

the product of years of painstaking negotiation and effort by many parties. No party, in particular the United States, would benefit from a lapse in the statutory authority for completing these settlements. Without the time extensions contained in this bill, the many fruits of these collective efforts could be lost.

On October 31, 1995, the Senate passed S. 325, a bill comprised of 22 sections containing amendments to various laws affecting native Americans. Sections 1 and 2 described in the preceding paragraphs are identical to sections 15 and 22 of S. 325. However, it now appears doubtful that the House will pass S. 325 by the end of the year. Consequently, I am introducing this bill today to ensure that the parties to the San Carlos and Yavapai-Prescott settlements will have sufficient time to complete the work needed to make those settlements final.●

ADDITIONAL COSPONSORS

S. 326

At the request of Mr. HATFIELD, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 326, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

S. 386

At the request of Mr. MCCONNELL, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for the tax-free treatment of education savings accounts established through certain State programs, and for other purposes.

S. 771

At the request of Mr. PRYOR, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 771, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 837

At the request of Mr. WARNER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 881

At the request of Mr. PRYOR, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans,

to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 978

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Tennessee [Mr. FRIST], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. HELMS], the Senator from Kentucky [Mr. FORD], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 978, a bill to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, to clarify the inapplicability of anti-trust laws to charitable gift annuities, and for other purposes.

S. 1043

At the request of Mr. STEVENS, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1043, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1396

At the request of Mr. PRESSLER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1396, a bill to amend title 49, United States Code, to provide for the regulation of surface transportation.

S. 1401

At the request of Mr. BENNETT, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1401, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that Act with respect to surface coal mining and reclamation operations, and for other purposes.

S. 1409

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1409, a bill to amend section 255 of the National Housing Act to extend the mortgage insurance program for home equity conversion mortgages, and for other purposes.

S. 1414

At the request of Mrs. HUTCHISON, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1414, a bill to ensure that payments during fiscal year 1996 of compensation for veterans with service-connected disabilities, of dependency and indemnity compensation for survivors of such veterans, and of other veterans benefits are made regardless of Government financial shortfalls.

AMENDMENTS SUBMITTED

THE INTERSTATE COMMERCE COMMISSION SUNSET ACT OF 1995

PRESSLER (AND EXON) AMENDMENT NO. 3063

Mr. PRESSLER (for himself and Mr. EXON) proposed an amendment to the bill (S. 1396) to amend title 49, United States Code, to provide for the regulation of surface transportation; as follows:

On page 256, between lines 4 and 5, insert the following:

(c) SEPARATED EMPLOYEES.—Notwithstanding all other laws and regulations, the Department of Transportation shall place all Interstate Commerce Commission employees separated from the Commission as a result of this Act on the DOT reemployment priority list (competitive service) or the priority employment list (excepted service).

On page 281, between lines 18 and 19, insert the following:

SEC. 217. TRANSPORT VEHICLES FOR OFF-ROAD, COMPETITION VEHICLES.

Section 3111(b)(1) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting a semicolon and "or"; and

(3) by adding at the end thereof the following:

"(E) imposes a limitation of less than 46 feet on the distance from the kingpin to the center of the rear axle on trailers used exclusively or primarily in connection with motorsports competition events."

On page 283, strike lines 9 through 11 and insert the following:

"(16) to provide for the expeditious handling and resolution of all proceedings required or permitted to be brought under the provisions of this subtitle."

On page 284, between lines 18 and 19, insert the following:

(5) by striking "or" at the end of subsection (b)(1);

(6) by striking the period at the end of subsection (b)(2) and inserting a semicolon and "or";

(7) by adding at the end of subsection (b) the following:

"(3) transportation by a commuter authority, as defined in section 24102 of this title, except for sections 11103, 11104, and 11503."

On page 284, line 19, strike "(5)" and insert "(8)".

On page 284, line 24, strike "(6)" and insert "(9)".

On page 286, line 16, insert "competitive" after "other".

On page 288, line 22, insert "full" after "a".

On page 288, line 23, strike "impractical." and insert "too costly given the value of the case."

On page 298, line 14, insert "competitive" after "other".

On page 319, between lines 2 and 3, insert the following:

(4) striking "transaction." at the end of the second sentence of subsection (c) and inserting "transaction, including the divestiture of parallel tracks or requiring the granting of trackage rights and access to other facilities. Any trackage rights and related conditions imposed to alleviate anti-competitive effects of the transaction shall provide for operating terms and compensation levels to ensure that such effects are alleviated.";

On page 319, line 3, strike "(4)" and insert "(5)".

On page 319, line 4, strike "(5)" and insert "(6)".

On page 319, line 7, strike "(6)" and insert "(7)".

On page 319, line 9, strike "(7)" and insert "(8)".

On page 339, line 20, strike "and".

