Hutchinson, Richard Shelby, Conrad Burns, Jim Inhofe, Connie Mack, Fred Thompson, Spencer Abraham.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on Senate bill 2176, the Federal Vacancies Reform Act of 1998, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from New York (Mr. D'AMATO), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Nevada (Mr. REID), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. REID) would vote ''no.''

The yeas and nays resulted—yeas 53, nays 38, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—53

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Byrd	Hagel	Santorum
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Coats	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

NAYS—38

Akaka	Durbin	Lautenberg
Baucus	Feingold	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Lieberman
Boxer	Glenn	Mikulski
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Inouye	Reed
Cleland	Johnson	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Wellstone
Dorgan	Landrieu	

NOT VOTING—9

Bond	Kennedy	Sessions
D'Amato	Moseley-Braun	Torricelli
Hollings	Reid	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 38. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that at 10 a.m. on Tuesday, September 29, and notwithstanding rule XXII, the Senate proceed to the consideration of a conference report to accompany H.R. 6, the Higher Education Act, and there be 30 minutes equally divided for debate on the report.

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

Mr. LOTT. I further ask unanimous consent that following the debate on the education conference report, it be temporarily set aside and the Senate return to the consideration of the conference report to accompany H.R. 4013, the Department of Defense appropriations bill and there be 10 minutes of debate equally divided on that report.

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

Mr. LOTT. I further ask unanimous consent that following debate on the defense conference report, it be temporarily set aside and the Senate then proceed to vote on adoption of the higher education conference report, to be followed immediately by a vote on the adoption of the defense conference report.

And finally, I ask unanimous consent that the cloture vote on the motion to proceed to the Internet tax bill occur immediately following the aforementioned stacked votes.

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

Mr. LOTT. Further, I ask unanimous consent that all votes following the first vote on Tuesday morning be limited to 10 minutes in length.

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

Mr. LOTT. Finally, I ask unanimous consent that following the last vote in the stacked sequence Tuesday morning, there be a period of morning business until 12:30 p.m., with the time equally divided between Senators WELLSTONE and JEFFORDS, or their designees; further that when the Senate reconvenes at 2:15, there be an additional period for morning business until 3:15 p.m. equally divided between the two aforementioned Senators, or their designees.

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

Mr. LOTT. Mr. President, I note that the time that we have designated here for Senators JEFFORDS and WELLSTONE is so that they can go over the final details of what is included in the higher education bill. This is a very important bill, a lot of good work has been done, and I commend all the Senators involved for completing that.

I yield the floor.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each until 7 p.m.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

ENERGY AND WATER APPROPRIATIONS HOLD

Mr. DOMENICI. Mr. President, I note the presence of the minority leader in the Chamber. I wish to state for the Senate that I understand the Energy and Water appropriations bill has a hold on the minority side, and I wanted to say if it has to do with the Tennessee Valley Authority, I would like very much to discuss that with the Senator because there is nothing we can do about it in this bill. But there is another thing we are going to do in another bill, and we would like to share that with you, whoever has the hold. I would very much like to do that. If that is the only hold, we can't fix the bill as far as TVA, but we can take some action to try to alleviate the problem in another way before we leave.

I yield the floor.

Mr. DASCHLE. Mr. President, let me just respond to the distinguished Senator from New Mexico. I have discussed—

Mr. FORD. Mr. President, may we have order.

The PRESIDING OFFICER (Mr. ALLARD). The Senate will please come to order.

Mr. DASCHLE. I have discussed the matter with the Senator who has the hold, and I think there will be some effort made to resolve the matter either tonight or tomorrow morning, so we will proceed with every expectation we can come to some resolution soon.

Mr. DOMENICI. I thank the Senator.

Mr. DASCHLE. I yield the floor.

ACCESS TO CHINESE MARKETS

Mr. GORTON. Mr. President, it looks like the administration has just experienced a tardy but welcome revelation, Mr. President. After 6 years of coddling its rulers and selling out U.S. exporters, some in the administration are now beginning to realize that ''engagement'' has not moved China toward free trade but to greater protectionism.

The $50 billion a year and growing bilateral United States trade deficit, the largest with any trading partner in the world but Japan, wasn't enough. The continued and egregious market access barriers to U.S. agricultural products weren't enough. The defiant stance against WTO negotiators wasn't enough. And the flagrant violation of the intellectual property rights of the American software and entertainment industries wasn't enough.

But finally, China has pushed at least one member of the administration too far. The straw that broke the camel's

back was China's decision to ban joint ventures in the telecommunications industry. In Beijing last Tuesday, David Aaron, Undersecretary for International Trade at the Department of Commerce, became the first American official in nearly a decade to speak openly about China's protectionist trade policy and to threaten retaliation.

Aaron is quoted in last Wednesday's Wall Street Journal as saying of the long list of trade barriers erected against American imports in China, ''The list keeps getting longer, and nothing gets struck off it.'' He continues, ''China is taking the trade relationship for granted. They want to export to us but not buy our products.''

Yes; that is precisely what I have been arguing for 3 years. But an administration wedded to a policy of ''engagement'' with China no matter how unproductive refused to believe it until now. I cannot begin to express the sense of vindication I had when reading an article in last Wednesday's Washington Post that hinted at a new administration trade policy with China. Instead of continuing to hope that China's desire to join the community of free trading nations in the WTO would outweigh its protectionist tendencies, the administration is finally ''threatening retribution in a much more concrete arena—the United States market . . .''

