

## HOW MEMBERS MAKE DECISIONS

AS A BILL MAKES ITS WAY through the labyrinth of the law-making process described above, members are confronted with the question: “How should I vote?” Members adhere to their own personal beliefs on some matters, but their views often are moderated by other considerations. To avoid making any voting mistakes, members look to a variety of sources for cues.



Photo courtesy: *The Register Mail, Mia Algotti/AP/Wide World Photos*

### Party

Members often look to party leaders for indicators of how to vote. Indeed, it is the whips’ job in each chamber to reinforce the need for party cohesion, particularly on issues of concern to the party. From 1970 to the mid-1990s, the incidence of party votes in which majorities of the two parties took opposing sides roughly doubled to more than 60 percent of all roll-call votes.<sup>39</sup> When the Republicans took control of Congress in 1995, it became the most partisan year in generations.

Partisanship still reigns supreme in both houses of Congress. In the 107th Congress, for example, there was perfect party unity on all major votes taken in the House.<sup>40</sup> In the 108th Congress, Democratic senators demonstrated unanimity in filibustering several presidential judicial nominations to the U.S. Courts of Appeals. While some charged that this was not evidence of party unity, but instead elected officials taking their direction from major liberal special interest groups, there can be no doubt that in both closely divided houses, party reigns supreme.<sup>41</sup>

With Republicans in control of both houses in recent Congresses, many critics also charge that both parties have pressured their members to take increasingly partisan positions. Surprisingly, in times of **divided government**, when different political parties control the executive and legislative branches, most commentators noted how rancorous law-making could get. Today, with Congress and the presidency controlled by one party, it seems as though things have only gotten worse. An overwhelming number of members of Congress elected as Republicans or Democrats feel a strong obligation to their party. And, if the president is of the same party, the pressure to vote the party line is only increased.

Party loyalty is not the only reason members vote the way they do. Both parties have committees in both houses of Congress that provide extraordinary campaign assistance in the form of funding, political and media consulting, and direct mailing. Members know that if they fail to go along with the party on major votes, they risk losing this critical campaign support. Similarly, both senators and representatives can be assisted in their reelection bids by having the president (if he is of the same party) or highly popular political leaders come to their states or districts to assist them in their electioneering activities.

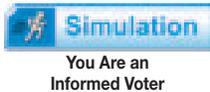
### Constituents

Constituents—the people who live and vote in the home district or state—are always in the member’s mind when casting a vote.<sup>42</sup> Studies by political scientists show that

■ Democrat Barack Obama (D–IL) on the campaign trail in 2004. Obama is the only African American serving in the Senate.

### divided government

The political condition in which different political parties control the White House and Congress.



members vote in conformity with prevailing opinion in their districts about two-thirds of the time.<sup>43</sup> On average, Congress passes laws that reflect national public opinion at about the same rate.<sup>44</sup> It is rare for a legislator to vote against the wishes of his or her constituency regularly, particularly on issues of welfare rights, domestic policy, or other highly salient issues such as civil rights, abortion, or war. Most constituents often have strong convictions on one or more of these issues. For example, during the 1960s, representatives from southern states could not hope to keep their seats for long if they voted in favor of proposed civil rights legislation. But, gauging how voters feel about any particular issue often is not easy. Because it is virtually impossible to know how the folks back home feel on all issues, a representative's perception of their preferences is important. Even when voters have opinions, legislators may get little guidance if their district is narrowly divided. Abortion is an issue about which many voters feel passionately, but a legislator whose district has roughly equal numbers of pro-choice and pro-life advocates can satisfy only a portion of his or her constituents.

Legislators tend to act on their own preferences as trustees when dealing with topics that have come through the committees on which they serve or with issues that they know about as a result of experience in other contexts, such as their vocation. On items of little concern to people back in the district or for which the legislator has little first-hand knowledge, the tendency is to turn to other sources for voting cues.

## Colleagues and Caucuses

The range and complexity of issues confronting Congress mean that no one can be up to speed on more than a few topics. When members must vote on bills about which they know very little, they often turn for advice to colleagues who have served on the committee that handled the legislation. On issues that are of little interest to a legislator, **logrolling**, or vote trading, often occurs. Logrolling often takes place on specialized bills targeting money or projects to selected congressional districts. An unaffected member often will exchange a yea vote for the promise of a future yea vote on a similar piece of specialized legislation.