On page 340, line 6, strike "actions." and insert "actions; and".

On page 340, between lines 6 and 7, insert the following:

"(4) in regulating transportation by water carrier, to encourage and promote service and price competition in the non-contiguous domestic trade.

On page 346, line 21, insert "arranging for," after "including".

On page 346, line 23, insert "unpacking," after "packing".

On page 356, line 10, before "The" insert "(a) GENERAL RULES.—"

On page 357, between lines 21 and 22, insert the following:

"(b) DEFINITIONS.—In this section, the terms 'State' and 'United States' include the territories, commonwealths, and possessions of the United States.

On page 360, between lines 10 and 11, insert the following:

"(f) The Secretary or Transportation Board, as applicable, is prohibited from regulating or exercising jurisdiction over the transportation by water carrier in the non-contiguous domestic trade of any cargo or type of cargo or service which was not subject to regulation by, or under the jurisdiction of, either the Federal Maritime Commission or Interstate Commerce Commission under federal law in effect on November 1, 1995.

"(g) The Secretary or Transportation Board, as applicable, may not exempt a water carrier from the application of, or compliance with, sections 13801 and 13702 for transportation in the non-contiguous domestic trade.

On page 361, between lines 9 and 10, insert the following:

"(c) A complaint that a rate, classification, rule or practice in the non-contiguous domestic trade violates subsection (a) of this section may be filed with the Transportation Board.

"(d)(1) For purposes of this section, a rate or division of a carrier for service in non-contiguous domestic trade is reasonable if the aggregate of increases and decreases in any such rate or division is not more than 7.5 percent above, or more than 10 percent below, the rate or division in effect 1 year before the effective date of the proposed rate or division.

"(2) The percentage specified in paragraph (1) shall be increased or decreased, as the case may be, by the percentage change in the Producers Price Index, as published by the Department of Labor, that has occurred during the most recent 1-year period before the

date the rate or division in question first took effect.

"(3) The Transportation Board shall determine whether any rate or division of a carrier or service in the non-contiguous domestic trade which is not within the range described in paragraph (1) is reasonable if a complaint is filed under subsection (c) of this section or section 13702(f)(5).

"(4) The Transportation Board, upon a finding of violation of subsection (a) or this section, shall award reparations to the complaining shipper or shippers in an amount equal to all sums assessed and collected that exceed the determined reasonable rate, division, rate structure or tariff. The Transportation Board, upon complaint from any governmental agency or authority, shall, upon a finding or violation of subsection (a) of this section, make such orders as are just and shall require the carrier to return, to the extent practicable, to shippers all sums, plus interest, which the Board finds to have been assessed and collected in violation of such subsections.

"(e) Any proceeding with respect to any tariff, rate charge, classification, rule, regulation or service that was pending before the Federal Maritime Commission shall continue to be heard until completion of issuance of a final order thereon under all applicable laws in effect as of that date.

On page 360, line 22, insert ", or a rate for a movement by a water carrier," after "carrier".

On page 408, line 7, strike "13102(9)(A)," and insert "13102(9)(A)(i)."

On page 485, between lines 7 and 8, insert the following:

SEC. 525. FIBER DRUM PACKAGING.

(a) IN GENERAL.—In the administration of chapter 51 of title 49, United States Code, the Secretary of Transportation shall issue a final rule within 60 days after the date of enactment of this Act authorizing the continued use of fiber drum packaging with a removable head for the transportation of liquid hazardous materials if—

(1) the packaging is in compliance with regulations of the Secretary under the Hazardous Materials Transportation Act as such Act was in effect before October 1, 1991;

(2) the packaging will not be used for the transportation of hazardous materials that include materials which are poisonous by inhalation; and

(3) the packaging will not be used in the transportation of hazardous materials from a point in the United States to a point outside the United States, or from a point outside the United States to a point inside the United States.

(b) HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1994.—Section 122 of the Hazardous Materials Transportation Authorization Act of 1994 (49 U.S.C. 5101 note) is repealed.

SEC. 526. TERMINATION OF CERTAIN MARITIME AUTHORITY.

(a) REPEAL OF INTERCOASTAL SHIPPING ACT, 1933.—The Act of March 3, 1933 (Chapter 199; 46 U.S.C. App. 843 et seq.), commonly referred to as the Intercoastal Shipping Act, 1933, is repealed effective September 30, 1996.

(b) REPEAL OF PROVISIONS OF SHIPPING ACT, 1916.—The following provisions of the Shipping Act, 1916, are repealed effective September 30, 1996:

- (1) Section 3 (46 U.S.C. App. 804).
- (2) Section 14 (46 U.S.C. App. 812).
- (3) Section 15 (46 U.S.C. App. 814).
- (4) Section 16 (46 U.S.C. App. 815).
- (5) Section 17 (46 U.S.C. App. 816).
- (6) Section 18 (46 U.S.C. App. 817).
- (7) Section 19 (46 U.S.C. App. 818).
- (8) Section 20 (46 U.S.C. App. 819).
- (9) Section 21 (46 U.S.C. App. 820).

