

I thank Senator FEINGOLD for his consideration of issues that might affect my State. I think I have been concerned with his. I would truly like to talk to him about this subject because I don't believe it is as simple an issue as perhaps some of his endangered species constituents indicate in their request to him that he get involved in the issue of thousands of farmers in the State of New Mexico and whether they get water.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I ask unanimous consent that following the 3:15 p.m. vote, Senator HELMS be recognized as if in morning business for up to 20 minutes, to be followed by Senator BRYAN for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, Senator DORGAN requested time. We would be happy to have Senator DORGAN go after Senator BRYAN. If there is a Republican who wishes to speak, we would be happy to insert that between Senators BRYAN and DORGAN. I ask unanimous consent that Senator DORGAN be recognized after Senators HELMS and BRYAN, and a Republican, if the majority wishes to have a speaker in there. Senator DORGAN wishes to speak for up to 40 minutes.

Mr. DOMENICI. Mr. President, I agree. I ask unanimous consent that each of the Republicans he has alluded to, if they desire to, be able to speak for up to 40 minutes. I don't think they will.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Continued

Mr. REID. Mr. President, I ask for the yeas and nays on the conference report, Department of Defense appropriations.

The PRESIDING OFFICER (Mr. L. CHAFEE). Is there a sufficient second?

(The yeas and nays were ordered.)

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, the clerk will report the conference report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 4576, making appropriations for the Department of Defense for fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the con-

ference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—91

Abraham	Fitzgerald	McConnell
Akaka	Frist	Mikulski
Ashcroft	Gorton	Miller
Baucus	Graham	Moynihan
Bayh	Grams	Murkowski
Bennett	Grassley	Murray
Biden	Gregg	Nickles
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Breaux	Helms	Robb
Brownback	Hollings	Roberts
Bryan	Hutchinson	Rockefeller
Bunning	Hutchison	Roth
Burns	Inhofe	Santorum
Byrd	Inouye	Sarbanes
Campbell	Jeffords	Schumer
Chafee, L.	Johnson	Sessions
Cleland	Kennedy	Shelby
Cochran	Kerrey	Smith (NH)
Collins	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Craig	Kyl	Specter
Crapo	Landrieu	Stevens
Daschle	Lautenberg	Thomas
DeWine	Leahy	Thompson
Dodd	Levin	Thurmond
Domenici	Lieberman	Torricelli
Dorgan	Lincoln	Warner
Durbin	Lott	Wyden
Edwards	Lugar	
Feinstein	Mack	

NAYS—9

Allard	Feingold	McCain
Boxer	Gramm	Voinovich
Enzi	Hagel	Wellstone

The conference report was agreed to.

CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall vote 230, I voted no. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Senate immediately adopt the motion to proceed to H.R. 4733 and the cloture vote regarding the China PNTR immediately occur, and if cloture is invoked, the 30 hours postcloture not begin until the Senate resumes the motion in September.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that notwithstanding rule XXII, at 6 p.m. on Tuesday, September

5, 2000, the Senate temporarily lay aside the China PNTR motion to proceed and begin consideration of the energy and water appropriations bill, and the consideration of these two measures continue throughout the week of September 4, 2000.

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

Mr. LOTT. I ask unanimous consent that just prior to the vote, the following Senators be recognized for the following times: BAUCUS for 5 minutes, HOLLINGS for 5 minutes, MOYNIHAN for 5 minutes, and ROTH for 5 minutes.

I further ask unanimous consent that the allotted morning business times ordered earlier today commence immediately following the rollcall vote, and the yet designated Republican slot be allocated to Senator BOB SMITH for up to 40 minutes.

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

Mr. LOTT. Let me explain, if I could, what just occurred.

We will have 15 to 20 minutes of time now that will be used for Senators to speak, those I just mentioned. That will be followed by the vote on the China PNTR motion to proceed. Then there will be a period of morning business time to follow that.

When we return in September, we will go during the day to the China PNTR debate. That will be laid aside at 6 o'clock, and we will do the energy and water appropriations bill. This is classically described as a double tracking. We will be doing the appropriations bill at night. I hope it won't take but a couple nights. It may take three. During the day, we will be debating the China PNTR.

I have assured Senators on both sides of the aisle that we are not going to shove this through. Senators who need time, Senators who want to offer amendments on the China trade bill are going to have the opportunity to do that. I think that is the right way to do it. We are not going to do it in the wee hours of the night. We are going to do it in the day. This is a major international trade agreement, and it needs to be done carefully and with thought. The Senate has a long tradition of acting carefully and with dignity when it comes to important matters of this nature. That is the way we are going to treat it when we return. There will be no rush to judgment, but I do think the responsible thing to do is to begin to make progress toward an eventual judgment.

