pulled out again today. It is an issue here, as the Gentleman from Maryland has indicated, because they plan to transfer the issue of port security from this body to an unaccountable, international tribunal that will be empowered to decide whether or not we can restrict foreign acquisition of American ports.

This Administration stood by and encouraged a sellout of our port security once before, and under this agreement they can transfer all responsibility to an unaccountable international tribunal.

Because this agreement fails to adequately respect the needs of American workers and the needs of the environment around the world, it ought to be rejected.

Mr. SHAW. Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California, a strong advocate of fair trade, Representative SOLIS.

Ms. SOLIS. Mr. Speaker, I thank the gentleman. I also want to register my strong opposition to the Oman Free Trade Agreement.

As I see it, it is a flawed trade policy, largely to blame for the loss of so many jobs because of the various trade deals we have had. Three million manufacturing jobs have been lost over the last few years. In the last 4 years, our deficit has increased by \$725 billion. Trade deficit, \$725 billion.

Not only does this particular trade agreement turn its back on American workers, but it endorses the race to the bottom by allowing Oman to continue to ignore labor unions, discrimination against women in the workplace, and excludes guest workers from even minimal worker protections.

If shipping jobs overseas and encouraging discrimination isn't bad enough, this agreement would also allow foreign firms to acquire and operate important national security assets in the U.S. Our only recourse would be at an international court.

Mr. Speaker, supporters of this agreement argue that they are trying to spread democracy and stability around the world. But democracy and

stability can't be achieved by trade agreements such as this which ignore the rights and freedoms that are inherent in the fabric of a free society.

I urge a strong "no" vote on the Oman Free Trade Agreement, and let's make a priority to help our economy and our workers here before we start selling short our jobs and many of our manufacturing corporations to foreign countries.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I appreciate the leadership of Chairman SHAW as we try to open new markets around the world for American products and services.

I strongly support this agreement with Oman. As you know, America is so open to other countries selling their products and goods into America, but oftentimes when we go around the world, we find that their markets are not so open. And so we try to open those markets through trade agreements to allow our farmers, our small businesses, our manufacturers, our banks, everyone, to sell our products around the world, and these trade agreements are succeeding in doing that.

In each one that we have had, our sales in those countries have nearly doubled. So we are creating jobs here at home selling more products. This free trade agreement does the same thing. It is not huge, but for those who are selling to them, it is very important.

Not only does this help America, but this is an important cog in our Middle East free trade agreement, which is key, because I think that a lot of unrest is caused when people don't have hope, when they don't have a chance to better themselves, when they don't have a high standard of living. The more we are able to create job opportunities and hope in the Middle East, I think the sooner we do that the safer we will have that region. This won't do it by itself, but everything helps move that peace process along.

And I support it because Oman, while it may not be where we want it to be on labor yet, they have made tremendous progress in labor issues and in the rule of law and in a number of areas that we ought to be supporting as a country.

Let me conclude with this. This agreement stands on itself, but there is more than that. I have a soft spot for countries that have come to the aid of our American soldiers. My baby brother has served in Iraq as an Army medic and is now a sergeant major and has just returned from his tour in Iraq. Recently I just attended two funerals of local soldiers who died defending us. When we have countries like Oman who allow our personnel to stop there, our aircraft to fly there and land there, when we have a country like this that houses our personnel, basically makes

them safer while they are away from their families trying to defend our freedom, I think we ought to reward these countries.

To me on national security when I see this intellectually dishonest argument about our port security, what I am afraid of is we have people who want to punish the countries that are helping our soldiers, punishing countries who are coming to help our men and women who are trying to fight for our freedom. We ought to be rewarding and thanking those countries. I support this agreement.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) who has been one of our leaders on fair trade.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, as a cochair of the Congressional Labor and Working Families Caucus, I rise today in strong opposition to the Oman Free Trade Agreement.

The Oman FTA contains no effective mechanisms to enforce labor or human rights laws. Instead, this agreement relies on the empty promises that Oman will enforce its own labor laws.

If we accept this deal, we are saying to foreign countries: It is okay to force labor among three-fourths of your workers.

We are telling them it is okay to deny workers the right to organize for safer working conditions and better wages.

If we accept this deal, we turn a blind eye to poor working conditions and organized human trafficking to fill sweat shops.

I would remind my colleagues that the terms and conditions of trade agreements determine what is and is not acceptable.

Let me be clear. If we agree to a deal that does not live up to basic labor and human rights standards, then we are deliberately establishing a lower standard for worker rights in this country and around the world. We should be setting a fair trade standard that allows the benefits of commerce to raise and not lower standards for everyone. Vote "no" on Oman FTA.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY) who has been one of the leading spokespersons about international human rights and worker rights.

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much and for all of his work on these issues.

Make no mistake about it, this vote is not just a vote as to whether or not you support free trade. This is also an up-or-down vote on whether or not you support our national security and our homeland security.

Just 5 months ago, the Bush administration tried to ram through an approval of the sale of U.S. port operations to Dubai Ports World, a company owned and operated by the Government of the United Arab Emirates.

The President said he would veto any attempt to strike down the deal. But in the face of tremendous opposition on the grounds of homeland security by the Democrats and even some Republicans, the deal was scuttled.

The whole episode shined a bright light on the little-known committee at the Treasury Department and the secretiveness of a process it uses to make decisions that can have important consequences for the security of our Nation, the Committee on Foreign Investment in the United States. It is called CFIUS.

In this post 9/11 world, we simply cannot trust, as this free trade agreement requires us to do, that the businesses and Government of Oman are pure and will not sabotage, abuse, or misuse critical infrastructure they decide to buy in a business deal fast-tracked by this agreement. We must trust, but verify, when it comes to any foreign government-owned entity buying critical infrastructure in the United States.

Now the President and his administration did not give the Dubai Ports deal the scrutiny it deserved, even though the 9/11 Commission identified the Government of the UAE as a "persistent counterterrorism problem." And so that should shine a light on this deal as well.

We know our seaports, airports and other critical infrastructure are at the very top of the al Qaeda terrorist target list. Let us not give them this additional hand that the treaty will require in penetrating the operations of those critical targets as fast-tracking business deals in the name of free trade will have on the security of our country. Let us not let commerce trump common sense.

Mr. Speaker, I rise in strong opposition to the Oman Free Trade Agreement.

Make no mistake, this vote is not a vote on whether or not you support free trade. This is an up and down vote on whether or not you support our national and homeland security.

Just 5 short months ago, the Bush Administration tried to ram through an approval of the sale of U.S. port operations to Dubai Ports World, a company owned and operated by the government of the United Arab Emirates, UAE.

The whole episode shined a bright light on a little-known committee at the Treasury Department and the secretive process it uses to make decisions that can have important consequences for the security of our Nation.

But in this post 9–11 world, we cannot simply trust, as this free trade agreement requires us to do, that the businesses and government of Oman are pure and will not sabotage, abuse, or misuse critical infrastructure they decide to buy in a business deal fast-tracked by this agreement. We must trust, but verify, when it comes to ANY foreign government-owned entity buying critical infrastructure in the United States.

The President and his administration did not give the Dubai Ports deal the scrutiny it deserved, even though the 9–11 Commission identified the government of the UAE as a "persistent counterterrorism problem." The

UAE was a key transfer point for illegal shipments of nuclear components to Iran, North Korea and Libya. The UAE was one of only three nations to recognize the legitimacy of the Taliban government and still does not recognize the State of Israel.

We know that our seaports, airports, and other critical infrastructure are at the very top of Al Qaeda's terrorist target list. Let's not give them a hand in penetrating the operations of those critical targets by fast-tracking business deals in the name of a free trade deal that has no protections for our national and homeland security. Commerce must not be permitted to trump common-sense.

Mr. CARDIN. Mr. Speaker, can I inquire of my friend from Florida, his continuing to reserve, does that mean he has one speaker remaining?

Mr. SHAW. Unless someone else comes to the floor, I will be the final speaker and close.

Mr. MORAN of Virginia. And I am reserving because I have so little time left, as the gentleman knows, so I am trying to be strategic with my time.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 6 minutes to our distinguished whip, my colleague from Maryland (Mr. HOYER), who has been a spokesperson not only on trade but on security internationally.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I thank Mr. SHAW and Mr. CARDIN for proceeding on this debate, as well as Mr. MORAN. I think I have voted with all three of them on various different occasions.

Mr. Speaker, I have been a strong advocate for free trade and open markets. I believe strongly that American businesses and workers can compete and win in the global economy.

Increasing global interdependence is a reality in the 21st century, and it presents our Nation with an opportunity to promote democratic reform, the rule of law, and respect for basic human rights.