- (10) Section 22 (46 U.S.C. App. 821).
- (11) Section 23 (46 U.S.C. App. 822).
- (12) Section 24 (46 U.S.C. App. 823).
- (13) Section 25 (46 U.S.C. App. 824).
- (14) Section 27 (46 U.S.C. App. 826).
- (15) Section 29 (46 U.S.C. App. 828).
- (16) Section 30 (46 U.S.C. App. 829).
- (17) Section 31 (46 U.S.C. App. 830).
- (18) Section 32 (46 U.S.C. App. 831).
- (19) Section 33 (46 U.S.C. App. 832).
- (20) Section 35 (46 U.S.C. App. 833a).
- (21) Section 43 (46 U.S.C. App. 841a).
- (22) Section 45 (46 U.S.C. App. 841c).

SEC. 527. CERTAIN COMMERCIAL SPACE LAUNCH ACTIVITIES.

The licensing of a launch vehicle or launch site operator (including any amendment, extension, or removal of the license) under chapter 701 of title 49, United States Code, shall not be considered a major Federal action for purposes of section 102(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)) if—

(1) the Department of the Army has issued a permit for the activity; and

(2) the Army Corps of Engineers has found that the activity has no significant impact.

SEC. 528. USE OF HIGHWAY FUNDS FOR AMTRAK-RELATED PROJECTS AND ACTIVITIES.

Notwithstanding any other provision of law, the State of Vermont may use any unobligated funds apportioned to the State under section 104 of title 23, United States Code, to fund projects and activities related to the provision of rail passenger service on Amtrak within that State.

SEC. 529. VIOLATION OF GRADE-CROSSING LAWS AND REGULATIONS.

(a) FEDERAL REGULATIONS.—Section 31310 is amended by adding at the end thereof the following:

"(h) GRADE-CROSSING VIOLATIONS.—

"(1) SANCTIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.

"(2) MINIMUM REQUIREMENTS.—The regulations issued under paragraph (1) shall, at a minimum, require that—

"(A) the penalty for a single violation is not less than a 60-day disqualification of the driver's commercial driver's license; and

"(B) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than \$10,000."

(b) DEADLINE.—The initial regulations required under section 31310(h) of title 49, United States Code, shall be issued not later than one year after the date of enactment of this Act.

(c) STATE REGULATIONS.—Section 31311(a) is amended by adding at the end thereof the following:

"(18) The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(h) of this title."

Amend the table of sections by inserting the following after the item relating to section 216 of the bill:

Sec. 217. Transport vehicles for off-road, competition vehicles

Amend the table of sections by inserting the following after the item relating to section 524 of the bill:

Sec. 525. Fiber drum packaging

Sec. 526. Termination of certain maritime authority

Sec. 527. Certain commercial space launch activities

Sec. 528. Use of highway funds for Amtrak-related projects and activities

Sec. 529. Violation of grade-crossing laws and regulations.

DORGAN (AND BOND) AMENDMENT
NO. 3064

Mr. DORGAN (for himself and Mr. BOND) proposed an amendment to the bill S. 1396, supra; as follows:

On page 319, strike lines 1 through 9 and insert in lieu thereof the following—

(3) striking subparagraph (E) of subsection (b)(1) and inserting in lieu thereof the following—

“(E) whether the proposed transaction will not substantially lessen competition, or tend to create a monopoly in any line of commerce in any section of the country.”;

(4) striking paragraph (2) of subsection (b) and striking “(1)” in the first paragraph of subsection (b);

(5) striking subsection (c) and inserting in lieu thereof the following—

“(c) The Commission shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. In making the findings under subsection (b)(1)(E), the Transportation Board—

“(1) shall request an analysis by the Attorney General of the United States and shall accord substantial deference to the recommendations of the Attorney General and shall approve the transaction only if it finds that transaction does not violate the standards set forth in subsection (b)(1)(E). The transaction may not be consummated before the thirtieth calendar day after the date of approval by the Transportation Board. Action under the antitrust laws arising out of the merger transaction may be brought only by the Attorney General, and any action brought shall be commenced prior to the earliest time under this subsection at which a merger transaction approved under this subsection may be consummated. The commencement of such an action shall stay the effectiveness of the Transportation Board's approval unless the court shall otherwise specifically order. In any such action, the court shall review de novo the issues presented. Upon consummation of a merger transaction in compliance with this subsection and after termination of any antitrust litigation commenced within the period prescribed in this section, or upon the termination of such period if no such litigation is commenced, the transaction may not thereafter be attacked in any judicial proceeding on the ground that it alone and of itself constituted a violation of any antitrust laws other than section 2 of Title 15, but nothing in this subsection shall exempt any rail carrier resulting from a merger transaction approved under this subsection from complying with the antitrust laws after the consummation of such transaction:

