

to support the joint resolution waiver to give Ambassador Barshefsky the kind of bipartisan support that her record, that her ability, that her intellect, and that her potential demand.

With that, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I move to table the Hollings amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona to lay on the table the amendment of the Senator from South Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 16, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—84

Abraham	Glenn	McConnell
Akaka	Gorton	Mikulski
Allard	Graham	Moseley-Braun
Baucus	Gramm	Moynihan
Bennett	Grassley	Murkowski
Bingaman	Gregg	Murray
Bond	Hagel	Nickles
Boxer	Harkin	Reed
Breaux	Hatch	Reid
Brownback	Hutchinson	Robb
Bryan	Hutchison	Roberts
Bumpers	Inhofe	Rockefeller
Burns	Jeffords	Roth
Campbell	Johnson	Santorum
Chafee	Johnson	Santorum
Cleland	Kennedy	Sarbanes
Coats	Kerrey	Sessions
Cochran	Kerry	Shelby
Collins	Kohl	Smith, Gordon
Coverdell	Kyl	H.
D'Amato	Landrieu	Specter
Daschle	Lautenberg	Stevens
DeWine	Leahy	Thomas
Dodd	Levin	Thompson
Domenici	Lieberman	Thurmond
Durbin	Lott	Torricelli
Enzi	Lugar	Warner
Feinstein	Mack	Wyden
Frist	McCain	

NAYS—16

Ashcroft	Faircloth	Kempthorne
Biden	Feingold	Smith, Bob
Byrd	Ford	Snowe
Conrad	Helms	Wellstone
Craig	Hollings	
Dorgan	Inouye	

The motion to lay on the table the amendment (No. 19) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will read the joint resolution for the third time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senate will please come to order. There are 2 minutes equally divided.

The Senator from Delaware.

Mr. ROTH. Mr. President, before the Senate votes on Senate Joint Resolution 5, I want to reiterate the importance of passing this waiver. The waiver is essential.

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

The PRESIDING OFFICER. The Senator from Kentucky is correct. Senators will take their conversations to the cloakroom.

The Senator from Delaware.

Mr. ROTH. The waiver is essential to ensure that the President is able to appoint this capable nominee to the post of USTR.

I want to make just two points. First, when the Lobbying Disclosure Act was passed, Ambassador Barshefsky was serving as Deputy USTR. As such, the act expressly did not apply to her in that position.

Second, the Ambassador never lobbied the U.S. Government on behalf of a foreign government or foreign political party.

Under these circumstances, I strongly feel that passage of the waiver is appropriate to assure the appointment of Ambassador Barshefsky as USTR.

The PRESIDING OFFICER. The Senator from New York will suspend. The Senate will please come to order.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, just to supplement the chairman's remarks, I would like to point out that he and I have received a letter today from Charles F.C. Ruff, Counsel to the President, stating:

Because the President strongly desires to appoint Charlene Barshefsky as USTR and in order to ensure the absolute propriety, without question, of her appointment, President Clinton will not appoint Ambassador Barshefsky until S.J. Res. 5 has been enacted.

I yield the floor and thank the Chair.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the passage of the joint resolution.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced, yeas 98, nays 2, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—98

Abraham	Cleland	Feinstein
Akaka	Coats	Ford
Ashcroft	Cochran	Frist
Baucus	Collins	Glenn
Bennett	Conrad	Gorton
Biden	Coverdell	Graham
Bingaman	Craig	Gramm
Bond	D'Amato	Grassley
Boxer	Daschle	Gregg
Breaux	DeWine	Hagel
Brownback	Dodd	Harkin
Bryan	Domenici	Hatch
Bumpers	Dorgan	Helms
Burns	Durbin	Hollings
Byrd	Enzi	Hutchinson
Campbell	Faircloth	Hutchison
Chafee	Feingold	

Inhofe	Mack	Sarbanes
Inouye	McCain	Sessions
Jeffords	McConnell	Shelby
Johnson	Mikulski	Smith, Bob
Kempthorne	Moseley-Braun	Smith, Gordon
Kennedy	Moynihan	H.
Kerrey	Murkowski	Snowe
Kerry	Murray	Specter
Kohl	Nickles	Stevens
Kyl	Reed	Thomas
Landrieu	Reid	Thompson
Lautenberg	Robb	Thurmond
Leahy	Roberts	Torricelli
Levin	Rockefeller	Warner
Lieberman	Roth	Wellstone
Lugar	Santorum	Wyden

NAYS—2

Allard	Lott
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The joint resolution (S. J. Res. 5) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 5

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) became effective on January 1, 1996, and provides certain limitations with respect to the appointment of the United States Trade Representative and Deputy United States Trade Representatives;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to any individual who was serving as the United States Trade Representative or Deputy United States Trade Representative on the effective date of such paragraph (3) and who continued to serve in that position;

Whereas Charlene Barshefsky was appointed Deputy United States Trade Representative on May 28, 1993, with the advice and consent of the Senate, and was serving in that position on January 1, 1996;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to Charlene Barshefsky in her capacity as Deputy United States Trade Representative; and

Whereas in light of the foregoing, it is appropriate to continue to waive the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 with respect to the appointment of Charlene Barshefsky as the United States Trade Representative: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) or any other advice and consent of the Senate, I am authorized to appoint Charlene Barshefsky as the United States Trade Representative.

Mr. ROTH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Charlene Barshefsky, of the District of Columbia, to be the U.S. Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary, vice Michael Kantor.