It is incumbent, however, upon us to foster global trade, to engage our partners in a system based on rules and law, and to work to raise the living standards of working men and women; and not to recoil from the rest of the world.

Philosophically, I count myself a proponent, a strong proponent of free trade, and have voted for many of the trade agreements that have come before this House.

This agreement, I think, is relatively insignificant as it relates to trade and the volume of trade and the impact on our domestic economy. It may have a much more substantial impact, obviously, on the Oman economy. But in terms of our own economy, it will have, I think, relatively little impact.

However, the Oman Free Trade Agreement I believe is flawed, and it undermines fundamental worker rights. Thus, I intend to oppose it.

What this debate, from my perspective, is about is the criteria that we will tell the world is necessary for us to enter into agreements with them. In

many respects, as I understand it, those trading partners with whom we might enter into agreements are not in opposition to that which we are seeking. In fact, it is my understanding that there are Members of this Congress and members of the administration far more opposed to the issues that I will discuss than are the partners who enter into agreements with us.

Oman today does not meet the five basic International Labor Organization standards, including the rights of association and collective bargaining, bans on child labor, slave labor, and discrimination in employment. They say they are going to meet those, but they have not yet met them.

Americans, I believe, feel very strongly about all of those provisions in our own domestic law and in international law.

□ 1345

And it seems to me appropriate that we pursue agreements in that context. There are no labor unions in Oman today. The only labor organizations are, essentially, management labor committees. And while 70 percent of workers in Oman are expatriates, there is little, if any, participation by foreign workers in administering such committees. In other words, most of the workers are from outside of Oman. But almost all of those who participate in any kind of discussions with reference to labor issues are within Oman, Omani citizens.

For 8 months Oman has failed to take a number of steps to ensure that its practices immediately comply with ILO standards and to bind those commitments under the agreement, as was done by Bahrain last year.

Furthermore, Mr. Speaker, the Congressional Research Service confirmed just yesterday that the trade agreement would make it more difficult to protect U.S. ports and block a takeover by foreign government-owned companies such as Dubai Ports World. That raised a tremendous amount of concern just recently when the CFIUS process did not work as we thought it ought to.

It is regrettable that Republicans on the Rules Committee rejected amendments offered by my good friend, Congressman CARDIN, that would have closed this loophole, and it would have at least subjected it to full and fair debate. These are serious issues, and they should be debated fully and fairly. The Rules Committee, however, failed to give us that opportunity. It would have, indeed, insured compliance with ILO standards as well before this agreement goes into effect. But that amendment was not made in order.

Mr. Speaker, in my opinion, there is no reason that we cannot negotiate agreements that advance the cause of free trade, promote the rule of law, generate economic development of countries in great need, and extend to workers, farmers, and businesses the advantages of expanded trade to new

markets. None. This flawed agreement, however, fails to accomplish those objectives.

For that reason, so that we can set a benchmark for future, much more consequential trade agreements for our country, I believe today the Congress of the United States ought to set that benchmark and say to the administration, say to the USTR, and say to those with whom we will negotiate in the future for trade agreements that this is the essential element of our agreement because we believe, this country believes that as we want to lift our own workers, as we want to lift our own trade viability, and as we want to lift the viability of trade of other countries, we also want to ensure that we lift workers in that process.

That is the right thing to do. It is the best thing to do. It is the best policy thing to do, and therefore, I will oppose this agreement, but hope that as agreements come before us in the future, that I will be able to support them in the best interest of our country.

Mr. SHAW. Mr. Speaker, we have another speaker who just came to the floor, Mr. HENSARLING of Texas, to whom I yield 2 minutes. Following that, I would yield to the minority so they can close, and then we will go to closing.

Mr. CARDIN. If the gentleman would just yield briefly. I would let Mr. MORAN use up the remainder of his time, and then we will use up the remainder of our time, and then you will close.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. HENSARLING. Mr. Speaker, trade with Oman represents four one-hundredths of 1 percent of our Nation's trade. Thus, we are clearly not debating the American economy today. Instead, we are debating whether or not we are a Nation of trade or a Nation of protectionism, and we are debating whether or not we will support or repudiate an ally in the war on terror.

Free trade delivers a greater choice of goods and services to American consumers at lower prices. That means families can buy more using less of their paychecks. More trade means more competition, and competition has always helped the consumer.

Mr. Speaker, we have 230 years of experience now to show it. But beyond all the obvious economic benefits of free trade, we must recognize that trade is fundamentally an issue of personal freedom. Nations do not trade with nations. People trade with people. And with the exception of national security considerations, every American citizen should have the right to determine the origin of the goods and services they want to purchase.

Now, maybe we, in Congress, have the power, but do we have the right to tell Americans they cannot buy less expensive goods for their families from other nations? The answer should be a resounding no.

Mr. Speaker, this agreement will also improve the national security of the

U.S. In the recent 9/11 Commission, they recommended that the U.S. pursue policies to promote more open and freer societies to defeat the root causes of terrorism. That means trade. A free trade agreement with Oman will do just that, which is critical to our current situation in the Middle East.

The nation of Oman has been a friend of the U.S. for over 170 years. They have been a valuable ally during the Cold War, as well as aiding us in the overthrow of Saddam Hussein's regime in Iraq. They continue to be an important ally in the global war on terror, having taken a very strong stand against Islamic extremism that begets terrorism.

Mr. Speaker, I urge adoption of the agreement.

Mr. Speaker, for over 200 years America has benefited from free trade and competition. I urge my colleagues to once again reject raw protectionism and partisanship and instead stand for freedom and security and support the U.S.-Oman Free Trade Agreement.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think it is important, with what little time I have left, to recapitulate what has been said in this debate. In the first place, there is no disagreement that Oman is located in a highly strategic area, right at the Strait of Hormuz. More than 20 percent of all the world's oil supply goes through there. It is right across the strait from Iran. Very critical position.

It has also been completely agreed that Oman has been a principal ally to the United States. Everything we have asked them to do since 1833, 173 years, Oman has stood up there in a very difficult part of the world and said to the world "We are America's ally."

When we asked Oman for a military agreement so we could stage troops and provide logistical support in the Persian Gulf War, and now in the Iraq war, they said, "Yes, you can do that and we will protect them." And they have all been protected. Our troops have never had a problem in using Oman. Oman has come under pressure, but they have protected American troops in every possible way. No disagreement.

We all agree that almost two-thirds of Oman's population is under the age of 18, so we know that Oman is entering a period of instability unless there is economic opportunity.

We also know that while there isn't a whole lot of trade, what Oman is buying from us generates jobs in the United States. We get oil from Oman in return.

So what is at dispute is whether this is a national security threat and whether this is an issue with regard to labor rights. Well, in the first place, with regard to national security, there is no question, according to the Congressional Research Service, that if there is a national security issue that the United States raises, that that trumps everything else. And these panels that my friends and colleagues have

been referring to, these are panels of American and Omani negotiators, and if an American negotiator says, we think this is a security interest, it is dead. The language that is in contention is reciprocal language we wanted because we have U.S. companies who would like possibly to buy port facilities there. That was our doing. But it can be preempted by national security concerns.

So, on national security, the Congressional Research Service tells us that there is not a security threat. CFIUS will determine if foreign investment in U.S. parts is a security threat and can block the purchase if it comes to that. But there is not going to be any international panel second-guessing this determination, let alone overruling it.

Now, in terms of labor, we passed a Bahrain trade agreement a short while ago, almost by voice vote. No discussion. The labor guarantees in that agreement were not nearly as strong as the ones in this agreement. This is the strongest labor agreement we have seen.

Now, it may not be completely to my liking, but, you know, every one of the issues that the Ways and Means Democrats raised have been addressed by the Sultan of Oman, and not like Bahrain, where they said, well, we will put these to Parliament for consideration and pass them. Oman accepted every one of these recommendations, and you can check again with the Omani Ambassador, who happens to be a woman, the only female ambassador from an Arab country. And of course they were the first Arab nation to send an ambassador to the United States, incidentally.

But every Ways and Means Democrat's recommendation the Sultan put in the decree. This is law now. They can continue to collective bargain. They're are going to protect workers' rights. There will be no repercussions. They are going to eliminate any forced labor, if you can find it. And, in fact, they have invited the International Labor Organization personnel, ILO professionals to Oman, and they are working with them on the ground as we speak. And by October 31, they are going to put all these protections into law, anything that hasn't been fully implemented by the decree by the Sultan.

I don't know what more they can do. They have done everything we have asked.