“(2) may impose conditions governing the transaction, including the divestiture of parallel tracks or requiring the granting of trackage rights. Any trackage rights conditions imposed to alleviate anticompetitive effects of the transaction shall provide for compensation levels to ensure that such effects are alleviated;

“(3) may approve and authorize the transaction only if it finds that the guaranty, assumption, or increase is consistent with the public interest, when the transaction contemplates a guaranty or assumption of payment dividends or of fixed charges or will result in an increase of total fixed charges; and

“(4) may require inclusion of other rail carriers located in the area involved in the transaction if they apply for inclusion and the Transportation Board finds their inclusion to be consistent with the public interest.”;

(6) striking the last two sentences of subsection (d);

(7) striking subsection (e); and

(8) notwithstanding any other provision of this Act, amendments under this section shall apply to all applications pending before the Transportation Board.

BOXER (AND OTHERS)
AMENDMENT NO. 3065

Mrs. BOXER (for herself, Mr. HARKIN, Mr. BRYAN, Mr. BUMPERS, and Mr. FEINGOLD) proposed an amendment to the bill S. 1396, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PAY OF MEMBERS OF CONGRESS AND THE PRESIDENT DURING GOVERNMENT SHUTDOWNS.

(a) COMPARABLE PAY TREATMENT.—The pay of Members of Congress and the President shall be treated in the same manner and to the same extent as the pay of the most adversely affected Federal employees who are not compensated for any period in which appropriations lapse.

(b) This section shall take effect December 15, 1995.

BYRD AMENDMENT NO. 3066

Mr. BYRD proposed an amendment to the bill S. 1396, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . DESTRUCTION OF MOTOR VEHICLES OR MOTOR VEHICLE FACILITIES; WRECKING TRAINS.

(a) DESTRUCTION OF MOTOR VEHICLES OR MOTOR VEHICLE FACILITIES.—Section 33 of title 18, United States Code, is amended by adding at the end the following new undesignated paragraph:

“Whoever is convicted of a crime under this section involving a motor vehicle that, at the time the crime occurred, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)), or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23))), shall be imprisoned for not less than 30 years.”

(b) WRECKING TRAINS.—Section 1992 of title 18, United States Code, is amended—

(10) by inserting after the fourth undesignated paragraph the following:

“Whoever is convicted of any such crime that involved a train that, at the time the crime occurred, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)), or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23))), shall be imprisoned for not less than 30 years.”

ASHCROFT AMENDMENT NO. 3067

Mr. ASHCROFT proposed an amendment to the bill S. 1396, supra; as follows:

On page 413, after line 14, insert the following new subsection:

“(d) The remedies provided in this part, concerning matters covered by this part with respect to the transportation of household goods by motor carriers are exclusive and preempt the remedies provided under Federal or State law.”

AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet at 10:15 a.m. on Tuesday, November 28, 1995, in open session, to receive testimony on the use of United States military forces to enforce the Bosnian peace agreement and the role of NATO and other foreign nations in the implementation force.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, November 28, 1995, at 2 p.m. to hold a closed hearing regarding intelligence matters.

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

ADDITIONAL STATEMENTS

SENATE JOINT RESOLUTION 29

• Mr. SIMON. Mr. President, in going through the CONGRESSIONAL RECORDS I came across Senator FRANK MURKOWSKI's comments on Senate Joint Resolution 29.

In that resolution, he calls for dialog between North and South Korea.

Almost a year ago, Senator MURKOWSKI and I visited North Korea and South Korea, and I applaud what he suggests in this resolution and his leadership on it.

Let me add that I believe the United States could be a facilitator of this dialog.

Senator MURKOWSKI and I sent a letter suggesting that North Korea send 10 parliamentarians to the United States and South Korea the same, and that after visiting the United States for about 8 days, that the parliamentarians of both countries meet the last 2 days in an isolated setting with a few of us who would be hosts from the United States.

Because of the tensions that have arisen since the death of Kim Il Sung neither side was willing to take that step.

It is time to explore this again.

Nowhere in the world do you have as many troops facing each other, heavily armed, with a total lack of communication between the two sides.

The potential for explosion is very real and there are 140,000 American troops on the South Korean side.

We would have an interest in resolving this even without the presence of those troops but that adds a meaningful dimension to this.

I am sending a copy of these remarks to the Assistant Secretary of State for Asia, Winston Lord.

I ask that the text of the resolution be printed in the RECORD.

The text of the resolution follows:

S.J. RES. 29

Whereas the Agreed Framework Between the United States and the Democratic People's Republic of Korea of October 21, 1994, states in Article III, paragraph (2), that