Members may also look to other representatives who share common interests. Special-interest caucuses created around issues, home states, regions, congressional class, or other shared interests facilitate this communication. Prior to 1995, the power of these groups was even more evident, as several caucuses enjoyed formal status within the legislative body and were provided staff, office space, and budgets. Today, however, all caucuses are informal in nature, although some are far more organized than others. The Congressional Women's Caucus, for example, has formal elections of its Republican and Democratic co-chairs and vice chairs, provides staff members detailed to work on issues of common concern to caucus members, and meets regularly to urge its members to support legislation of interest to women.

*Photo courtesy: Dennis Cook/AP/Wide World Photos*



### logrolling

Vote trading; voting yea to support a colleague's bill in return for a promise of future support.

■ Melvin Watt, (D–NC) discusses his selection as the new chair of the Congressional Black Caucus at a news conference on Capitol Hill in December 2004. Watt succeeds Elijah Cummings (D–MD) at left.

## Interest Groups, Lobbyists, and Political Action Committees

A primary function of most lobbyists, whether they work for interest groups, trade

associations, or large corporations, is to provide information to supportive or potentially supportive legislators, committees, and their staffs.<sup>45</sup> It is likely, for example, that a representative knows the National Rifle Association’s (NRA) position on gun control legislation. What the legislator needs to get from the NRA is information and substantial research on the feasibility and impact of such legislation. How could the states implement such legislation? Is it constitutional? Will it really have an impact on violent crime or crime in schools? Organized interests can win over undecided legislators or confirm the support of their friends by providing information that legislators use to justify the position they have embraced. They also can supply direct campaign contributions, volunteers, and publicity to members seeking reelection.

Pressure groups also use grassroots appeals to pressure legislators by urging their members in a particular state or district to call, write, fax, or e-mail their senators or representatives. Lobbyists can’t vote, but voters back home can and do. Lobbyists and the corporate or other interests they represent, however, can contribute to political campaigns and are an important source of campaign contributions. Many have political action committees (PACs) to help support members seeking reelection.

While a link to a legislator’s constituents may be the most effective way to influence behavior, it is not the only path of interest-group influence on member decision making.<sup>46</sup> The high cost of campaigning has made members of Congress, especially those without huge personal fortunes, attentive to those who help pay the tab for the high cost of many campaigns. The almost 5,000 PACs organized by interest groups are a major source of most members’ campaign funding. When an issue comes up that is of little consequence to his or her constituents, there is, not surprisingly, a tendency to support the positions of those interests who helped pay for the last campaign. After all, who wants to bite the hand that feeds him or her? (Interest groups and PACs are discussed in detail in chapter 16. PACs are also discussed in chapter 14.)

### Staff and Support Agencies

Members of Congress rely heavily on members of their staffs for information on pending legislation.<sup>47</sup> Not only do staff members meet regularly with staffers from other offices about proposed legislation or upcoming hearings, but staff members also prepare summaries of bills and brief the representative or senator based on their research and meetings. Especially if a bill is nonideological or one on which the member has no real position, staff members can be very influential. In many cases, lobbyists are just as likely to contact key staffers as they are members.

Congressional committees and subcommittees also have their own dedicated staff to assist committee members. Additional support for members comes from support personnel at the Congressional Budget Office (CBO), the Congressional Research Service (CRS) at the Library of Congress, and the General Accountability Office (GAO) (see Table 7.6).

**TABLE 7.6** Congressional Support Agencies

<i>Congressional Budget Office (CBO)</i>	<i>Congressional Research Service (CRS)</i>	<i>General Accountability Office (GAO)</i>
The CBO was created in 1974 to evaluate the economic effect of different spending programs and to provide information on the cost of proposed policies. It is responsible for analyzing the president’s budget and economic projections. The CBO provides Congress and individual members with a valuable second opinion to use in budget debates.	Created in 1914 as the Legislative Research Service (LRS), CRS is administered by the Library of Congress. It responds to more than a quarter of a million congressional requests for information each year. Its staff conducts nonpartisan studies of public issues, compiles facts on both sides of issues, and conducts major research projects for committees at the request of members. The CRS also prepares summaries of all bills introduced and tracks the progress.	The General Accounting Office (GAO) was established in 1921 as an independent regulatory agency for the purpose of auditing the financial expenditures of the executive branch and federal agencies. Today, the GAO performs four additional functions: it sets government standards for accounting, it provides a variety of legal opinions, it settles claims against the government, and it conducts studies upon congressional request. In 2004, its name was changed to the Government Accountability Office to better reflect its function.