I thank my colleagues, Senator DASCHLE and Senator BYRD, Senator HOLLINGS, Senator WELLSTONE and all, for their cooperation on this.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I thank the majority leader for announcing this arrangement. I thank my colleagues for their cooperation on this complicated but very understandable schedule. The majority leader has announced there will not be any cloture

motions filed or any rush to judgment on this issue. People will have the opportunity to offer amendments. I will work with our colleagues to assure they have that opportunity throughout the week, for whatever length of time it may take. I do hope perhaps we might be able to reach some agreement on time for these amendments, and my colleagues have assured me they are not averse to considering a time factor as we consider the order of these amendments.

As I understand it, that would then accommodate the opportunity for us to vote this afternoon. I would be interested if the majority leader could comment on when that vote might take place.

Mr. LOTT. If the Senator will yield, that is correct. I indicated there would be 15 or 20 minutes of statements by the four Senators who were identified before that vote. So I expect this vote will occur at approximately 4:30.

Mr. REID. If the Senator will yield, we have one Member who has to go to a funeral. The latest the plane leaves is at 4:30. I am wondering, under the unanimous consent that has already been entered, we have the four, and Senator WELLSTONE wishes to speak. Could we do it immediately after the vote? I am doing that for one of the Senators.

Mr. LOTT. We certainly can have time for statements after the vote. Even if the time that was included in the agreement was used, it would only be 20 minutes. We would be ready to begin voting at 4:15 or 4:20. We will have morning business time or we can arrange for Senators who wish to speak to speak right after the vote. I would be glad to accommodate that.

Mr. REID. May we add Senator WELLSTONE to that so there will be 25 minutes after the vote?

Mr. LOTT. The Senator is talking about having all of the statements made after the vote instead of before the vote.

Mr. REID. Otherwise people are missing airplanes.

Mr. LOTT. I have no objection to that, but part of the agreement was that these four would speak before the vote.

Let me suggest this: In view of the request that has been made, Mr. President, I will ask an additional unanimous consent request, if Senator DASCHLE will yield me the time to do this. I ask unanimous consent, of those Senators who wish to speak immediately before the vote, that they agree to speak immediately after the vote in the order that we read them, 5 minutes each, and that be followed by Senator HELMS for 5 minutes and Senator WELLSTONE for 5 minutes.

Mr. BYRD. Mr. President, reserving the right to object, what was in the agreement that was entered into?

Mr. LOTT. The agreement with regard to the vote this afternoon was that we would have the vote after statements by Senator BAUCUS, Sen-

ator HOLLINGS, Senator MOYNIHAN, and Senator ROTH for 5 minutes each. Then we would go to the vote. I have now asked unanimous consent to amend that to add that the speeches be made immediately following the vote and to include Senator HELMS and Senator WELLSTONE for 5 minutes. Those speeches would occur immediately following the vote.

Mr. FEINGOLD. Will the majority leader yield for a question?

Mr. LOTT. I am glad to yield to Senator FEINGOLD.

Mr. FEINGOLD. I want to clarify one point. What I understood from our agreement, what I believe was said was that there would be no cloture motion filed during the first week we are back on China PNTR; is that correct?

Mr. LOTT. Part of that agreement was that there would not be cloture during the first week of debate. I must say, I did not intend to do it that way.

Mr. FEINGOLD. No cloture motion filed during the first week?

Mr. LOTT. I will go ahead and make that commitment now. I won't file or have a vote that week. After all, it is going to be a short week, and we do have appropriations work to do. We will not file cloture the first week we are back on PNTR.

Mr. FEINGOLD. I thank the leader.

Mr. LOTT. Mr. President, did Senator BYRD wish further clarification?

Mr. BYRD. Mr. President, I was not on the floor when the agreement was entered into. I want to know what was entered into while I was not on the floor.

Mr. LOTT. Certainly, we want the Senator to have that information. I believe the Senator has it before him. If I could sum it up in laymen's language so the rest of us will understand it, we would have four speeches before the vote on the motion to proceed on China PNTR, to be followed by a vote on that motion to proceed; that we would then come back in on September 5. We would have debates on China PNTR during the day. At 6 o'clock on that Tuesday, we would turn to debate and action, perhaps, on the energy and water appropriations bill, and that we would continue the next day on China PNTR and continue that next Wednesday night on energy and water, if necessary. So, basically, it was to get a vote on this motion to proceed this afternoon, with some prior statements, and then we would work on debate on China PNTR during the day, as we should, and that we would double track and try to move these appropriations bills.

