scope to the most efficient and simplest sunset and transfer bill, as opposed to a wholesale rewrite of transportation policy. But the very nature of the task—which is to close down an entire Federal agency—there is of necessity a need to sunset certain of its functions, however, some changes to these functions also had to be made in light of the budget realities which will confront the remaining agency.

None of this is to say concerns raised during the process through which this legislation was developed are not legitimate. Indeed, I believe they are. I am particularly concerned about the concerns of small rail shippers and operators in light of recent and continuing industry trends toward overwhelming industry concentration. More and more of this Nation's rail infrastructure is owned by fewer and fewer railroads.

Competitive concerns continue to increase, and the leverage of the smaller shippers and small feeder railroads relative to the class I railroads decreases. I recall chairing a hearing in 1985 which addressed some of those concerns. Since that time, my concern has only heightened.

Some have urged us to re-regulate the rail industry in this legislation. They argue that since the Staggers Act greatly deregulated the rail industry, shippers have been faced with difficult if not impossible relief mechanisms. They point out that the potential for shipper abuse increases with industry concentration. Their arguments are not entirely unpersuasive. However, a return to a pre-Staggers approach is not the answer at this time.

The shipper complaint procedure at the current ICC is hopelessly complicated to the point where shippers with a legitimate grievance generally do not have an effective remedy available. The real question in my mind is the extent to which legitimate grievances can be identified, aired, and resolved. Most of the suggestions raised involved some form of re-regulation.

Even though I voted against the Staggers Act over a decade ago, I must say it has proved to be extraordinarily successful in reviving a failing industry and on balance has been positive for shippers and industry alike. Therefore, at this juncture, it is premature to attempt to re-regulate, without a clearer identification and articulation of the problem, and an established record which provides some reasonably compelling evidence that the solution proposed actually fixes the problem.

On both counts, it seems more effort could be made by all parties to attempt to develop industry solutions before seeking Government solutions. The fundamental problem I see developing in the industry today is that the shippers and others are, as I said, increasingly losing leverage in their relations with the class I railroads. In many ways, shippers and small railroads are in the same boat.

Due to these concerns, I am proposing to establish a rail-shipper transportation advisory council in an attempt to give them a stronger voice, and a mechanism to resolve many of the concerns within the industry, rather than having the Government address them. It is clearly and intentionally weighted in favor of small shippers and small railroads in an effort to address the many issues in which they have mutual and legitimate public interest concerns. After a reasonable opportunity has been made available to review the varied issues confronting small shippers and railroads, I would anticipate a series of oversight hearings to review the advisory council's findings or recommendations, and, if necessary, appropriate legislative action will be taken.

Whether the council is an effective tool or not will depend largely on the reasonableness of the small shippers and railroads position. It would be as much of a mistake for them to overplay their hand as it would for the large railroads not to treat their concerns seriously. If the smaller railroads and shippers overplay their hand by making unreasonable demands, the council will quickly lose credibility, both within the industry and with policy makers. At the same time, if class I's are indifferent or unresponsive to legitimate concerns raised, legislative solutions far more expansive than any proposed to date will be seriously considered. Re-regulation, antitrust protection, and everything else will be on the table.

Mr. President, let me say it again. This chairman knows the concerns of the shippers and small railroads are very real. They need to be addressed. The message to both the rail industry and to shippers is simple. Be reasonable. Define and solve your problems to the best of your ability. Excessive Government involvement is a last resort. It will not happen without compelling need and a demonstration of good faith effort by those seeking Government intervention, that all reasonable avenues to develop a reasonable industry compromise have been blocked by relative unreasonableness.

With respect to labor, there have been attempts to reach a negotiated solution to that issue as well. We have included language which is far less satisfactory in my view than the House bill, but I agree to it with the expectation that the parties can agree to compromise on this issue. It remains an issue that is unresolved, but which shall—as with other provisions of the bill—be addressed further.

ADDITIONAL COSPONSORS

S. 847

At the request of Mr. GREGG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

S. 939

At the request of Mr. SMITH, the names of the Senator from Kansas [Mr. DOLE], the Senator from Oklahoma [Mr. INHOFE], the Senator from Indiana [Mr. COATS], and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 939, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1219

At the request of Mr. MCCAIN, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. KERREY], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1289

At the request of Mr. KYL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1289, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Kansas [Mr. DOLE], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week,'' and for other purposes.

SENATE RESOLUTION 192—MAKING MAJORITY PARTY COMMITTEE APPOINTMENTS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 192

Resolved,

The following are named majority party members on the part of the Senate to the Joint Committee on the Library:

Mr. Hatfield (Chairman), Mr. Stevens, and Mr. Warner.