## THE LAW-MAKING FUNCTION OF CONGRESS

THE ORGANIZATION OF CONGRESS allows it to fulfill its constitutional responsibilities, chief among which is its law-making function. It is through this power that Congress affects the day-to-day lives of all Americans and sets policy for the future. Proposals for legislation—be they about education, violence against women, trade with China, gun control, or foreign aid—can come from the president, executive agencies, committee staffs, interest groups, or even private individuals. Only members of the House or Senate, however, formally can submit a bill for congressional consideration (although many are initially drafted by lobbyists). Once a bill is introduced by a member of Congress, it usually reaches a dead end. Of the approximately 9,000 or so bills introduced during any session of Congress, fewer than 10 percent are made into law.

It is probably useful to think of Congress as a system of multiple vetoes, which was what the Framers desired. They wanted to disperse power, and as Congress has evolved it has come closer and closer to the Framers' intentions. As a bill goes through Congress, there is a dispersion of power as roadblocks to passage must be surmounted at numerous steps in the process. In addition to realistic roadblocks, caution signs and other opportunities for delay abound. A member who sponsors a bill must get through every obstacle. In contrast, successful opposition means winning at only one of many stages, including: (1) the subcommittee; (2) the House full committee; (3) the House Rules Committee; (4) the House; (5) the Senate subcommittee; (6) the full Senate committee; (7) the Senate; (8) floor leaders in both Houses; (9) the House-Senate conference committee; and, (10) the president.

The story of how a bill becomes a law in the United States can be told in two different ways. The first is the textbook method, which provides a greatly simplified road map of the process to make it easier to understand. We'll review this method first.

### How a Bill Becomes a Law: The Textbook Version

A bill must survive three stages before it becomes a law. It must be approved by one or more standing committees and both chambers, and, if House and Senate versions differ, each house must accept a conference report resolving those differences. A bill may be killed during any of these stages, so it is much easier to defeat a bill than it is to get one passed. The House and Senate have parallel processes, and often the same bill is introduced in each chamber at the same time.

