

NOMINATIONS OF SUSAN G. ESSERMAN AND CHARLES F. MEISSNER

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s. hrg. nominations of susan g. esserman and charles f. meissner hearing before the committee on finance united states senate one hundred third congress.

See other formats S. Government Printing Office Superintendent of Document. Daniel Patrick, a U. Senator from New York, chairman. Committee on Finance 1 Rockefeller, Hon. Senator from West Virginia 2 Conrad, Hon. Testimony 5 Prepared statement 14 Biographical 16 Moynihan, Hon. Opening statement 1 Rockefeller, Hon. The hearing was convened, pursuant to notice, at Daniel Patrick Moynihan chairman of the committee presiding. Once again we are now in executive session to hear the nominations of Susan G. I believe, now let us see, Ms. Esserman, your husband and several of your children are with you today. Could you introduce them to the committee. My husband The Chairman. That is your husband. He is the husband. And the other one is the boy, Stephen, right? We welcome you to the Finance Committee. Meissner, do you have anyone here? Chairman, my family is not here today. My daughter is in the Peace Corps in Costa Rica. My son is studying hard, I hope, at the University of Pittsburgh. And my wife, who is the new Commissioner of the Immigration Service 1 has a Congressional conflict and is appearing before Mr. She will be here as soon as she can. She would be welcome in any event. Senator Rockefeller, I believe you wanted to make an opening statement. I am very, very happy that Susan Esserman is before us, Mr. I thank you very much for that. She was a partner up until very recently at Steptoe and Johnson, did her law work at the University of Michigan, graduated from Wellesley College. I guess the most important thing I want to say is that we are headed into a period where we need to prepare implementing legislation on the GATT. It is an odd situation that if she were not to be confirmed, the Department of Commerce would have difficulty helping us in terms of the GATT implementing legislation. Sue Esserman specialized when she was practicing law for 15 years in international trade law, including anti-dumping, countervailing duty. Section , , Section and GSP cases. So that I am very happy that she is before us. I have had a chance to talk with her in my office and I am very impressed by her. Well, that is important in this committee, as you would know. I, too, wanted to comment on Ms. Let me alert my colleagues that yesterday our negotiations with Canada broke down with respect to the question of the tidal wave of Canadian grain that is coming into this country because of defects in the Canadian Free Trade Agreement, defects that are now widely acknowledged that create a totally unfair trade regime. The chief negotiator for the Canadians, Mr. Goodale, was there, the Chief of Staff for the Prime Minister was there; and the Canadian position is going entirely in the wrong position. Instead of reducing their access to the U. Already in durum they have taken over 20 percent of the U. Again, not because they are more competitive, not because they are more efficient, but solely because of defects in the Canadian Free Trade Agreement. The Secretary told me there is no sense in talking anymore. I told him I am not surprised. The time for diplomatic tea parties is over. We now need to take action unilaterally. I am very hopeful the Secretary of Agriculture will recommend such action, that the President will initiate it and that Congress will support him in that. I am joined, I am certain, in that sentiment by my colleague from South Dakota, my colleague from Montana, and Senator Dole, Senator Grassley on the other side. This has reached crisis proportions in our part of the country. I know that Ms. Esserman will have responsibility in this area and I hope that she is sensitive to it. This is something that I fear very much could lead to escalating action on our side of the border. Already things have become very tense. I wanted to alert my colleagues to that. Well, I think it would be appropriate if we asked Ms. Senator Conrad, I share your concerns about industries facing a flood of imports from foreign countries. That is a primary responsibility that I would have to aggressively enforce the anti-dumping and countervailing duty laws to assist U. I am not familiar with all of the details of the wheat situation. I understand that matter may not be before Import Administration, but I would certainly impress upon my colleagues your concern. Well, I appreciate that very much, Mr. Chairman and Ms. I just say to you the interagency group will review this when the Secretary of Agriculture makes his rec-

ommendation. We have met with everyone, those Senators and Congressmen from affected States, and the case is so clear, so very clear in this area, that we hope the administration does not hesitate to take action. Well, that is what these arrangements are made for. If something is out of line, it is to be mended. I mean, the question is one of true price. Is that not elementally what is the problem as you understand it? Well, if I were to define it, it would be a question of dumping below their true acquisition costs. Well, the procedures are in place to address the matter. Yes, there are procedures in place. Of course, we have the anti-dumping and countervailing duty law and if a case should come before the Import Administration we would aggressively proceed with that case. You will not have to recuse yourself in a matter of this kind, would you? You did represent some Canadian firms, I believe, perfectly openly and properly. My former firm has represented the Wheat Board and I believe for a period of 1 year I would be recused from Canadian wheat issues. Kent, how can Secretary Yeutter have done that? Well, that is a very good question, because it was a secret deal. Chairman, I know you are shocked that that thing would happen. It is very clear. And yet what Mr. Yeutter did was to tell the Canadians, well, it does not really mean that. We will not count the final payment the Canadian Government makes to its farmers. At that time the final payment represented 20 percent of the value of the product. They have now jacked the final payment up to 50 percent of the value of the product. It is an outrageous situation. I just had a man call me who had 26 trucks in one day drive by his place coming from Canada, bringing in Canadian grain, jamming the elevators where our people are supposed to be selling their grain. I tell you, the anger level is rising. We have already had demonstrations. We have already had elevators closed because they were concerned with what would happen. I tell you, this is a pressure pot that is just building and building and building and somebody has to do something. I think it was you, me and Bill Bradley. We have been very satisfied with the agreement in main, but if there are matters of this kind we ought to find out about them. Meissner, would you like to make a statement, sir? Well, I would defer to my colleague, if she would like her statement first. I think we have had your statement, Ms. I have submitted my statement. I would be happy to do whatever you would like. You have submitted your statement.

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