

SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 988, a bill to direct the Secretary of the Interior to transfer administrative jurisdiction over certain land to the Secretary of the Army to facilitate construction of a jetty and sand transfer system and S. 1805, a bill to provide for the management of Voyageurs National Park.

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, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 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 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, July 25, 1996, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 1699, a bill to establish the National Cave and Karst Research Institute in the State of New Mexico; S. 1737, a bill to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth National Wilderness Area; and S. 1809, the "Aleutian World War II National Historic Sites Act of 1996".

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, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public an addition to the agenda of the Full Committee hearing previously scheduled for Wednesday, June 26 at 9:30 a.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

In addition to receiving testimony on matters regarding the U.S. Territories,

the Committee will also receive testimony on S. 1889, a bill to authorize the exchange of certain lands conveyed to the Kenai Native Association pursuant to the Alaska Native Claims Settlement Act, to make adjustments to the National Wilderness System, and for other purposes.

Those wishing to testify or who wish to submit written statements with regard to S. 1889, should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by Committee invitation. For further information, please contact Jo Meuse or Brian Malnak.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, June 19, 1996, to consider the committee's budget reconciliation instructions.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 19, 1996, to conduct a mark-up of S. 1815, the "Securities Investment Promotion Act of 1995".

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, June 19, 1996 session of the Senate for the purpose of conducting a hearing on Salmon Recovery Research.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 19, 1996, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. COATS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, June 19, 1996, beginning at 10:00 a.m. in room SD-215.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 19, 1996 at 9:30 a.m. to conduct a mark-up on Title III of H.R. 3286, the Adoption Promotion and Stability Act of 1996. The mark-up will be held in Room 485 of the Russell Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 19, 1996, to hold an executive business meeting.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 18, 1996 beginning at 9:00 a.m., and Wednesday, June 19, 1996, beginning at 9:30 a.m. until business is completed, to hold a hearing on Public Access to Government Information in the 21st Century, with a focus on the GPO Depository Library Program/Title 44.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COATS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 19, 1996 at 9:00 a.m. to hold an open hearing on Intelligence Matters and at 2:00 p.m. to hold a closed business meeting.

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

ADDITIONAL STATEMENTS

PROPOSED MERGER BETWEEN THE UNION PACIFIC AND SOUTHERN PACIFIC RAILROADS

• Mr. BOND. Mr. President, when Congress passed legislation last year transferring the authority to review proposed rail mergers from the former Interstate Commerce Commission to the Surface Transportation Board, a major issue of concern in the Senate was whether or not the Board should retain exclusive jurisdiction over ensuring that healthy competition is protected before any proposed merger is approved. That congressionally imposed responsibility is indeed important and its first major test will be seen soon when the Board issues its decision on the proposed merger of the Union Pacific and Southern Pacific Railroads.

Never before has such a large consolidation of control over rail traffic been

proposed and never before have so many expressed such strong reservations about the dangers to competition posed by such a merger.

The Board must discharge its responsibility to protect competition and in this case to do so, it must condition approval of the proposed merger with mandatory divestiture of the parallel lines created as a result of the merger to an independent rail competitor.

This condition is essential to approve the proposed merger. Granting trackage rights alone is not sufficient to protect competition. In reviewing this question, the Board should consider the following:

First, the proposed merger would leave two railroads in the West, the combined UP-SP and the BN-Santa Fe, with control of 90 percent of the rail traffic in the West, resulting in reduced competition, higher shipping rates, and reduced service.

Second, the proposed merger will cause many shippers to go from three carriers to two, and many more from two carriers to only one. The Department of Justice's review estimates over \$6 billion in shipping traffic would be affected by this reduced competition.

Third, oddly enough, the competitive harm in this proposed merger is two times the competitive harm of the proposed Santa Fe-Southern Pacific merger proposed and rejected in the mid-1980's.

It is not surprising that numerous shipping groups have publicly opposed the merger in its present form and favor divestiture to solve the competitive problems. These groups include the Society of Plastics, the NIT League, and the Gulf States of Texas and Louisiana. The American Farm Bureau, National Grange, and National Farm Bureau are among the many agriculture groups opposed to the merger and requesting conditions other than the BNSF-CMA agreement. Divestiture of parallel tracks and facilities will result in preservation of competitive options for all shippers who would otherwise see reduction in competition from two carriers to one, and for a significant number who would go from three to two.