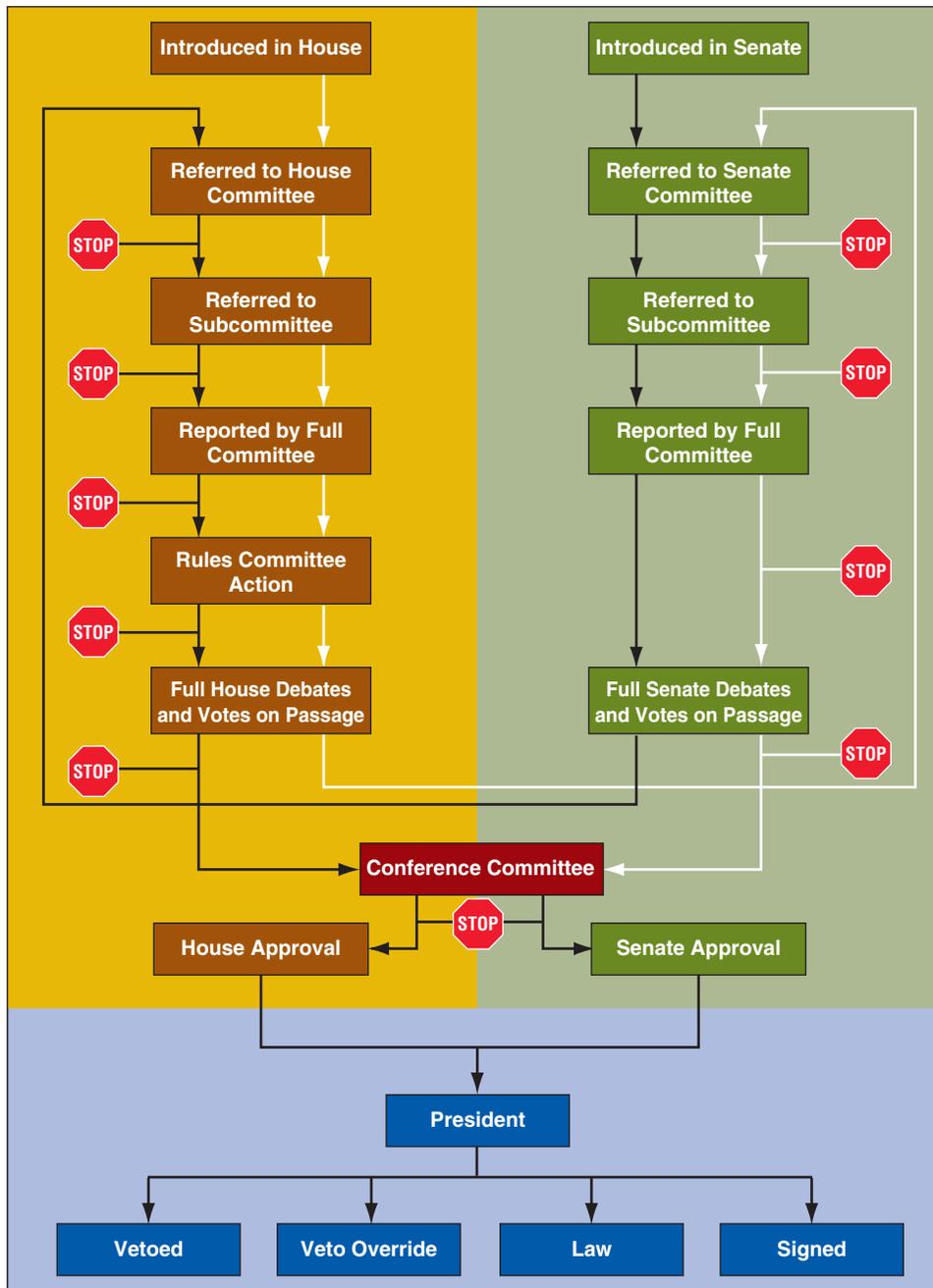
A bill must be introduced by a member of Congress, but, in an attempt to show support for the aims of the bill, it is often sponsored by several other members (called co-sponsors).<sup>48</sup> Once introduced, the bill is sent to the clerk of the chamber, who gives it a number (for example, HR 1 or S 1—indicating House or Senate bill number one for the Congress). The bill is then printed, distributed, and sent to the appropriate committee or committees for consideration.

The first action takes place within the committee, after it is referred there by the speaker. The committee usually refers the bill to one of its subcommittees, which researches the bill and decides whether to hold hearings on it. The subcommittee hearings provide the opportunity for those on both sides of the issue to voice their opinions. Most of these hearings are now open to the public because of 1970s sunshine laws, which require open sessions. After the hearings, the bill is revised in subcommittee, and then the subcommittee votes to approve or defeat the bill. If the subcommittee votes in favor of the bill, it is returned to the full committee, which then either rejects the bill or sends it to the House or Senate floor with a favorable recommendation (see Figure 7.3).

The second stage of action takes place on the House or Senate floor. As previously discussed, in the House, before a bill may be debated on the floor, it must be approved by the Rules Committee and given a rule and a place on the calendar, or schedule. (House budget bills, however, don't go to the Rules Committee.) In the House, the rule given to a bill determines the limits on the floor debate and specifies what types of



FIGURE 7.3 How a Bill Becomes a Law. ■



amendments, if any, may be attached to the bill. Once the Rules Committee considers the bill, it is put on the calendar.

When the day arrives for floor debate, the House may choose to form a Committee of the Whole. This procedure allows the House to deliberate with only one hundred members present, to expedite consideration of the bill. On the House floor, the bill is debated, amendments are offered, and a vote ultimately is taken by the full House. If the bill survives, it is sent to the Senate for consideration if it was not considered there simultaneously.

Unlike the House, where debate is necessarily limited given the size of the body, bills may be held up by a hold or a filibuster in the Senate. A **hold** is a tactic by which a senator asks to be informed before a particular bill is brought to the floor. This request

### hold

A tactic by which a senator asks to be informed before a particular bill is brought to the floor. This stops the bill from coming to the floor until the hold is removed.

signals the Senate leadership and the sponsors of the bill that a colleague may have objections to the bill and should be consulted before further action is taken.

