

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