## AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 136 submitted earlier today by myself and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 136) to authorize representation by Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, in the case of United States ex rel. Sequoia Orange Co. versus Sunland Packing House Co., and consolidated cases, pending in the U.S. District Court for the Eastern District of California, the private relator is opposing a motion filed by the Department of Justice to dismiss these cases. The court has scheduled a hearing on the Government's motion for this week. On Friday afternoon of last week, the relator caused a subpoena to be delivered to the office of Senator DIANNE FEINSTEIN seeking to compel her to appear to testify at the hearing on Wednesday, June 21, 1995, in Fresno, CA.

The Senate's standing rules require all Senators to attend the Senate's sessions unless granted leave to be absent by the Senate. This resolution would authorize the Senate Legal Counsel to seek to quash the subpoena to protect Senator FEINSTEIN's right to attend the Senate's sessions.

Mr. President, I ask unanimous consent that resolution be considered and agreed to, the preamble be agreed to and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

So the resolution, with its preamble, is as follows:

S. RES. 136

Whereas, in the case of *United States ex rel. Sequoia Orange Company* v. *Sunland Packing House Company*, Case No. CV–F–88–566 OWWW/DLB, and consolidated cases, pending in the United States District Court for the Eastern District of California, a subpoena for testimony at a hearing has been issued to Senator Dianne Feinstein;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself or herself from the service of the Senate without leave;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2) (1994), the Senate may direct its counsel to represent committees, Members, officers, and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

*Resolved* That the Senate Legal Counsel is directed to represent Senator Feinstein in connection with the subpoena issued to her in these cases.

## ORDERS FOR TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Tuesday, June 20, 1995, that following the prayer the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then immediately resume consideration of S. 440, the National Highway System bill; further, at the hour of 9:30 Senator REID be recognized to offer an amendment regarding truck speed limits.

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

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 for the weekly policy luncheons to meet.

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

## PROGRAM

Mr. DOLE. Mr. President, I will just say for the information of my colleagues that the Senate will resume consideration of the highway bill tomorrow at 9:30. Senator REID will be recognized to offer an amendment.

There could be rollcall votes possible before the 12:30 recess, and they are anticipated throughout the day.

I am advised by the managers that we did not make a great deal of progress today, which indicates that when people tell you on Friday they are going to do something on Monday and then you announce no votes on that Monday, nothing happens around here. So I will not make that mistake again.

But in any event, there are a number of amendments that will be taken and other amendments as I understand will be debated. But the managers seem fairly confident that they might be able to finish the bill tomorrow evening. If that happens, and if in fact we have an agreement that is helpful—I appreciate the staff putting that together. I know there are a lot of amendments listed, but I doubt that many of those amendments will be called up.

## ORDER OF PROCEDURE

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order following the brief remarks that I will make and the remarks of Senator BOND, who is on his way to the floor.

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

## THE NOMINATION OF DR. HENRY FOSTER

Mr. DOLE. Mr. President, earlier today I met with Dr. Henry Foster. At our meeting we discussed a number of subjects, including the infamous Tuskegee syphilis study, the inconsistent statements from the White House and from Dr. Foster himself concerning the number of abortions Dr. Foster has performed, and Dr. Foster's role in sterilizing several mentally retarded women during the early 1970's.

I would just say that we had a very frank discussion. The discussion lasted 30 to 40 minutes.

I indicated earlier I felt, as the majority leader, that Dr. Foster certainly is entitled to an opportunity to speak to me. We went over probably 15, 20, 25 different questions. He answered each of the questions. Some had been answered during his nomination consideration before the Labor Committee.

I told Dr. Foster we were trying to work out some procedure on the Senate floor so that we could have two votes: one on cloture; if cloture was not invoked after two votes, that the nomination would go back on the calendar; and, if cloture were invoked, then, of course, we would have the debate. We have not reached an agreement, but I hope to visit tomorrow morning with the distinguished Democratic leader, Senator DASCHLE.

But I would say that our phones are ringing off the wall. Just because you meet with someone—some people do not even want you to meet with nominees because they have different views than the nominee. My view is that they are entitled to that regardless of whether I agree or disagree.

I do not support Dr. Foster's nomination, but my view is that he is entitled to that courtesy. And we had a good meeting as far as covering different points that I wanted to cover, and he had an opportunity to make his own statements.

So, hopefully, tomorrow we can announce a process that will lead us to consideration—at least the first step in the process, whether or not cloture will be invoked, and, second, if it is, what will follow.

It will be my intention to try to make that announcement sometime tomorrow.

I see the Senator from Missouri is here [Senator BOND]. At the end of his remarks, the Senate will stand in recess, and the Senator from Missouri is the man of the hour.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that I may be permitted to proceed as if in morning business.

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

Mr. BOND. Mr. President, I express my sincere thanks to the majority leader.

## DEPARTMENT OF INTERNATIONAL TRADE

Mr. BOND. Mr. President, I have been very troubled during the past few months by the debate over the proposal to eliminate the Department of Commerce. Much of the debate has focused on the need to eliminate the so-called corporate welfare programs of the International Trade Administration and the Bureau of Export Administration. I would like to address these proposed cuts today.