This is a good trade agreement and, it is in the interest of the United States to pass it. I hope this body will.

Mr. CARDIN. Mr. Speaker, before I yield the balance of our time to our distinguished leader, let me just make it clear that the Sultan has not, by decree, answered the issues that were raised in letters that were sent by our staff. In fact, they dealt with primarily one issue, and six or seven are yet to be dealt with; and that is why they are setting an October date for changing their law.

And let me also make it clear that unlike Bahrain, the Omanis have not, on the ground, changed their labor practices to meet ILO standards. So they fall far short of Bahrain.

And lastly, on the security issue, I have heard our colleagues put a lot of confidence in our ability to unilaterally use the essential security provision to prevent action on our ports. And I just wonder what attitude we would have if one of our insurance companies, for example, wanted to do business in Oman, and Oman said, oh, no, not because of essential security we will let you in our country. And then we say we don't have the right to challenge that? We clearly have the right to challenge that, as Oman would have the right to challenge our decision to invoke this exception if a company wanted to take over a port operation in the United States.

And we are going to be subject to the second-guessing of independent tribunals. And our record has been terrible in the decisions of the tribunal as to how many we have lost against statements made in this body that said that what we would do would stand international muster, and it did not.

So why are we putting this threat out there? Why are we making ourselves vulnerable? Why didn't we take it out of the agreement? Why do we want to subject America to that risk?

Mr. Speaker, I am proud to yield the balance of our time to our distinguished leader who has put forward an agenda for America that truly will make this Nation a safer Nation, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Maryland for yielding and for his just relentless championing of the rights of American workers. Who are we here for, after all?

Mr. CARDIN has been a supporter of free trade agreements for a long time, and that doesn't mean that you can't do that and also be here to be the voice of American workers. If any of them tune in and listen to this debate on the floor, they know clearly who speaks for them. Thank you, Mr. CARDIN, for championing this issue.

Thank you, Mr. RANGEL, for your incredible leadership, time and time again to say, yes, we are open, we understand the benefits of free and fair trade. We want them, though, to emphasize the fairness of it to American workers.

□ 1400

Mr. Speaker, I rise in opposition to the Oman Free Trade Agreement, and it is with the greatest respect for the gentleman from Virginia that I respectfully disagree with his comments. And as Mr. CARDIN has said, the Sultan, with all due respect to the Sultan, his decree has not done what we need to have done in this trade agreement.

Democrats realize that our economic future rests upon our ability to open new markets for U.S. goods and services so that we can continue to cap-

italize upon the innovative spirit that has long distinguished America. New markets translate into new, high-paying jobs and opportunities for American workers, businesses, and farmers.

In the past, trade policy has been a bipartisan endeavor, a common effort to expand opportunity for America's businesses, again workers and farmers. Unfortunately, the Bush administration has veered in the opposite direction, and so has the Republican leadership in this Congress, and a bipartisan agenda has now become a lofty goal rather than an indisputable reality, which it should be. The Bush administration has failed to enforce fundamental worker rights and failed to open large markets for U.S. goods. Once again America's middle class is paying the price for misplaced Republican priorities.

In addition to that failure, in terms of the global economy, this administration and the Republicans in Congress support incentives to businesses to take jobs offshore. How is that a good idea for America's workers? We are going to engage in these trade agreements that do not have core labor principles in them that lift the standards of the workers in the country; for example, Oman; or, of course, lift the living standard of American workers here, which is our primary responsibility.

And at the same time, these same people who brought you these free trade agreements which do not enforce core labor principles and are unfair to American workers, these same people advocate incentives for companies to take jobs offshore. That is why on the first day of Congress, Mr. RANGEL will come to the floor, God willing, if the Democrats take power, he will come to the floor on the first day and repeal those incentives to companies to take jobs offshore. One small step for American workers.

Democrats have a long history of supporting free and fair trade. Enforceable labor rights that follow basic core principles are a crucial part of ensuring that American companies and workers will not be disadvantaged by unfair competition from countries that do not adhere to the core standards.

Core ILO, International Labor Organization, standards ensure that our trading partners abide by the most fundamental standards of common decency and fairness. Not only are core labor rights a matter of decency and fairness, but they are also in our national economic interest. Basic enforceable, with the emphasis on enforceable, labor protections are critical to building a strong middle class in Oman, raising the disposable incomes so that they can buy American products.

Our trade deficit is likely to exceed last year's recordbreaking deficit of \$717 billion. Every day we have \$2 billion more in goods coming into the country than going out. This is unbelievable. Over \$2 billion more a day in goods and services coming in than

going out. I do not know what is free and fair about that. I do know America's middle class is paying the price.

The Republican trade agenda has failed to break new ground by opening large markets for U.S. goods. Instead, they have these little tiny agreements that establish a precedent and erode core labor principles, and they have not opened the large markets that are crucial to creating new jobs for American workers.

Despite a record trade deficit, the Bush administration has focused on negotiating trade agreements with countries where the opportunities for U.S. companies are limited.

The Oman Free Trade Agreement will have negligible impact on our balance of trade, and that is why it can wait. It is just not a big deal. It can wait until these core principles are in the treaty and not just by decree, which they are not, but if they were, could be changed tomorrow. This year U.S. trade with Oman will be about \$1 billion, just .04 percent of the total U.S. trade.

Democrats recognize the importance of engaging Oman, but we must do much more in terms of fairness. Democrats are committed to addressing the challenges of increasingly competitive global markets. Our success depends on our ability to innovate new products and to create new markets, new markets, overseas for those goods and services. That is why Democrats have put forth our innovation agenda, our commitment to competitiveness to keep America number one. We will secure America's continued leadership and innovation and unleash the next generation of discovery, invention, and growth. And in that way, we will be preeminent in the world's markets; but not, but not, if our hands are tied by the precedent established by these little agreements.

Again, in addition to our innovation agenda and fairness to American workers, businesses and farmers, on that very first day, in addition to raising the minimum wage, Mr. RANGEL will call for the repeal of incentives of jobs to go overseas.

Just think of it. If you are a middle-income person in middle America, our technological base, our manufacturing base, our industrial base in those parts of the country are eroding. Jobs and services are going overseas with the help of tax incentives of this Republican administration and this Republican Congress, and then we engage in free trade agreements that do not even pay the respect due to American workers to have core labor principles, a minimal standard, the ILO standard. A minimal standard. This is not anything big.

And by the way, we are not asking for anything different for labor, for America's workers. This is not special treatment. What Democrats are asking for is the same thing that the Bush administration is giving to other industries: the right to enforce the provisions. Businesses have that right in the

deal, but workers do not. It is just not fair. It is just not fair.

So we want to take our country in a new direction, passing free trade agreements that do expand our markets, spur economic growth, raise the living standard of the United States and abroad, and have enforceable provisions that are fair to American workers.

Unfortunately, this trade agreement fails on all of these counts, and that is why I ask my colleagues to vote "no."

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

I cannot stress enough the importance of the legislation that is now before this body. Yes, this agreement is a good economic agreement for those doing business in Oman. In fact, it is one of the best free trade agreements that this body has considered, granting the United States some of its broadest market access ever, and establishing a strong standard as we push to open the large, emerging Middle East market through a Middle East Free Trade Area. I am particularly pleased that my home State of Florida will receive duty-free treatment on much of its citrus products.

However, while the economics of United States-Oman Free Trade Agreement are compelling, I believe that there are more important issues for the Members to consider as they cast their votes today. Specifically, what that vote will tell the people of Oman and, perhaps most importantly, the people throughout the violent Middle East as the conflict today threatens to spark a new war.

Mr. MORAN spoke quite eloquently of the dangerous neighborhood that Oman is in, right across the straits from Iran. I was just handed a CNN report that just came out within the last hour in which Assistant Secretary of State Chris Hill said that the Iranians were believed to be present at North Korea's July 4 missile test. I wonder why.

As Chairman THOMAS indicated, Oman has long been a strong ally of the United States. Yet beyond that, Oman has also been a leader in its relationships with Israel. Oman has no law that establishes or enforces primary, secondary, or tertiary boycotts of Israel. In the context of congressional consideration of this free trade agreement, Oman has reiterated its commitment to not enforce any aspect of a boycott on Israel in letters of September 28, 2005 and June 15, 2006. Last month, Oman issued an official government document to its relevant agencies, again reiterating the policy and commitment. If any Member still has any doubt, they should know that in the recognition of the importance of this issue by both the United States Trade Representative and the Government of Oman, language was included within the Statement of Administrative Action that the United States Trade Representative will monitor and report to us on this issue. On June 28, 2006, the American Israel Public Affairs

Committee, known as AIPAC to the Members of Congress, wrote to me in support of the language, and I am pleased with its inclusion and Oman's position on the boycott.