I know Senator BYRD wants us to do our work and wants our appropriations bills to be done. I would like to have an agreement beyond this, but it is progress. We will get back on the energy and water bill, which was the next bill in order. I believe Senator REID and Senator DOMENICI will finish that bill probably in a matter of hours.

Mr. DASCHLE. Mr. President, reclaiming the floor, let me add to the

majority leader's comments by saying that I have indicated to him that we will work, if we cannot reach agreement on the Treasury-Postal, to take that up immediately following energy and water and other appropriations bills as well, keeping this order in line, the sequencing in line until we have accommodated the debate and votes on all of these remaining appropriations bills.

Mr. BYRD. Mr. President, I have had discussions with my own leader about PNTR and about getting on with appropriations bills. We had several discussions. I have had discussions with the minority leader's floor staff as to whether or not we could get back on those two appropriations bills, energy and water and Treasury-Postal Service. That was the reason why I wanted to know what had happened when I went off the floor, because I have had these several discussions. I had not finally agreed to this. The agreement that has been entered into, I had not finally agreed to that because I wanted some definite understandings about Treasury-Postal Service and energy and water before I agreed.

Mr. LOTT. If Senator BYRD will allow me to comment on that, this does get us started back on the appropriations bills, with energy and water. It will be my intent, as soon as that is completed, to try to move to another appropriations bill. I will have to consult with the chairman and the ranking member. We still have Treasury-Postal Service, Commerce-State-Justice, Housing and Urban Development, VA, and DC. I want to do them all as soon as we can so they can move on to conference. That is four bills we need to get done as soon as we can.

I will continue to try to move those, but it takes consent, or I have to file a cloture motion, which doesn't expedite the proceedings. But we will continue to work with Senator BYRD, Senator STEVENS, and Senator DASCHLE to try to move on to the other appropriations bills. It is pretty obvious by now that I am very committed to that.

Mr. BYRD. As I understand it, when we get back, we are going to operate daily on a double track, with PNTR on the first track and appropriations bills on the second track.

Mr. LOTT. Yes, daily.

Mr. BYRD. The two appropriations bills we are specifically talking about at the moment are energy and water and the Treasury-Postal Service.

Mr. LOTT. Yes.

Mr. BYRD. Those two. From there, we are going to try to move other appropriations bills as quickly as we can. I hope we do that. I hope we will push for that because I don't want to have the same old problems we have been having with appropriations bills; namely, to get down to conference and, at the last minute, Senators have plane reservations to go home and the administration comes in and is represented in the conference, and we have our backs to the walls and we end up

with one major bill, as we did in fiscal year 1999, with eight appropriations bills and one tax bill, a \$9.2 billion tax bill—all on an unamendable conference report, and we don't know what it is all about, it has 3,980 pages in it, and we can't amend it.

That is a poor way to legislate. If the people of these United States knew what was going on here in that kind of a situation, they would run us all out, or they ought to. I just don't want to have that occur again.

Mr. LOTT. Mr. President, if Senator BYRD will give me the opportunity, I associate myself wholeheartedly with his remarks, and I would like my name to be followed right after his remarks on that subject. I agree with him. I have been through those experiences. They don't do the institutions any good. I think they do the people a disservice. I hope we can avoid that.

Mr. DASCHLE. If I may regain the floor, that is the whole idea behind the sequencing arrangement we are working on today. I think we have made some real progress in ensuring that we are going to take this up in an orderly way.

Mr. BYRD. Well, I will just add in the last moment here that we are almost at the complete mercy of the executive branch in situations such as that. The executive branch comes in and they want a bill or two added in the conference report, and I think we ought to avoid that. That is what I am trying to discourage here. I have no objection.

Mr. LOTT. I thank Senator BYRD.

Mr. President, I will withdraw my earlier unanimous consent request. In order to accommodate a Senator, and perhaps others, who are desirous of attending a funeral, we will move the comments to after this vote.

I ask unanimous consent that the speaking order after the vote be as follows under the same time constraints: Senator HELMS for 40 minutes, Senator BRYAN for 40 minutes, Senator BOB SMITH for 40 minutes, Senator DORGAN for 40 minutes, Senator ROTH for 5 minutes, Senator MOYNIHAN for 5 minutes, Senator HOLLINGS for 5 minutes, Senator BAUCUS for 5 minutes, and Senator WELLSTONE for 25 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, I am curious. Before, I was going to speak earlier in the line up. Now it is close to last. What happened?