Congress is embarked on a long overdue effort to make real cuts in Government programs and move toward balancing the budget by 2002. This effort deserves strong support from every member of this body, because eliminating the budget deficit is the primary responsibility facing Members of Congress today. The debt is a burden on the backs of the American people, on the future of our children, and on the competitiveness of U.S. companies trying to win in today's competitive world marketplace. That is why I voted for the budget in committee and again on the Senate floor, and that is why I support it strongly.

Certainly, the Commerce Department—like most of the Federal Government—can stand some significant trimming, and I applaud efforts to weed out outdated and inefficient programs at Commerce as well as at other departments. I believe, however, the attacks on these two trade agencies are misguided and misinformed.

As we enter the 21st century, it is clear the future of our Nation's economy depends on the international marketplace. If we are to remain the world's leading economy, then we will have to dominate the international market as well as our own. The competition will be intense, and companies from other nations will come to the field equipped with a wide array of tools provided by their nation's governments—from concessional financing, to market research, to high-level sales help from senior government officials. If our companies are going to remain competitive, they must have at least some access to the same tools. The International Trade Administration is the agency that helps to provide that edge.

At the same time, it is just as critical that we ensure other countries are trading fairly and playing by the rules. That is the job of the U.S. Trade Representative. However, all of the trade negotiators at USTR operate with significant support from the Commerce Department. The loss of that support would have a crippling impact on our ability to ensure our interests. BXA, the Bureau of Export Administration, and ITA, the International Trade Administration, are the engine that drive the rest of the Federal Government's trade agencies. Without them, the other agencies will cease to function properly, and effectively to help our businesses gain jobs and the revenues that they need from the world market.

For that reason, when the Senate considers legislation to abolish the Department of Commerce, I will offer an amendment to create a new, but very small Department of International Trade which will consist solely of the current Commerce Department trade agencies—the Bureau of Export Administration and the International Trade Administration.

There are a wide range of reasons for retaining the trade functions in a Department of International Trade. I would like to take a few moments to discuss the most important ones:

First, Senators need to understand that the International Trade Administration is responsible for supporting the activities of the Office of the U.S. Trade Representative with sectoral and technical expertise. The proposals to eliminate the Commerce Department appear not to recognize this fact.

Everyone seems to agree that USTR is a successful agency which performs a critical function, and which must be retained. But too few seem to realize that USTR is made up of a mere 170 people. They could not possibly handle all of our trade negotiations without significant support from other agencies, particularly the International Trade Administration.

When we are negotiating an auto parts deal with Japan, for example, there will be a USTR official sitting at the bargaining table leading the team. Behind that person, however, are almost certain to be experts from the Office of Automotive Affairs and the Office of Japan Trade Policy. The proposals to abolish the Commerce Department would eliminate both of these offices, which would leave the USTR negotiator unsupported, and unable to counter the Japanese negotiator on the other side of the table. We would have our head handed to us in these negotiations, and every other international trade negotiation we undertook. The result would be a loss of U.S. jobs as our ability to negotiate fair trade agreements is eroded.

The important role that ITA plays in trade negotiations is illustrated by looking at the NAFTA talks on which ITA experts spent more than 50,000 hours in the last year of the negotiations alone.

It should also be noted that ITA plays the lead role in a wide range of trade talks. For example, ITA led the negotiations that opened Japan's construction and government procurement markets to United States firms. ITA experts developed the negotiating positions for all U.S.–E.U. standards barrier talks since 1990.

It is also important to note that the International Trade Administration is the Federal agency with primary responsibility for monitoring bilateral and multilateral trade agreements. Elimination of the network of ITA specialists would severely hamper our ability to monitor trade agreements and ensure that other countries are playing by the rules.

Second, the proposals to eliminate the Commerce Department would effectively remove the Federal Government from providing export promotion and assistance for nonagricultural exports.

Now I realize there are many of my colleagues who would applaud that development, but I would like to take just a moment to review the impact it would have on American companies.

The economic battleground has moved solidly to the international marketplace. Our future economic growth depends, in large part, on American firms winning their share of the new markets developing in places like Indonesia, India, Brazil, and China. These countries have huge populations which are hungry for development. The infrastructure needs is these nations are staggering. Investment in roads, bridges, telecommunications systems, power generation, and other infrastructure projects is estimated to be $1 trillion over the next 5 years in Asia alone. The competition for these projects will be intense. Companies from Germany, Japan, Canada, and other nations will aggressively seek to win them; and they will go after them with strong tools provided by their governments. These tools will include not only concessional financing, but also market research, industry expertise, and the high-level marketing help of senior government officials. Already our companies go into this battle with fewer resources available from the government than their foreign competitors. If we send them in unarmed, they will simply get stomped.

We must also recognize that the markets in these countries are not like ours. Almost all of these infrastructure contracts will be awarded by governments, not by private firms. The officials responsible for making the buying decisions are used to dealing with other Government officials, rather than with businessmen. U.S. Government support is needed to support the business effort so that they can win in these markets.

I know of many examples from my personal experience in which ITA personnel played a key role in helping to clinch huge exports for companies in my State. In one, Black & Veatch, a Kansas City construction firm teamed with General Electric, won a $250 million power generation project in Malaysia last year with the active support of the Foreign Commercial Service officer in Kuala Lumpur, who spent 3 years on the project. The result was a win for the United States against a Japanese firm offering concessional government financing. The project has the potential to bring in a total of $1 billion in business if the American companies win the follow-on work. They would never have had a chance of winning without the active, on-the-