After these repeated assurances and Oman's longstanding record, Member representations that Oman is not fully committed on this issue ignore the facts and are fundamentally disrespectful of one of the greatest allies for peace and against terror in the world. That some Members have maintained these claims and even sent Dear Colleague letters on this issue, after receiving the letter from AIPAC, receiving direct assurances from Oman officials, and seeing the text of the official Omani documents stopping any boycott, is disgraceful, and I believe that Oman deserves an apology.

While Oman's action in this area alone sends a powerful message to this part of the world, Oman actually has a history of going beyond, to actual engagement. After the signing of the Egyptian-Israeli peace treaty in 1979, Oman was one of the few Arab countries that did not break off relations with Israel. It was also one of the first countries in the region to host an Israeli Prime Minister, when Prime Minister Rabin visited Oman in 1994.

In its letter to me and to the ranking member of the Trade Subcommittee, AIPAC stated, "The breakdown of these kinds of economic barriers can, hopefully, help lead to the development of important political relationships between Israel and the Arab world."

I could not agree more. As we watch hostilities in the Middle East and they continue to worsen, it is through economic relationships such as these that we can have the best chance to win the hearts and minds of the future leaders in the Middle East. As young workers in the region begin to see the benefits of participating in the worldwide economy, they are more likely to pick up tools to better their lives, rather than tools of destruction.

Will passage of this agreement cause an immediate end to hostilities in Israel, Lebanon, Gaza, Iraq, or Afghanistan? No. But none other than the 9/11 Commission has specifically highlighted the importance of Middle East free trade agreements in fighting terror. The free trade agreement will continue to undermine the arguments that terrorists use in recruiting. With increased economic opportunities will come an increased incentive to remain a peaceful, active participant in society.

Oman has been a leader in this region in its friendship with the United States, its friendship with Israel, its commitment to political and labor reforms, and its desire to work economically with the United States. It is now up to the Members of the House of Representatives whether to reward the leadership or reject it based on politics and arguments that have no basis in fact.

Let me run through a few of the arguments that have been made here

today. We have talked about American workers.

□ 1415

The United States International Trade Commission estimates that the U.S.-Oman Free Trade Agreement would have almost no effect on U.S. imports from Oman, while resulting in a 5 to 14 percent increase in U.S. exports to Oman. Are you for the American worker? Then you are for increased American exports.

We have heard people trashing the labor standards. I heard one of the speakers complain that the management was one of the union representatives. Well, we keep talking about labor relations in this body. One of those provisions provides that management shall be part of the unions, and the managers that were participating in those negotiations were elected by the workers. Are you as Members of Congress going to tell them they can't have their own elected representatives? I don't think so. And whether it be management or the guy on the assembly line, that is what they want and that is what they should have.

We have also heard a lot about port security. The United Arab Emirates does not have a free trade agreement with us, so the problems that we opposed with regard to that did not come out of any particular agreement. As a matter of fact, with Oman, as it is now, without a free trade agreement, it is exactly the same as United Arab Emirates.

But let me read something from the agreement. You don't have to take my word for it. This is what the agreement says. 21.2 says: "Nothing in this agreement shall be construed to preclude a party from applying measures that it considers necessary for the fulfillment of its obligations with respect to the maintenance or restoration of international peace or security or the protection of its own essential security interests."

The Congressional Research Service said: "Should the United States, whether through CFIUS or congressional action prevent Oman companies from establishing 'landside aspects of port activities,' it would appear that such a measure could be justified pursuant to the essential security exception. While it is theoretically possible for Oman to bring a legal challenge to the actions of the United States before a third-party tribunal, the United States would appear to be on solid legal grounds for asserting not only that the panel does not have the legal authority to determine the validity of such a matter, but also that the inconsistent measure is permitted and justifiable given the broad self-judging," self judging, "language of the national security exception."

So that national security interest has absolutely no legal standing at all. I know of no legal authority, and I am sure if there was one, that would have been brought out in this debate.

Yesterday, we had a very fine debate, and this debate was about our friendship with Israel. It was about the dangers that Israel is facing. It was about our support of Israel. Now we have another vote today, and that vote is about one of the best friends that Israel has in the region. And for us to vote them down would not only be an insult to them, but I believe would be an insult to Israel.

I would urge all Members of this body to think for yourself, is this a good agreement? Don't follow your party line. Vote for yourself, what you think. You are sent here to represent your constituency. Represent them and cast a vote today that is going to mean something. We aren't puppets around here. Each one of us represents a particular congressional district and we should vote that district. Vote for the people that sent us here.

Mr. LYNCH. Mr. Speaker, I rise to express my strong opposition to the Oman FTA. This is *déjà vu*: last summer we were working against CAFTA . . . now we have the Oman FTA.

What we have here is identical language to the problematic and inadequate language that was contained in CAFTA and NAFTA before that. Most shocking, the administration has slipped language into the Oman FTA that will threaten U.S. port security. As you know, Mr. Speaker, I represent the Port of Boston. To me, this FTA really hits home and is particularly disturbing.

The simple fact is that under this agreement, if an Omani company sought to acquire landside services at U.S. ports and the U.S. government took action to stop or limit that acquisition, the Omani company could sue the U.S. government for violating its FTA rights. The challenge would then be decided by a U.N. or World Bank tribunal.

The nonpartisan Congressional Research Service released a report a couple days ago that confirms that the Oman FTA would make it harder to protect U.S. ports. The CRS report makes clear that the Oman FTA would create a new right under an international trade agreement, which would require the United States to allow any Omani company to provide "landside aspects of port activities."

The CRS report further confirms that Dubai Ports World, DPW, could use the U.S.-Oman FTA to obtain this new right guaranteed by an international trade agreement to buy U.S. port operations. All DPW would have to do is create a subsidiary in Oman. DPW already has commercial operations in at least 10 countries. It would not be hard for DPW to meet the Oman FTA's standard—any business established in Oman is eligible to take advantage of the benefits of the agreement. Only businesses with "no substantial business activities"—a very low threshold—are excluded.

Mr. Speaker, not only does this FTA pose homeland security concerns, but instead of enforceable labor provisions with teeth, this free trade agreement suggests only that Oman adopt and enforce its own labor laws. It offers no assurance that existing labor problems will be resolved, and allows labor laws to be weakened or eliminated in the future, with no possibility of recourse.

In Oman, their 2003 labor laws remain in serious violation of the International Labor Or-

ganization's most important and fundamental rights: freedom of association and the right to organize and bargain collectively. There are no independent unions in that country. In fact, Oman not only fails on labor rights, but on all human rights!

The Bush Administration State Department's 2006 "Trafficking in Human Persons" report downgraded Oman to a "Tier 2 Watch List" country, just one step above the countries with the worst human trafficking records. In 2005, Oman was only on "Tier 2" of the State Department's human trafficking list, meaning that Oman's trafficking practices and regulations worsened from 2005 to 2006.

We talk a lot about the war in Iraq, and the President of the United States has described it in many cases as an effort to export democracy. Well, I have got news for you; you do not export democracy through the Defense Department.

This is where you export democracy, in our trade agreements, through our Commerce Department. Democracy is all about opportunity, and we should, in our trade agreements, give these foreign workers an opportunity to stay in their own country, to buy goods from us that would create a good dynamic by creating jobs in this country. Democracy is about opportunity, and if we are really serious about exporting democracy, it starts right here. It starts with our free trade agreements.

Join me in voting "no" on the Oman Free Trade Agreement.

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong opposition to the U.S.-Oman Free Trade Agreement Implementation Act. This agreement contains the same flawed "enforce your own labor laws" provision that we have seen in recent trade agreements. These labor standards simply do not work when we are dealing with countries that lack strong labor laws and practices.

Mr. Speaker, before we move forward on this issue, I feel a moral obligation to pose the following questions to my colleagues and to the American people:

When negotiating trade agreements, why does this Administration always seem to lose its tenacity and its resolve when it comes to protecting the labor rights of some of the world's most vulnerable workers?

What message does America send to the international community, when we will fight to protect pharmaceutical patents and other intellectual property within our trade agreements, but we will not do the same for human beings?

Mr. Speaker, before the Members of the People's House cast their votes on this agreement today, I ask that they take a long, hard look at our priorities and our values when it comes to trade policy. I am convinced that this Administration can do a much better job of negotiating trade agreements that will advance the interests of U.S. business and agriculture, while protecting the rights of workers.

I urge my colleagues to vote "no" on this flawed trade agreement.

