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.