Holds are powerful tools. In 2002, for example, Senator Joe Biden (D-DE) became so upset with congressional failure to fund Amtrak security (Biden takes Amtrak back and forth to his home in Delaware when the Senate is in session) that he put holds on two Department of Transportation nominees, whom he called “fine, decent, and competent people.” This meant that their nominations could not be considered until he removed his hold. In return, the Bush administration retaliated by withholding a third of the funding for a University of Delaware research project on high-speed trains. As the *Washington Post* noted in reporting this story, “Welcome to the wild wacky world of Washington politics, where people sometimes destroy a village to save it.”<sup>49</sup>

### filibuster

A formal way of halting action on a bill by means of long speeches or unlimited debate in the Senate.

**Filibusters**, which allow for unlimited debate on a bill (or on presidential appointments), grew out of the absence of rules to limit speech in the Senate. In contrast to a hold, a filibuster is a more formal and public way of halting action on a bill. There are no rules on the content of a filibuster as long as a senator keeps on talking. A senator may read from a phone book, recite poetry, or read cookbooks in order to delay a vote. Often, a team of senators takes turns speaking to keep the filibuster going in the hope that a bill will be tabled or killed. In 1964, for example, a group of northern liberal senators continued a filibuster for eighty-two days in an effort to prevent amendments that would weaken a civil rights bill. Still, filibusters often are more of a threat than an actual event on the Senate floor, although they are once again becoming more frequent.

There is only one way to end a filibuster. Sixteen senators must sign a motion for **cloture**. This motion requires the votes of sixty members to limit debate; after a cloture motion passes the Senate floor, members may spend no more than thirty additional hours debating the legislation at issue.

The third stage of action takes place when the two chambers of Congress approve different versions of the same bill. When this happens, they establish a conference committee to iron out the differences between the two versions. The conference committee, whose members are from the original House and Senate committees, hammers out a compromise, which is returned to each chamber for a final vote. Sometimes the conference committee fails to agree and the bill dies there. No changes or amendments to the compromise version are allowed. If the bill is passed, it is sent to the president, who either signs it or **veto**es it. If the bill is not passed in both houses, it dies.

The president has ten days to consider a bill. He has four options:

1. The president can sign the bill, at which point it becomes law.
2. The president can veto the bill, which is more likely to occur when the president is of a different party from the majority in Congress; Congress may override the president’s veto with a two-thirds vote in each chamber, a very difficult task).
3. The president can wait the full ten days, at the end of which time the bill becomes law without his signature if Congress is still in session.
4. If the Congress adjourns before the ten days are up, the president can choose not to sign the bill, and it is considered pocket vetoed.

A **pocket veto** figuratively allows bills stashed in the president’s pocket to die. The only way for a bill then to become law is for it to be reintroduced in the next session and be put through the process all over again. Because Congress sets its own date of adjournment, technically the session could be continued the few extra days necessary to prevent a pocket veto. Extensions are unlikely, however, as sessions are scheduled to adjourn close to the November elections or the December holidays.

### cloture

Mechanism requiring sixty senators to vote to cut off debate.

### veto

Formal constitutional authority of the president to reject bills passed by both houses of the legislative body, thus preventing their becoming law without further congressional activity.

### pocket veto

If Congress adjourns during the ten days the president has to consider a bill passed by both houses of Congress, without the president’s signature, the bill is considered vetoed.

## How a Bill Really Becomes a Law: The China Trade Act of 2000

For each bill introduced in Congress, enactment is a long shot. A bill's supporters struggle to get from filing in both houses of Congress to the president's signature, and each bill follows a unique course. The progress of the trade legislation described below is probably even quirkier than most bills that actually become law.