Mr. LANGEVIN. Mr. Speaker, today I rise in opposition to H.R. 5684, the U.S.-Oman Free Trade Agreement Implementation Act. Once again, the Administration has not met its promise to work with both sides of the aisle to craft a fair trade agreement. While I favor expanding trade and eliminating restrictive tariffs and barriers, the U.S.-Oman agreement does not create a fair playing field for United States companies and workers to compete.

Oman is an important ally in the Middle East, and I respect their friendship. However, their labor laws are insufficient to create a level playing field for American companies. At this point, Oman apparently only meets three of the International Labor Organization's five core labor standards. There are no labor unions in Oman, and Oman's workers do not have the right to collectively bargain. Oman's lack of core labor standards alone should be reason enough to oppose the agreement.

Unfortunately, this agreement could also cede our ability to select companies to operate our own ports. As the President learned during the Dubai Ports World controversy just a few months ago, the American people want control over our critical transportation infrastructure, but language in this free trade agreement specifically permits foreign companies to operate our ports as long as the company operates a port in Oman.

In 2005, Rhode Island companies exported approximately \$158,000 to Oman, or about .01 percent of the State's worldwide exports. We must go back to the drawing board to ensure American companies, American jobs, and American security are not left behind for such a small price. I urge my colleagues to join me in opposing H.R. 5684 and encouraging the Administration to renegotiate a more equitable agreement.

Mr. SKELTON. Mr. Speaker, after the tragedies of September 2001, the United States Congress created the National Commission on Terrorist Attacks Upon the United States, commonly called the 9–11 Commission. This independent, bipartisan body was charged with preparing a complete account of the circumstances surrounding the attacks and with recommending policy changes designed to prevent future attacks. I have a great deal of respect for the individuals who served on this commission and for their final work product.

America is in the midst of fighting a long, complex war against terrorism that must be fought with unconventional tools. The 9–11 Commission recognizes the unique nature of our conflict and has recommended that the United States engage Middle Eastern nations economically in order to foster development and reforms in that troubled part of the world. Economic openness requires bilateral compromise and gives America an opportunity to positively influence the region. And, importantly, economic reforms and political liberties tend to be linked.

In the Middle East, the Congress has approved trade pacts with Israel, Jordan, Morocco, and Bahrain. I have supported them because I feel they are critical to enhancing our economic ties to the region. Today, we are considering an agreement with Oman, and after careful consideration, I have decided to support this legislation as well.

Oman is a small, oil-exporting nation located on the Arabian peninsula at the mouth of the Persian Gulf. It is strategically important to the United States and has played a meaningful role in our efforts to defeat terrorism. As Oman's oil reserves diminish, its government has been working to liberalize and diversify its trade beyond oil and gas.

America's economic partnership with Oman carries with it great promise. Boosting our economic partnership with that country will enhance our national security standing in a strategically critical area and will open doors to agricultural trade. The agreement will lower

tariffs on U.S. agricultural commodities and products, thereby putting our Nation in a better position to increase exports and compete with other nations for market share. After full implementation, U.S. agricultural exports could reach \$225 million or more.

No trade deal is ever perfect. Clearly, some improvements could be made in the bill, especially with regard to labor protection and human rights. But, as I studied the Oman Free Trade Agreement and heard from national security, agriculture, labor, and business leaders, I became convinced that this trade agreement is critical to U.S. national security and to Missouri's rural economy.

In the days leading up to today's debate on the Oman Free Trade Agreement, there has been much talk about port security. Despite the rhetoric surrounding this issue, a non-partisan legal analysis from the Congressional Research Service has shown that Congress retains its ability to determine the national security interests of our country and to prevent port operations if need be. The CRS analysis is set forth below, as is a letter from the Secretary of the Treasury on this issue:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, July 18, 2006.
MEMORANDUM

Subject: Legal Issues Related to the Proposed Oman Free Trade Agreement and Port Security.

From: Todd B. Tatelman, Legislative Attorney, American Law Division.

This memorandum is in response to requests for a legal analysis of three arguments that have been advanced in opposition to the proposed Oman Free Trade Agreement (FTA). Each of the arguments relate to issues surrounding port security and, specifically, the ability of Omani companies or companies incorporated in Oman to perform "landside aspects of port activities" in the United States. This memorandum provides a legal analysis of three questions: First, whether the proposed Oman FTA allows Omani companies or companies incorporated in Oman to perform "landside aspects of port activities" at U.S. ports, especially in light of the dispute over Dubai Ports World's attempt at establishing similar business operations at various ports in the United States. Second, whether the proposed Oman FTA provides some type of advance clearance to Omani companies that wish to begin landside port operations in the United States. Finally, this memorandum provides a legal analysis with respect to the possibility of a third-country company (e.g., Dubai Ports World or similarly-situated foreign entity), establishing a minimal presence within Oman for the sole purpose of taking advantage of the benefits provided by the provisions of the proposed FTA.

One argument that has been raised against the proposed Oman FTA appears to stem specifically from language contained in Annex II of the Agreement. The argument generally asserts that the proposed Oman FTA provides a new right to both Omani-owned companies and companies based in Oman that will allow them to perform "landside aspects of port operations" at U.S. ports. Upon close inspection of the language in Annex II, however, it appears that this claim is misleading because it appears that Omani companies are already presently able to perform these services. Currently, there are no U.S. laws that prevent either an Omani-owned company (state controlled) or any other foreign-owned company (regardless of whether the company is state-owned or privately owned) from contracting with port owners to perform "landside aspects of port activities" in the

United States. In other words, if an Omani company (either state or privately owned) wants to engage in contract negotiations with port owners to provide for the types of services envisioned in Annex II, there is no U.S. law that would expressly prevent them from receiving said contracts.

Annex II of the proposed Oman FTA allows the parties to list "the specific sectors, sub-sectors, or activities for which that Party may maintain existing, or adopt new or more restrictive, measures" that are not in conformity with the various obligations imposed by the Agreement, such as National Treatment (Articles 10.3 or 11.2), Most-Favored Nation (Articles 10.4 or 11.3), and Market Access (Article 11.4). With respect to the Transportation Sector, the U.S. Schedule to Annex II lists 12 types of measures that the United States has specifically reserved the right to either maintain or adopt new more restrictive measures. These 12 types of measures generally reflect the current restrictions placed on foreign investment and/or ownership of maritime assets by U.S. domestic law. Phrased another way, the United States has reserved the right to maintain our existing legal restrictions with respect to those aspects of maritime transportation in which we already have limitations, as well as adopt new measures in these categories that may be more restrictive.

Additionally, the U.S. Schedule indicates that we do not include in our reservations either "vessel construction and repair" or the "landside aspects of port activities." The noninclusion of these measures in our schedule merely indicates that the U.S. government is not reserving the right to impose a future restrictive measure with respect to "landside aspects of port activities." It does not appear possible to interpret this language as granting any type of new business opportunity to Oman or Omani based companies. Moreover, with respect to "landside aspects of port activities" the language in Annex II specifically states that the promised treatment "is conditional upon obtaining comparable market access in these sectors from Oman." As a result of this language, it appears that the proposed Oman FTA does not grant any new opportunities for business investment to Oman that do not already exist, nor does it allow Oman to establish "landside aspects of port activities" unless it is determined that comparable market access is provided to U.S. companies in Oman. Indeed, it may be possible to argue that the language in Annex II in fact potentially limits the opening of U.S. markets with respect to "landside aspects of port activities" because it imposes a comparable access requirement that does not currently exist under domestic law.

Another argument raised in opposition to the proposed Oman FTA is that it provides a type of "pre-clearance" to businesses in Oman with respect to "landside aspects of port activities." It is unclear at this time precisely what the term "pre-clearance" means in this context. For the purposes of the memorandum, however, we will assume that this language refers to the national security review conducted by Committee on Foreign Investment in the United States (CFIUS). CFIUS, as you may know, was the executive branch entity responsible for reviewing national security and other implications of the Dubai Ports World transaction. U.S. law permits the President, at his discretion, to investigate the national security implications of "mergers, acquisitions, and takeovers . . . by or with foreign persons which could result in foreign control of persons engaged in interstate commerce in the United States." In addition, domestic law requires the President to conduct an investigation "in any instance in which an entity con-

trolled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover which could result in control of a person engaged in interstate commerce in the United States that could affect the national security of the United States." The President, by Executive Order, has delegated the responsibility for these investigations to CFIUS.