Mr. LOTT. The other speeches by Senator HELMS, BRYAN, SMITH, and DORGAN were speeches that had already been ordered immediately after the vote. So what we are doing is we are adding those who want to speak with relation to China PNTR to that list.

Mr. BAUCUS. In an earlier request, I thought I heard my name at the top of the list.

Mr. LOTT. Under the earlier request, you did.

Mr. BAUCUS. I am asking what happened between then and now.

Mr. LOTT. Mr. President, let me modify my request to put Senator BAU-

CUS in the order after Senator DORGAN, to be followed by Senators ROTH, MOYNIHAN, and HOLLINGS.

The PRESIDING OFFICER. Is there objection to the modification of the unanimous consent agreement?

Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

The PRESIDING OFFICER. The motion to proceed to the energy and water bill is agreed to.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 575, H.R. 4444, a bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China.

Trent Lott, Pat Roberts, Larry E. Craig, Christopher Bond, Chuck Grassley, Ted Stevens, Connie Mack, Orrin Hatch, Frank H. Murkowski, Wayne Allard, Kay Bailey Hutchison, Don Nickles, Bill Roth, Michael Crapo, Slade Gorton, and Craig Thomas.

Mr. BYRD. Mr. President, I will vote against the cloture motion to proceed to the China Permanent Normal Trade Relations bill.

The very nature of the discussions that have been taking place on the China PNTR issue demonstrates the complexity of trade, national security, democratic and economic issues that this nation faces in considering U.S.-China relations. One of my greatest concerns about the passage of PNTR for China is the very intensive scurrying to neatly package this deal as a "win" for America.

I will concede that, on one hand, supporters of the PNTR legislation can make legitimate claims that China has, indeed, stated that it is willing to cut its tariffs, to allow greater foreign investment, and to abide by a set of internationally approved trade rules. Certainly, the people of the United States of America embrace the hope that China and the Chinese people can enjoy a beneficial exchange of commerce. But, I am a devout believer in the principle of fair trade—I repeat fair trade—rather than the so-called free trade, and I must note that China's track record in adhering to agreements is much less than perfect.

I have little doubt that the vote today paves the way to rush to approve the PNTR measure without the deliber-

erate, thoughtful consideration that this Congress should always provide. It has been years since this body gave U.S. trade policy the kind of consideration that we ought and that it certainly deserves. The Congress must not continue to neglect its duty to provide meaningful debate on U.S. trade policy that could plant the seeds of lasting, mutually beneficial trade relations with China.

But, I will save my concerns about the China PNTR issue for the actual debate. The debate today is simply on the motion to proceed. Nevertheless, all Senators should be put on notice that this vote is about allowing the Senate to begin a hasty consideration of one of the most economically important relationships of our time, which also has huge national security implications. U.S.-China relations deserve better consideration from the body charged by the Constitution, as outlined in Article I, Section 8, with regulating commerce with foreign nations.

Mrs. FEINSTEIN. Mr. President, I rise today to urge my colleagues to support the cloture motion on the motion to proceed to Senate consideration of Permanent Normal Trade Relations with China based on the bilateral trade agreement negotiated between our two nations this past November. Much is at stake in this vote.

In the bilateral agreement signed this past November China made significant market-opening concessions to the United States across virtually every economic sector. For example:

On U.S. priority agricultural products, tariffs will drop from an average of 31 percent to 14 percent by January 2004 and industrial tariffs on U.S. products will fall from an average of 24.6 percent in 1997 to an average of 9.4 percent by 2005.

China will open up distribution services, such as repair and maintenance, warehousing, trucking, and air courier services.

Import tariffs on autos, now averaging 80-100 percent, will be phased down to an average of 25 percent by 2006, with tariff reductions accelerated.

China will participate in the Information Technology Agreement and will eliminate tariffs on products such as computers, semiconductors, and related products by 2005.

China will open its telecommunications sector, including access to China's growing Internet services, and expand investment and other activities for financial services firms.

The agreement also preserves safeguards against dumping and other unfair trade practices. Specifically, the "special safeguard rule" (to prevent import surges into the U.S.) will remain in force for 12 years and the "special anti-dumping methodology" will remain in effect for 15 years.

America benefits by having China follow the rules and norms of the global marketplace.

By some estimates, China is already the world's seventh largest economy.