All well and good, but a day late and a dollar short. While President Clinton dismissed those of us in the antiengagement camp as ignorant, antifree traders, while the administration allowed the Government of the People's Republic of China to walk all over the United States for 6 years, and while the United States trade deficit ballooned out of control, my home State of Washington suffered the consequences.

Since 1972, China has refused to allow Pacific Northwest wheat into its market. This nontariff barrier erected against our wheat is based on a bogus phytosanitary concern with the spread of a wheat disease called TCK smut. For more than 20 years, the United States has presented Chinese officials with irrefutable scientific evidence which proves conclusively that there is absolutely no risk of introducing TCK smut into China.

China's ban on Pacific Northwest wheat is in violation of international standards requiring that import barriers imposed in the name of food safety be based on sound science. But it is protectionism, not sound science, that serves as the basis for China's ban on Washington State wheat.

For the past 3 years, I and several of my colleagues from the Pacific Northwest, have written to the President and Vice President to ask for assistance in tearing down this deplorable trade barrier. Our entreaties have been totally ignored, Mr. President, and the wheat farmers in my home State of Washington have suffered at the hands of the administration's weakness.

Instead, the administration turned a blind eye to the wheat ban and hundreds of other Chinese protectionist policies, arguing all along that continuing to grant most-favored-nation trading status to China was the best and only way of improving our trade relationship with China.

In addition, our apples are barred from Chinese markets. Our insurance firms can't do business in China. Our telecommunications equipment is barred.

The Chinese are not stupid. In fact, one might argue that they are brilliant strategists, having convinced the United States to sit on its hands while China pillaged the United States market. That the President, the leader of the strongest nation in the world, rolled over and played dead in the face of Chinese threats is an embarrassment to the United States. He betrays the free people of Taiwan—who do buy our goods and services. But he will sell China what it will gladly purchase—our defense secrets. He allows our intellectual property to be stolen with impunity.

The President knows that China is the world's largest emerging market. With a billion potential consumers for United States goods and an insatiable need for infrastructure improvements and technology, the Chinese market is among the most appealing in the world. In the fact of this prize, the administration simply caved in to the demands of China's dictators.

What the administration has ignored until this week, is that the United States is China's most important market as well. In fact, the United States absorbs 30 percent of China's exports. And today, with the financial crisis having drastically decreased demand throughout Asia, the American market is even more important to China.

In its rush to expand its economy and catch up with the rest of the world, China, since the late 1980's, has embarked on a full scale effort greatly to increase its overseas exports and thus to foster an economic boom within its own borders. Without the United States market, China's economic growth would come to a screeching halt.

That is why, Mr. President, I have argued for 3 years that we should use the United States market as leverage in our trade disputes with China. But the administration refused to accept the logic of this strategy—until, that is, Secretary Aaron spoke so frankly in Beijing on Tuesday. I implore the administration, with its newfound wisdom, to take Aaron's advice and start tomorrow not just to threaten, but to impose retaliation against China unless it makes dramatic changes in its trade policy immediately.

To make such threats without following through would be disastrous. The administration must act on its words and impose trade restrictions on China immediately unless it takes drastic steps to eliminate market access barriers to United States exports.

The administration should start with the most egregious barrier of all, the ban on Pacific Northwest wheat. If, by next week, China has not succumbed to the irrefutable scientific evidence and allowed Pacific Northwest wheat into its market, the United States must take retaliatory action. If China won't let our wheat into its market, we shouldn't let China's textiles into our market. It is a simple solution, and it will work. China wants our markets. It won't risk losing them, even if the price is open markets to American goods and services.

The PRESIDING OFFICER. The Senator from Kansas.

CUT TAXES NOW

Mr. BROWNBACK. Mr. President, during the past several weeks the Senate has spent its time debating spending legislation. Now with only 10 days remaining in the second session of this 105th Congress we are going to begin considering a supplemental spending bill.

The American people are currently facing tax rates that are near all-time highs. These excessive taxes are being imposed on the American people in spite of the fact that for the first time in a generation the Federal books are balanced. The first time since 1969, since Neil Armstrong walked on the Moon, the books are balanced and we have these near all-time high tax rates.

Congress did some work in balancing the budget and restraining spending, but Americans did most of the work. And now that there is a surplus, they should be the first ones to get some relief. Currently, on average, 21 million American married couples are forced to shoulder an additional, on average, $1,400 in taxes simply because they are married. That is ridiculous. Congress now has the opportunity to correct this injustice by repealing the marriage penalty. And I want to say this very clearly: We can do so without touching the Social Security trust fund.

We need to enact profamily, progrowth tax relief and eliminate the marriage penalty. That is an important first step that we need to move forward on reducing our horrendously high taxes in America. America clearly needs strong families. The family is the building block for our country and our hope for the future, and it is unconscionable the Tax Code of the United States is being used to subsidize something against the family, to penalize those who are married rather than living together, and creating disincentives towards marriage. We need to eliminate the marriage penalty during the remaining 11 days of this session of Congress. We have the time. We have the opportunity. The House has passed an $80 billion tax package that includes elimination of a portion of the marriage penalty. The Senate needs to move forward with this now.

The American people should be the first to benefit from our budget surplus