Based on our review of the proposed Oman FTA, there appears to be no provision that would amend, alter, or adjust this statutory process or its requirements in any way. As a result of the proposed Oman FTA, should a privately owned company in Oman seek to engage in the "landside aspects of port activities," a CFIUS review could still be performed at the discretion of CFIUS, pursuant to the statute. Similarly, should a company owned or controlled by the Omani government wish to engage in any "landside aspects of port activities" at a U.S. port, they would still, pursuant to U.S. law, be required to proceed through the CFIUS process and receive approval from the committee prior to beginning operations. The proposed Oman FTA appears to contain no language that would exempt Oman or Omani government controlled companies from these domestic legal requirements.

Finally, it has been argued that the proposed Oman FTA would allow so-called "shell corporations" to be established in Oman for the purpose of benefitting from the FTA's provisions. For example, assume that Dubai Ports World (DPW), a company controlled by the government of Dubai, were to establish a store front in Oman for the sole purpose of taking advantage of the FTA's investment, market access, and national treatment provisions. Presumably, part of the incentive for doing this would be so that DPW could avail themselves of the investor-state dispute mechanism should their attempts to do business in the United States be denied. The argument against the proposed Oman FTA assumes that the United States would either have to grant DPW access to the U.S. market or face considerable costs in defending our denial of market access. Should the government deny market access, the ensuing litigation could result in an adverse decision costing taxpayers a substantial amount of money in compensatory payments to Dubai.

A careful review of the text of the proposed Oman FTA, however, indicates that this scenario is unlikely to develop. Specifically, Article 10.11(2) addresses this concern by stating that a "Party may deny the benefits of [the Investment Chapter] to an investor of the other Party that is an enterprise of such other Party and to investments of that investor if the enterprise has no substantial business activities in the territory of the other Party and persons of a non-Party, or of the denying Party, own or control the enterprise." Thus, the proposed FTA, by its own provisions, clearly permits the United States to deny benefits under the Investment Chapter to any company or individual unless there are "substantial business activities" established in Oman. Therefore, it appears that the establishment of a mere "shell corporation" would likely not be considered the establishment of "substantial business activity" and, as a result, the United States would be entitled to deny benefits.

This legal position is consistent with administration positions regarding substantially similar language contained in other FTAs. For example, in the Statement of Administrative Action that accompanied the North American Free Trade Agreement, the executive branch stated that "shell companies could be denied benefits but not, for example, firms that maintain their central administration or principle place of business in the territory of, or have a real and continuous link with, the country where they are

established." This language appears to establish a very high threshold for "substantial business activities" by requiring both central administration and principal place of business in the country before benefit can be claimed. Given this interpretive language, it does not appear that DPW, or any other foreign corporation, would be able to satisfy such requirements through a "shell corporation." In addition, for Oman to obtain any of the benefits listed in Annex II with respect to "landside aspects of port activities" they will, as previously discussed, have to provide "reciprocal market access" or else the United States has an additional legal basis to deny market access to Omani companies.

DEPARTMENT OF THE TREASURY,
SECRETARY OF THE TREASURY,
Washington, DC, July 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I understand that concerns have recently arisen over the U.S.-Oman Free Trade Agreement, FTA, and its possible link to the security of U.S. ports—particularly regarding the dispute settlement provisions.

First, this agreement is strongly supportive of our national security in general and the war on terror specifically. It marks another important step in our efforts to deepen and strengthen commercial ties with countries in the Middle East that are trying to modernize and give their people long-term economic opportunities and political rights. The United States should be a catalyst for economic growth and stability in the region and an active supporter and partner of countries, such as Oman, that are seeking to integrate into the global trading community. Oman has been a solid ally in our efforts in the Middle East and in the war on terror, and we need to demonstrate to all countries that our allies in this effort have a reliable friend in the United States as they seek a better economic future.

Second, Article 21.2 of the U.S.-Oman FTA provides for a national security exception that allows the United States to take measures that we determine are necessary for the protection of our essential security interests.

Foreign acquisitions of companies in the United States that operate port terminals are subject to section 721 of the Defense Production Act, the Exon-Florio amendment, which authorizes the President to block and/or force divestment of any proposed or ongoing foreign investment in the United States that threatens to impair U.S. national security. The Exon-Florio Amendment falls within the national security exception, noted above, as a provision that the United States "considers necessary for . . . the protection of its own essential security interests."

Port security in our country is not managed by port terminal operators. A combination of municipal and State port authorities, the U.S. Customs and Border Protection, and the U.S. Coast Guard are responsible for our Nation's port security.

As the Secretary of the Treasury, it is my responsibility to ensure the Exon-Florio amendment is executed. Protection of the national security is my highest responsibility. To be clear, the FTA negotiated with Oman neither subjects national security interests to a third-party tribunal's assessment—as some have alleged—nor does it alter, amend, or adjust the President's Exon-Florio statutory powers to protect the nation's security in any way.

The FTA with Oman provides greater opportunities and opens new markets for U.S. products, investors, and workers. I urge you

and your colleagues to pass the legislation to implement this FTA as soon as possible.

Sincerely,

HENRY M. PAULSON, Jr.,
Secretary of the Treasury.

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to H.R. 5684, the United States-Oman Free Trade Agreement Implementation Act. While the agreement would provide some benefits both for the people of the U.S. and Oman, I think the agreement contains more flaws than benefits, and I believe it must be rejected.

The agreement, which is similar to free trade agreements (FTAs) with Middle Eastern countries Morocco and Bahrain, would provide the U.S. and Oman duty-free access for almost all consumer and industrial goods, with special provisions for agriculture, textiles and apparel. Both countries would phase out all tariffs on the remaining eligible goods within 10 years.

I have supported a number of trade agreements to expand access to foreign markets for exports as part of a long-term strategy to strengthen the American economy. While expanding market access for American industry, financial markets and farmers is critical, I believe it needs to be done responsibly, accounting for the treatment and protection of workers and the environment. This agreement makes efforts to do so but in my opinion needs to go further.

Regarding the agreement's labor provisions, I am concerned that Oman is not in compliance with International Labor Organization (ILO) core labor standards. There are no labor unions in Oman today. The royal decree issued by Sultan Qaboos—which prohibits forced labor and endorses the use of collective bargaining and strikes—is a step in the right direction, but more needs to be done. It's important that the provisions in the recent decree be implemented before Congress considers this agreement. Regardless of the outcome of today's vote, I urge the Administration and the United States Trade Representative (USTR) to monitor and take necessary steps to ensure the implementation of this decree.

I think the Administration and the USTR would be well served by including labor provisions, such as those contained in the U.S.-Jordan Free Trade Agreement, in the body of future trade agreements and making them subject to sanctions via dispute resolution procedures. The dispute resolution procedures continue to fall short in FTAs negotiated by the Bush Administration, and the Oman FTA is no exception. It is important that the United States takes step to ensure our trading partners provide workers with basic labor rights.

I am also concerned about reports that the U.S.-Oman FTA would create a new right requiring the U.S. to allow any Omani company to buy U.S. port operations. Given the uproar earlier this year over the news that Dubai Ports World had been permitted to take over the operations of several U.S. ports, it seemed only reasonable today to pass the Cardin amendment, which would close the loophole in the current trade agreement that allows a foreign company with operations in Oman to operate U.S. Port facilities. But the Republican leadership would not allow the amendment to be considered.

Expanding the liberalization of trade in goods and services between the U.S. and Oman can help us build a stronger relation-

ship with a strategic country in the Middle East. I firmly believe the Bush Administration squandered this opportunity by not paying sufficient attention to national security concerns and by not ensuring basic labor standards in the agreement, which is why I must oppose H.R. 5684 today.

Mr. ALLEN. Mr. Speaker, I rise in opposition to the U.S.-Oman Free Trade Agreement (FTA). We need a new trade policy that recognizes today's realities of the global economy by promoting worker rights, environmental protection and access to health care. This Oman deal fails to meet that test.

Expanding trade opportunities can lead to job growth and economic vitality in Maine and around the country. Trade policy should reflect all our important societal values, not just commercial concerns, in order to create a stronger and more competitive America, encourage broader prosperity at home and abroad, and create a better, healthier future for ourselves and our children.

Inevitably, trade agreements create winners and losers within the U.S. economy. No trade deal can be considered independently of other policies designed to help those who will be shortchanged. Unfortunately, recent U.S. economic policies will make matters worse. The President's budget, adopted by the majority in Congress, cuts programs vital to helping Americans displaced by new trade agreements: job training, vocational education, adult education, community development, and small business aid. It is irresponsible and immoral to inflict a double blow on our most economically vulnerable citizens.

If we do not reverse the disturbing disappearance of manufacturing and information technology jobs, the American economy will suffer even greater job losses and long-term damage.