Under the Trade Act of 1974, part of a two-decades-old American Cold War policy, the president of the United States was empowered to grant any nation "most favored" trade status, a designation that brings favorable U.S. tariff treatment. By law, however, the president was limited to extending that status to communist countries on a year by year (instead of permanent) basis subject to congressional review. Thus, since passage of that act, China, as a communist nation, could receive this status only a year at a time, even though it provided a huge potential market for U.S. goods. President Bill Clinton and many members of the business community wanted this year by year reauthorization dropped once China was scheduled to join the World Trade Organization. To do that required a new act of Congress. Ironically, the Clinton administration's push for this bill also allied President Clinton with many Republicans who favored opening trade to a nation with billions of new consumers. Many of the Republicans' biggest financial and political supporters would benefit from opening Chinese markets and removing barriers to service providers such as banks and telecommunications companies. In contrast, unions, a traditionally Democratic constituency, feared further loss of jobs to foreign shores.

Legislation to extend what is called permanent normal trade relations (PNTR) was viewed by Clinton as a means of putting "his imprint on foreign policy [as] the president who cemented in place the post-Cold-War experiment of using economic engagement to foster political change among America's neighbors and its potential adversaries."<sup>50</sup> He had begun this effort in 1993 after he pushed through Congress passage of the North American Free Trade Agreement (NAFTA) with Mexico and Canada. Now, as his time in office was coming to an end, he wanted Congress to act to allow him to cement PNTR with China.

As soon as the United States completed a bilateral agreement to make China a member of the World Trade Organization in November 1999 and early 2000, Clinton met with more than one hundred lawmakers individually or in groups, called scores more on the phone, and traveled to the Midwest and California to build support for the proposed legislation, which was necessary to implement this agreement. While Clinton was setting the stage for congressional action, the U.S. Chamber of Commerce and the Business Roundtable launched a \$10 million ad campaign—the largest ever for a single legislative issue.<sup>51</sup>

On March 8, 2000, Clinton transmitted the text of legislation he was requesting to Congress. This proposed legislation, called S 2277, was formally introduced in the Senate on March 23 by Senator William Roth Jr. (R-DE). It was then read twice and referred to the Finance Committee. In the House, hearings on the China trade policy were held throughout the spring, even before the Clinton legislation formally was introduced. Anticipating concern from colleagues about China's human rights abuses, labor market issues, and the rule of law, some members proposed that Congress create (under separate legislation) a U.S. Congressional-Executive Commission on China to monitor those issues. HR 4444, the bill that Clinton sought, was introduced formally in the House on May 15, 2000, by Representative Bill Archer (R-TX). It was referred to the House Ways and Means Committee shortly thereafter and a mark-up session was held on May 17. It was reported out of committee on the same day by a vote of 34–4. On May 23, 2000, HR 4444 received a rule from the Rules Committee allowing for three hours of debate. The bill was closed to amendments except motions to recommit, and

the House Republican leadership “closed ranks behind the bill,” claiming that economic change would foster political change.<sup>52</sup> But, they still had to sell this idea to their colleagues, many of whom balked at extending trade advantages to a communist government with a history of rights violations, including religious persecution and the denial of political rights to many. The rights legislation was designed to assuage those fears.

While the House Committee on International Relations was holding hearings (and even before), the Clinton administration sprang into action. Secretary of Commerce William Daley and several other Cabinet members were sent out to say the same thing over and over again: the bill will mean jobs for Americans and stability in Asia. Republican leaders got Chinese dissidents to say that the bill would improve human rights in China, and televangelist Billy Graham was recruited by the leadership to endorse the measure. At the same time, interest groups on both sides of the debate rushed to convince legislators to support their respective positions. Organized labor, still stinging from its NAFTA loss, was the biggest opponent of the bill. Teamsters and members of the United Auto Workers roamed the halls of Congress, trying to lobby members of the House.<sup>53</sup> Vice President Al Gore, knowing that he would need union support in the upcoming presidential election, broke ranks with the president and said that the bill would only serve to move American jobs to China.

On the other side, lobbyists from large corporations, including Procter & Gamble, and interest groups such as the Business Roundtable, used their cell phones and personal contacts to cajole legislators. “It’s like a big wave hitting the shore,” said one uncommitted Republican legislator from Staten Island, New York.<sup>54</sup> For the first time, he was lobbied by rank-and-file office workers at the request of their corporate offices, as well as union members. Another member of Congress was contacted by former President George Bush and Secretary of Defense William Cohen, and he received a special defense briefing from the Central Intelligence Agency. The president of the AFL-CIO also personally visited him. All stops were out, and this was the kind of treatment most undecided members received.