Mr. President, last fall I joined with the chairman of the House Small Business Committee, Congresswoman JAN MEYERS, in convening a joint session of our Small Business Committees, to hear from small shippers who have been affected by mega-mergers like this in the past and who know what the consequences of this proposed merger, if approved in its current form, will be for them in the future. They were unanimous. They know that only actual, real competition protects them from the serious consequences of being captive to a single shipper. They have come out in droves to voice their fears in their public filing to the Board. Their interests collectively must be protected.

Because of the intense interest in these parallel lines by competing car-

riers, divestiture would not force the applicants to sell any of these lines for less than their market value. Divestiture allows the merger to go forward and gives the UP and SP the benefits of end-to-end efficiency and the administrative-corporate consolidation that they want while protecting competition for shippers.

Unfortunately, the trackage rights solution to these serious threats to competition will not resolve the problems. Even with added access, competitors operating over lines controlled by an aggressively competitive owner are inferior to the owner of the line who uses control of access to place the competitor at a serious disadvantage. Trackage rights alone do not constitute available competition, only access to actual moving traffic does. That can be achieved only by mandatory divestiture of parallel lines.

The Departments of Justice, Transportation, and Agriculture oppose the current proposed merger due to these competitive problems. Numerous shippers groups and many of the affected States have voiced concerns as well. Mr. President, I believe Congress wants the Board to discharge its duty to protect competition. We will see this decision as the crucial test whether it will or will not.

Congress explicitly recognized divestiture as a viable condition available to the Board when it passed the ICC Termination Act creating the Surface Transportation Board. Congress specifically wrote divestiture into the new law with this need in mind. Divestiture to the highest bidder certainly promotes free-market competition. The Board clearly has this authority and should use it to protect competition. •

FINAL REPORT BY THE SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER

• Mrs. MURRAY. Mr. President, yesterday, after 13 months, 51 hearings, 159 witnesses, thousands of pages of documents, and nearly 2 million taxpayer dollars, the Special Committee To Investigate Whitewater concluded its work.

Our committee found no instance in which the President or the First Lady have acted unethically, illegally or abused their power.

Mr. President, the special committee released two varying reports yesterday: A Republican majority report and a Democratic minority report. Our committee started its work in true bipartisan fashion. Unfortunately, as the investigation repeatedly failed to produce any substantive or legitimate wrongdoing by the President, the majority veered the committee down a path of partisan politics and speculation. As a result, our bipartisan teamwork broke down. It disintegrated to a point that two separate reports are needed in order to report our findings as clearly as possible.

The biggest failing of this committee, however, was our failure to keep

faith with the American people. For months, I reminded our committee of the importance of being credible and of the need to maintain the confidence of the American people. Constituents in my home State often expressed their displeasure with our committee's partisan politics. And they told me they no longer trusted our committee to find the truth in a fair and impartial manner.

Mr. President, we were charged with the mission of finding all of the facts relating to the President's relationship with Whitewater and related matters. That's what the American people wanted us to do. That is what they expected us to do. Unfortunately, the majority decided to make allegations first, and find the facts second. If the facts failed to support the allegations, the majority simply discarded the facts.

I believe, and most of my colleagues will agree, that there were few instances where the White House could have produced documents faster or answered questions more quickly. In its attempt to be careful and cautious, the White House ultimately ran into perception problems. The White House looked as if it was covering up the truth. Once all the information was gathered, we learned the White House had not acted improperly—rather in many cases it was as open and forthcoming as possible. In no way did the White House act to obstruct justice or attempt to impede this committee's investigation.

The majority granted the special committee \$400,000 to extend our hearings well beyond our original February deadline. Nearly 4 months later, our committee conducted only 10 more hearings. This track record makes it very clear to me that we could have concluded our work by the original deadline, and that the majority simply intended to continue these hearings further into the Presidential election season.

Now, after finding no wrongdoing by the President in relation to the subject at hand—Whitewater and Madison Guaranty—the Majority has leaked reports that it intends to pursue perjury charges on three of the President's aides and advisers. This is a clear attempt to move attention away from the fruitless investigation by creating a new allegation. Like many of the smoking guns that amounted to no more than squirt guns, it again appears to be another effort to make news where there is no news, and to make political noise in an election year.

Our committee spent nearly \$2 million to examine the facts. The Resolution Trust Corporation [RTC] spent nearly \$4 million conducting an independent investigation clearing the Clintons of any wrongdoing. And the independent counsel has spent more than \$26 million on its ongoing investigation. Including the House committee hearings, nearly \$40 million of public money has been spent to bring all relevant information into the open.