The U.S.-Oman FTA falls short in the area of worker rights. Its only enforceable labor obligation is a requirement that Oman enforce its own labor laws, even though Oman's laws fail to comply with basic international standards in 10 specific areas. We should mandate Oman abide by core labor rules, to be fair to their own workers and keep trade on a level playing field.

The Oman pact continues a dangerous trend of using trade policy to extend anti-competitive protections for the highly profitable brand name drug industry. Although generic drugs lower prices and therefore improve public health, the intellectual property provisions inserted by the Bush Administration would delay entry of generic prescription drugs by imposing restrictive rules on the developing countries covered by the agreements.

I fear these provisions could come back to hurt Americans, as Congress' ability to legislate on health care could be restricted by international trade obligations. In essence, the Administration is giving powerful drug makers legal standing to challenge domestic U.S. health care laws through trade dispute mechanisms.

We see the double standard. The Administration champions international trade standards when they protect pharmaceutical industry profits, but reject them when they protect workers' rights.

I voted against the fast track/Trade Promotion Authority bill, in part because I believed that it ceded too much authority to the Executive Branch. The experience with this

Oman deal validates my concern. In June, the Senate Finance Committee approved an amendment to the pact stipulating that goods made in Oman with forced labor may not benefit from the trade agreement. When the White House later submitted the agreement to Congress, it left the forced labor provision out. The Administration has ignored the will of Congress. The blank check permitted by this fast track authority is a clear case where bad process leads to bad policy.

I urge my colleagues to reject the U.S.-Oman Free Trade Agreement, and insist on a new, balanced trade policy guided by consensus, not ideology.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the Oman FTA, though not without reservation. Increased economic, social, and political ties with Oman are noble goals and ones for which we should strive. However, the facts behind the crafting of the Oman FTA suggest that this is a hurried trade agreement.

I can support an agreement that serves to support the interests of all parties at stake. I have based my previous votes on free trade agreements by this standard, and by this standard, I have decided to vote against the Oman FTA. While I do not doubt that some sectors of the U.S. economy will benefit from passage of this bill, I am fearful of the repercussions that will face many of our manufacturing industries.

I recognize that Oman is a key ally in the War on Terrorism and a leader in improving the relationship between the Arab world and Israel, but trade agreements should not be judged by beneficial strategic alliances alone. The United States has other allies in the Middle East on the War on Terrorism and should make agreements with those allies in which jobs held by the American people are not sacrificed.

In addition, the Oman FTA may include a dangerous loophole that jeopardizes our Nation's port security. In its present form, this agreement allows a foreign company with operations in Oman to operate U.S. port facilities. The Cardin amendment would provide that the U.S.-Oman Free Trade Agreement cannot take effect until the U.S. withdraws its commitment to allow companies with operations in Oman to operate "landside aspects of U.S. port activities."

Furthermore, the OFTA would expand the failed model of the Central American Free Trade Agreement. This model has been devastating to the U.S. industrial base, accelerating job loss and lowering living standards in the United States while exacerbating poverty and social disparities in the developing nations with which we trade.

Current Omani law does not come close to meeting core International Labor Organization standards. Despite some improvements made to Oman's legal framework, Oman's labor laws today do not provide for the exercise of the most important and fundamental workers' rights: freedom of association and the right to organize and bargain collectively.

In order to ensure progress, we must establish a system of improved standards in education, labor, and environment, among others. In this regard, the OFTA falls short of established standards. The OFTA has neither sufficient nor enforceable labor provisions. This omission of labor standards will result in the continuation of severe labor conditions for

both adults and children. This agreement could permit businesses to profit by exploiting the impoverished. I cannot accept an agreement that allows businesses to increase their profit margins at the expense of the underprivileged.

It seems clear to me that under the current refrain of "free trade to fight poverty," sufficient resources are not being used to help the poor. Businesses are often more interested in the bottom line than the bottom of society. Foreign governments are often far too eager to invite these companies into their nations. This is not the best manner to help fight poverty in the Third World. In order to fight poverty, we must insist on the utilization of resources to protect the poor, not to exploit them. We must insist on better labor and environmental standards in order to ensure that the poor also benefit from free trade agreements.

Over 400 American organizations have announced strong opposition to the Oman FTA. These organizations represent a large number of Americans who oppose the OFTA. Of the 400 groups that oppose the OFTA, there are at least six prominent organizations from the city that I have the privilege of representing, Houston. These organizations include the:

- Harris County Central Labor Council;
- Houston Globalization Forum;
- Houston Globalization Working Group;
- Houston Peace and Justice Center;
- International Brotherhood of Electrical Workers Local 716; and
- The Sheet Metal Workers Local 54.

More than three million manufacturing jobs have been lost in the US since 1998. Increasingly, offshore outsourcing is impacting even highly educated and highly skilled workers. Protecting American jobs generally and especially those jobs belonging to my constituents in the 18th district of Texas is of the utmost priority to me. Thus, I can not stand by and let Americans continue to lose their jobs.

Therefore, we must insist that our trade agreements contain more than an expansion of business interests; they must also contain provisions that expand social and political interests. We must ensure that trade agreements benefit the wealthy and the poor, men and women, young and old. This agreement fails to meet these standards, and I urge my colleagues to oppose it.

Ms. LEE. Mr. Speaker, today we are considering yet another fundamentally flawed free trade agreement—the U.S.-Oman FTA.

How many times will it take to learn that the current model just isn't cutting it? Given the failures of NAFTA and CAFTA, you would think that the U.S.-Oman FTA would be an improvement. Sadly, the same misguided formula is being applied again.

Just look at the facts; you simply cannot camouflage a race to the bottom. So please don't be fooled by the word games that proponents of this deal will play.

FTAs should promote democracy and offer new opportunities for all parties involved. They should not benefit a select few by making the rich wealthier and bankrupting the poor.

We should be protecting labor standards, human rights, the environment, access to medicines, and national sovereignty—not sacrificing them under the guise of promoting business and economic growth. When will we learn that these are not contradictory goals?

But again, these critical issues are shoved to the margins in empty promises and side-let-

ters. There is no excuse for why this trade deal is not fair and balanced.

I urge all of my colleagues to vote against another ludicrous trade deal.

Mr. SMITH of Texas. Mr. Speaker, today the House of Representatives has an opportunity to support the U.S. intellectual property industries by approving the U.S.-Oman Free Trade Agreement.

The agreement is supported by both the International Intellectual Property Association, which is comprised of seven copyright-based trade associations representing over 1,900 different companies, and the Information Technology Industry Council, representing 35 leading high-tech industries, because it will raise the level of intellectual property protection in Oman in a number of ways.

The agreement implements the WIPO Internet Treaties, which provide standards for digital copyrighted material; it protects copyrighted works for extended terms, including 95 years for sound recordings and performances; and it ensures that copyright owners will have the exclusive right to make their works available online.

The agreement will also strengthen the enforcement of intellectual property rights in Oman by including agreed upon criminal standards for copyright infringement with stronger remedies and penalties and by criminalizing end user piracy. These provisions will provide a strong deterrence against piracy and counterfeiting.

Finally, Oman has committed to zero tariffs on all software, movies, music, consumer products, books and magazines exported into the country and to zero tariffs on technology products used to access the Internet.

I urge my colleagues to support this important sector of the U.S. economy and vote in favor of the Oman Free Trade Agreement.

Mr. CROWLEY. Mr. Speaker, the issue of trade has remained contentious over the years.

I believe in the ideals of free trade but it must also be fair trade.

We have to take a close look at each agreement and weigh them on their individual merits.

If the President wants to receive overwhelming support on these agreements he has the power to do it. President Bush has the power to make trade an issue that is strongly supported by all of my colleagues, but he refuses to add what Democrats have been demanding on labor and the environment.

When I look at an agreement various factors go into making my decision process, are we opening new markets for our goods and services, will labor standards be protected, what is our relationship with our potential free trade partner.

As a member of the Middle East subcommittee on the International Relations Committee, I view Oman not as just a trade bill but also as a foreign policy tool.

Oman has been a strong friend and ally of the United States and is providing critical assistance in the global war against terrorism and this agreement will continue to strengthen our relationship.

The 9/11 Commission has recommended that the United States build stronger relationship with moderate Muslim nations such as Oman to build an economic and political partnership.

Besides the economic benefits the United States will enjoy from the implementation of

this free trade agreement it also has spurred our friends in Oman to move beyond their current labor laws. While I would like to see a more progressive stance on labor, I believe these new reforms are genuine.

Oman has shown they are a stable nation in a sea of conflicts in the Middle East and my hope is that this agreement will help move them further down the path of moderation.