House debate on the bill began on May 24, 2000. That morning, House Republican Whip Tom DeLay (R-TX) didn’t know if he had enough votes to support the measure to ensure its passage. The bare minimum he needed was 150 Republicans if he was to push the bill over the top.<sup>55</sup> DeLay lined up lots of assistance. Somewhat ironically, Texas Governor George W. Bush and retired General Colin Powell were enlisted to help convince wavering Republicans to support the Democratic president’s goals. Powell, in particular, was called on to assuage national security concerns of several conservative representatives. Scores of pro-trade lobbyists spread out over Capitol Hill like locusts looking to light on any wavering legislators. A last-minute amendment to create a twenty-three-member commission to monitor human rights and a second to monitor surges in Chinese imports helped garner the votes of at least twenty more legislators.

Debate then came on a motion from House Democratic Whip David Bonior (D-MI) to recommit the bill to the Ways and Means and International Relations Committees to give them the opportunity to add an amendment to the bill to provide conditions under which withdrawals of normal trade relations with China could occur should China attack or invade Taiwan. This motion failed on a vote of 176–258. As lobbyists stepped up their efforts, their actions and those of the Republican leadership and the Clinton administration bore fruit. Every single uncommitted Republican voted for the bill, joining seventy-three Democrats to grant China permanent normal trade status as the bill passed by a surprisingly large margin of 237–197. “Frankly, they surprised me a bit. Members in the last few hours really turned around and understood how important this was,” said DeLay, who earned the nickname “The Hammer” for his efforts to have members vote his way. Stunned labor leaders admitted that they were outgunned. “The business community unleashed an unprecedented campaign that was hard for anyone to match,” said the president of the United Auto Workers.<sup>56</sup>

As the bill was transmitted to the Senate, critics sprang into action. Senator Jesse Helms (R-NC), chair of the Foreign Relations Committee and a major critic of the Beijing government, immediately put fellow Republicans on notice that he would not rubber stamp the actions of the House. Although amendments were not allowed in the House, Senate rules that permit amendment were seen as a way of changing the nature of the bill and causing the amended version to go back to the House for a vote. Secretary Daley immediately went to see the Senate majority leader and members of the Senate Finance Committee, which had jurisdiction over the bill, to ask their assistance in fending off amendments.

While hearings on China were being held in the House, the Senate Finance Committee had been considering the bill. Once it passed the House, however, it was reported out of the Senate Finance Committee immediately on May 25. On that day, Senators Fred Thompson (R-TN) and Robert Torricelli (D-NJ) held a press conference to announce that they would offer parallel legislation based on their concerns about Chinese proliferation of weapons of mass destruction to continue a yearly review of China as a condition of open trade with that nation. They viewed the opening of PNTR to China as a national security as well as a trade issue.

The Senate began debating S 2277 on July 26, 2000. The next day, after a filibuster was begun by several opponents of the bill, including Senators Robert Byrd (D-WV), Jesse Helms (R-NC), Barbara Mikulski (D-MD), and Ben Nighthorse Campbell (R-CO), a move to invoke cloture was brought by the majority leader and several others. Cloture then was invoked by a vote of 86-12, well over the sixty votes required. The Senate recessed shortly thereafter. Debate on S 2277 began anew on September 5, after the Labor Day recess. At that time, until the final vote on September 19, 2000, scores of amendments were offered by senators; all failed by various margins. On September 19, 2000, the bill passed without amendment on an 83-15 vote with most senators voting as they had done on the cloture motion. Throughout that period, however, lobbyists kept up their pressure on the committed to make sure that no amendments were added to the bill that would require House reconsideration.

The bill was signed by President Clinton on October 10, 2000, amid considerable fanfare. Throughout the course of this bill becoming law, Clinton used his office in a way reminiscent of Lyndon B. Johnson's cajoling of recalcitrant legislators. One member got a new zip code for a small town and another got a natural gas pipeline for his district.<sup>57</sup> In the end, these kinds of efforts were crucial to House passage of the bill.

China became a member of the World Trade Organization on December 11, 2001. On December 28, 2001, President George W. Bush signed a formal proclamation granting normal trading status to China, ending annual reviews. In 2004, however, the United States and the European Union lodged WTO complaints against China, charging that the state failed to fulfill promises to open its markets to other nations.<sup>58</sup>