The following are named majority party members on the part of the Senate to the Joint Committee on Printing:

Mr. Warner (Vice Chairman), Mr. Hatfield, and Mr. Cochran.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will hold a business meeting to mark up S. 1341, the Saddleback Mountain-Arizona Settlement Act of 1995, a bill to transfer certain lands to the Salt River Pima-Maricopa Indian community and the city of Scottsdale, AZ, followed immediately by a hearing on S. 1159, a bill to

authorize a National American Indian Policy Information Center. The mark-up and hearing will take place on Tuesday, November 7, 1995, beginning at 10 a.m. in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, November 9, 1995, at 9:30 a.m., instead of 2 p.m., as previously scheduled, in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 231, a bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; H.R. 562, a bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; S. 342, a bill to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado; S. 364, a bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; H.R. 629, a bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; S. 489, a bill to authorize the Secretary of the Interior to enter into an appropriate form of agreement with the town of Grand Lake, CO, authorizing the town to maintain permanently a cemetery in Rocky Mountain National Park; and S. 608, a bill to establish the New Bedford Whaling National Historical Park in New Bedford, MA.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the information of the Senate and the public that the November 16, 1995, hearing which had been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources to receive testimony on S. 873, a bill to establish the South Carolina National Heritage Corridor; S. 944, a bill to provide for the establishment of the Ohio River Corridor Study Commission; S. 945, a bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor; S. 1020, a bill to establish the Augusta Canal National Heritage Area in the State of Georgia; S. 1110, a bill to establish guidelines for the designation of National Heritage Areas; S. 1127, a bill to establish the Vancouver National Historic Reserve; and S. 1190, a bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio, has been canceled.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Friday, November 3, 1995, session of the Senate for the purpose of conducting a hearing on the nominations of S. Jane Bobbitt, to be Assistant Secretary for Legislative and Intergovernmental Affairs at the Department of Commerce; Charles A. Hunnicutt, to be Assistant Secretary for International Aviation at the Department of Transportation; and Nancy E. McFadden, to be general counsel of the Department of Transportation.

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

ADDITIONAL STATEMENTS

DESPITE COMPLEX TAX CODE, IRS MUST TREAT TAXPAYERS WITH FAIRNESS AND RESPECT

• Mr. MACK. Mr. President, death and taxes may be the only two things in life that are unavoidable, and the Federal Government has even found a way to combine them. Federal estate—death—and gift taxation represents punitive double taxation and unfairly transfers income from families to the Government. They tax money that has already been taxed once, if not twice. The steep 55 percent top estate tax rate frequently forces many families to liquidate or sell their businesses or farms just to pay the tax collector rather than being able to pass those belongings onto their next generation—often wiping out a lifetime of hard work.

Unfortunately, many taxpayers are punished even when they play by the rules. Because of the complexity of the Tax Code, many unsuspecting taxpayers get caught up in a situation in which they have to capitulate to the demands of the IRS or have to spend huge sums of money in the hopes of a fair tax court decision. Federal estate and gift taxation creates some of the most egregious cases. For example, hypertechnical IRS interpretation of the interplay between Code sections 2034 and 2038 have transcended any intent of Congress. Unforeseen technical traps in the Tax Code were not meant to be revenue raisers for the Federal Government at the expense of unsuspecting taxpayers.

Our complex and punitive Federal tax system is in need of a complete overhaul. Americans now waste some $190 billion and 6 billion man-hours just complying with our onerous Tax Code each year. That's the equivalent to the man-hours it takes to produce all the cars, trucks, and airplanes in this country each year. Tax reform is critical to simplifying the Tax Code and enhancing our Nation's long-term economic growth. And, as always, this will likely take several years to accomplish. In the meantime, taxpayers must always be treated with fairness and respect by the IRS as they comply with our current complex system.•

LOAN PLAN GOOD FOR SCHOOLS, STUDENTS

• Mr. SIMON. Mr. President, the interim chancellor of the University of Illinois at Chicago, David C. Broski, had a letter to the editor in the Chicago Tribune about direct lending.

Because our colleagues are trying to figure out right now what to do on direct lending, I thought they would be interested in seeing the perspective of a college administrator.

I ask that the letter to the editor be printed in the RECORD.

The letter to the editor follows:

LOAN PLAN GOOD FOR SCHOOLS, STUDENTS

CHICAGO.—I couldn't agree more with the Tribune's editorial opposing the changes in the Federal Direct Loan Program that have been suggested by the banking industry (''Cooking the books on student loans,'' Sept. 11).

The program received a big boost last year when rules were changed to allow the government to lend directly to students at some universities, without running the money through banks. But it could lose all it gained if Congress succumbs to pressure from banking interests and goes back to the old system. The debate in Washington has centered on arcane—and conflicting—reports from accountants. Some say the new program is more costly; others say it's not.

I'm not qualified to analyze the accountants' reports (though I don't understand how eliminating a middleman can cost you money). But I do know that the new program has benefited the people it was supposed to help: the students and the universities.

At the University of Illinois at Chicago, the direct-lending program has cut the average processing time for a student loan from seven weeks to three. And it has saved time and effort for our financial-aid staff because they don't have to deal with a multiplicity of banks. As a result, students get their