I think it is worth noting that during Israel's recent conflict with Hezbollah and Hamas, Oman has been noticeably restrained in criticizing the Jewish State for protecting her citizens.

Oman is a valued member of the Middle East community and this agreement will make them even more so.

At the core of this trade initiative is the belief that through economic opportunity and partnership, with the United States and Israel, that the goal of peace in the region can be furthered.

I understand that perfection can be an unattainable goal but sometimes you must weigh all the pros and cons and on Oman the pros tipped the scale. I also want to address the point of the Dubai port sale raised by the opponents and the ability of an Omani company or another company to base themselves in Oman to try to purchase American port facilities or other infrastructure.

While there are many theoreticals as to what could or could not happen, any purchase of an American asset by an Omani company would be subject to review by the Committee on Foreign Investment in the United States, CFIUS. As the lead sponsor along with Representatives ROY BLUNT, CAROLYN MALONEY, and DEBORAH PRYGE of a bipartisan CFIUS reform, I understand the purchase of American assets by foreign companies or governments well.

This agreement with Oman does not change one bit the CFIUS process and doesn't make it any less secure.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to express my views regarding the Oman Free Trade Agreement.

I have supported certain trade agreements in the past because I believe they can be an important step toward opening markets for U.S. businesses. I also believe that the economic interdependence that flows from trade agreements can help create a more cooperative and peaceful world by solidifying ties between nations. That is why I supported agreements with Australia, Chile, Morocco, Bahrain and Singapore.

This outlook informs my approach to trade agreements and as I carefully considered the provisions of the Oman Free Trade agreement, I recognized its potential for opening Oman's market to U.S. agriculture, manufacturing and the services industry. But a trade agreement is about more than trade; it is also about the fair treatment of workers and other considerations.

With respect to worker's rights, the Oman FTA is seriously flawed. Like CAFTA, the Oman FTA only requires the Omani Government to enforce its own labor laws. And when violations occur, the Omani Government is only required to pay a financial penalty to itself. This provision is a source of concern to me in light of reports by the international labor community that Oman's labor laws fall far short of meeting the International Labor Organization's core labor standards and do not pro-

vide Omani workers with the fundamental protections needed to prevent workplace exploitation.

Oman has a massive guest worker population, comprising over 75 percent of Oman's total work force. According to reports, in Oman, guest workers are prevented from exercising their international labor rights and have reportedly been jailed for complaining about the working conditions and violation of labor rights.

My concerns about the Oman FTA were reinforced by news reports coming out of Jordan about violations of Jordanian workers rights. Before these incidents, the Jordan Free Trade Agreement was considered the gold standard for labor provisions in trade agreements. Jordan's labor laws are strong and it has long experience administrating them. That is why, when I read the May 3, 2006, New York Times article describing the abusive conditions in Jordan's apparel industry, I also grew concerned about the lack of protections for workers in Oman.

Reports are emerging from Jordan of an environment where workers put in 20-hour days with little or no pay and where physical abuse is rampant. If workers rights are not enforced in Jordan, there is little hope that workers in Oman—where independent unions are outlawed—will have their rights protected.

Trade agreements must at least hold open the reasonable prospect that workers will be treated fairly. This agreement fails that test.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 5684, the Oman Free Trade Agreement, because I think it is the right thing to do. I am going to vote for this agreement because I believe that free trade can be a way to promote our national security through international cooperation and economic growth.

The country of Oman is an important ally of the United States in a part of the world where we need more friends. It is also a country that is growing, one that will provide economic opportunities and jobs to our Nation through increased exports. Upon passage of this agreement, Oman will provide immediate duty-free access to 87 percent of U.S. agricultural exports and 100 percent duty-free trade in industrial and consumer products.

Mr. Speaker, Oman is a friend to the United States and a leader in the Middle East region. Oman has demonstrated this by passing tough new labor laws, normalizing relations with Israel, and supporting the U.S. efforts in Iraq. Passage of this agreement will demonstrate that we can do more to enhance our Nation's national security through cooperation and economic development.

Although this legislation is not perfect, approving the Oman Free Trade Agreement is in America's national interest, and I urge my colleagues to vote "yes" on this bill.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). All time for debate on the bill has expired.

Pursuant to House Resolution 925, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 5684 will be followed by a 5-minute vote on suspending the rules on H. Con. Res. 448.

The vote was taken by electronic device, and there were—yeas 221, nays 205, not voting 7, as follows

[Roll No. 392]

YEAS—221

Akin	Frelinghuysen	Musgrave
Alexander	Gallegly	Myrick
Bachus	Garrett (NJ)	Neugebauer
Baird	Gibbons	Nunes
Baker	Gilchrest	Osborne
Barrett (SC)	Gillmor	Oxley
Bartlett (MD)	Gohmert	Pearce
Barton (TX)	Goodlatte	Pence
Bass	Granger	Peterson (PA)
Bean	Graves	Petri
Beauprez	Green (WI)	Pickering
Biggart	Gutknecht	Pitts
Billbray	Hall	Platts
Bilirakis	Harman	Poe
Blackburn	Harris	Pombo
Blunt	Hart	Porter
Boehlert	Hastert	Price (GA)
Boehner	Hastings (WA)	Pryce (OH)
Bonilla	Hayworth	Putnam
Bonner	Hefley	Radanovich
Bono	Hensarling	Ramstad
Boozman	Herger	Regula
Boren	Hobson	Rehberg
Boustany	Hoekstra	Reichert
Bradley (NH)	Hulshof	Renzi
Brady (TX)	Hunter	Reynolds
Brown (SC)	Hyde	Rogers (KY)
Brown-Waite,	Inglis (SC)	Rogers (MI)
Ginny	Issa	Rohrabacher
Burgess	Istook	Ros-Lehtinen
Burton (IN)	Jefferson	Royce
Buyer	Jenkins	Ryan (WI)
Calvert	Jindal	Ryun (KS)
Camp (MI)	Johnson (CT)	Saxton
Campbell (CA)	Johnson (IL)	Schmidt
Cannon	Johnson, Sam	Sensenbrenner
Cantor	Keller	Sessions
Capito	Kelly	Shadegg
Carter	Kennedy (MN)	Shaw
Case	King (IA)	Shays
Castle	King (NY)	Sherwood
Chabot	Kingston	Shimkus
Chocola	Kirk	Shuster
Cole (OK)	Kline	Simpson
Conaway	Knollenberg	Skelton
Crenshaw	Kolbe	Smith (TX)
Crowley	Kuhl (NY)	Smith (WA)
Cubin	LaHood	Snyder
Cuellar	Larsen (WA)	Sodrel
Culberson	Latham	Souder
Davis (CA)	Leach	Stearns
Davis (KY)	Lewis (CA)	Sullivan
Davis, Tom	Lewis (KY)	Tanner
Dent	Linder	Tauscher
Diaz-Balart, L.	Lucas	Terry
Diaz-Balart, M.	Lungren, Daniel	Thomas
Dicks	E.	Thornberry
Doolittle	Mack	Tiahrt
Drake	Manzullo	Tiberi
Dreier	Marchant	Turner
Duncan	Matheson	Upton
Edwards	McCaul (TX)	Walden (OR)
Ehlers	McCrery	Wamp
Emerson	McHenry	Weldon (FL)
English (PA)	McKeon	Weller
Etheridge	McMorris	Westmoreland
Feeney	Meeke (NY)	Whitfield
Ferguson	Mica	Wicker
Flake	Miller (FL)	Wilson (NM)
Foley	Miller (MI)	Wilson (SC)
Forbes	Miller, Gary	Wolf
Fortenberry	Moore (KS)	Young (AK)
Fossella	Moran (KS)	Young (FL)
Fox	Moran (VA)	
Franks (AZ)	Murphy	

NAYS—205

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Cummings
Davis (AL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gingrey
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)

NOT VOTING—7

Bishop (UT) Evans
Davis (FL) McKinney
Davis, Jo Ann Northup

□ 1452

Mr. NORWOOD and Mr. POMEROY changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

COMMENDING NASA ON COMPLETION OF THE SPACE SHUTTLE'S SECOND RETURN-TO-FLIGHT MISSION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 448.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 448, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 393]

YEAS—415

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa

Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)

Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hersth
Higgins
Hinchev
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack

Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McHenry
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeke (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence

NOT VOTING—17

Ackerman
Bishop (UT)
Brown (SC)
Davis (FL)
Davis, Jo Ann
Deal (GA)

Evans
McKinney
McNulty
Meehan
Northup
Nussle

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in the vote.

□ 1500

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may