

But one of the high points came last summer when the Senate Energy Committee came together in an unprecedented effort to debate and pass an amendment that basically protected ratepayers throughout the country, to make sure they had a fair shot at justice. This was an important amendment I offered, which made sure that everyone understood that the federal energy regulatory authority was the proper place to decide whether utilities such as Snohomish County PUD should have to pay Enron for power at exorbitant rates, resulting from Enron's market manipulation.

I know the Chair knows this issue well and knows there were many other parts of the country that also were impacted by the same issues. That is why I want to make sure that we give thanks to all the people who played a constructive role in the debate: Certainly, I thank Senator ENSIGN, whose ratepayers in Nevada were facing a similar situation; of course, Senator REID; Chairman DOMENICI, who ran the Energy Committee in a fair and open way that allowed us to have a serious debate. The chairman deserves credit, along with the ranking member, Senator BINGAMAN, for his focus on consumer protection; Senator SMITH, Senator CRAIG and Senator ALLEN, Senators WYDEN and MURRAY, and all my Democratic colleagues on the Committee.

We also had some incredible help and support from the Energy Committee counsel and staff: Chief counsel Sam Fowler and Judy Pensabene, along with other in-depth analysis from Leon Lowery and Lisa Epiphane. These staff people helped us wade through a very challenging legal issue but, in the end, made sure that federal authority stayed where it was, and that that Federal entity gave the ratepayers a chance at the important relief they needed.

The other side of the story is that of the Snohomish County PUD, this is a David and Goliath story, of a small utility that did the job of taking on a big power company. This utility said that it was not going to be forced to pay manipulated power rates. They fought for the ratepayers of their State and for justice to make sure that this never happens again to consumers in America. It shows that sometimes the little guy can win. It shows that the Snohomish County PUD fought back against this fraudulent \$122 million bill, and was vindicated in the process.

It was an important battle for them to fight, for the average Snohomish County resident who would have been forced to pay over \$400 additional to Enron in utility rates; and for the county's school districts that would have seen a \$2.5 million increase in electricity costs. That is money that can otherwise go to hiring teachers or paying for books. And for the businesses and other ratepayers in this county who were impacted economically by the exorbitant rates we have

been paying from the western energy crisis and Enron's manipulation, last night's announcement will bring a big sigh of relief.

Now we need to make sure that we get on with the task of making sure that this never happens again. When it comes to energy markets that drive our economy, aggressive consumer protection must be part of Federal regulators' overall objective, when overseeing the wholesale electricity markets. It is far better that we continue to make sure the Federal regulators do their job. If that is what Congress needs to do by passing amendments such as the Cantwell amendment, we will continue to do so.

We also took some important steps in the Energy bill last year by saying that there is a Federal ban on market manipulation; that is, when it comes to electricity markets and natural gas markets. This Senator believes there is still more to be done in other energy markets. Just this morning we woke up to news that BP North America has been indicted for manipulation of propane markets. This is a case that is just starting to be made, but we will hear the evidence.

Our work is not done until we make sure that the Commodity Futures Trading Commission, the Federal Trade Commission, and other Federal agencies have all the tools they need to make sure there is transparency in energy markets; to make sure that propane, jet fuel, oil, diesel, gasoline markets, all are protected with the transparency and oversight necessary to make sure consumers aren't impacted by market manipulation. In the end, it is the American consumer and the American economy that suffer when we don't have functioning energy markets.

I look forward to working with my colleagues to continue to make sure that we protect consumers from exorbitant energy rates, that we do our job at the Federal level to enforce the law and uphold those standards that make these markets work and continue to help our economy grow.

Again, I thank all those who were helpful in the long process to bring justice for ratepayers in the State of Washington and all those who sought to give a good helping hand in the effort to make sure that our Federal laws were held up, implemented, and that we didn't allow this issue to continue to be punted around a variety of bankruptcy courts. But instead, we made sure that justice was delivered to the ratepayers.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTE TO NIKKI KIMBALL

Mr. BAUCUS. I rise today to recognize my friend and fellow Montanan, Nikki Kimball. Starting in the early morning hours on June 24, for 19 hours, 26 minutes, and 50 seconds, Nikki put her body through one of the most grueling endurance races in the world.

The Western States Endurance Run is a 100-mile trek through the picturesque mountains of northern California.

Since the 1970s, runners from six continents have traveled to Squaw Valley to push their bodies to the limit.

Following the Western States Trail, once used by the gold and silver miners, the runners traverse some of the most diverse terrain the mountains have to offer.

However, this run is more than just a physical challenge, it is a battle of wills between the determined runners and Mother Nature. When I talked to Nikki, the first thing that she mentioned was the excruciating heat.

The searing heat not only resulted in intense dehydration, it also caused her shoe leather to constrict on her feet resulting in horrendous blisters. Yet, she forged on.

This race became a battle against oneself. As a fellow distance runner, I know the agony that comes with these types of races. Your legs are cramping, your lungs are on fire, and everything in you says stop, sit down, quit. Yet, in the back of your mind there is the little voice saying keep going, one more mile, you can make it. Nikki listened to that voice, and turned in an epic performance.

Though challenged by hundreds of runners, including many professionals, Nikki coupled her elite physical prowess with an iron will, and won the female division, and placed second overall.

Her performance at Western States is just another addition to her phenomenal athletic resume.

Nikki's running has taken her all over the world and awarded her many honors. She has been selected as the UltraRunning Magazine's North American Runner of the Year, represented the United States on the 100K World Cup team, and has also won the U.S. national snowshoeing championship.

Currently, Nikki is training for the White River 50 mile race in Washington, which is a national championship event.

Yet, Nikki is defined by more than just her running. For all the effort she puts into sports, she puts just as much time into helping the Gallatin and Park County communities as a physical therapist.

Nikki has used her intimate knowledge of athletics to provide accurate insight into many ailments that hinder the citizens of the Gallatin Valley, as well as Paradise Valley, I might add, and all over Montana.

Nikki is an inspiration to all of us. She represents the dedication, iron will, and determination that has come

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

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

The PRESIDING OFFICER. There is 15 seconds remaining.

Mr. BAUCUS. I will let that time expire.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

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

The legislative clerk read as follows:

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator is recognized.

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