

time consuming web of discoveries, findings, and appeals that take years and cost millions of dollars. The result is that we have more captive shippers whose only recourse for rate protection is an impossible process that is simply not worth the expense. This cannot continue.

Small shippers are forced to take on well financed railroad corporations populated with hundreds of lawyers who can use the complex system to make rate relief an impossible maze of endless filings, appeals, and delays. In the GAO's survey, shippers emphasized the time, cost, and complexity involved in filing a rate complaint as significant enough barriers as to prevent them from attempting to seek rate relief through the STB process. Since the railroad industry has blanket antitrust immunity—which is a status not enjoyed by another industry—captive shippers have no recourse and will remain overcharged unless Congress takes some action to level the field.

I urge my colleagues to support this legislation. Attached is a summary of the bill's provisions. I ask unanimous consent that the summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

**RAILROAD COMPETITION AND SERVICE IMPROVEMENT ACT—SUMMARY**

**SECTION 1. SHORT TITLE**

The "Railroad Competition and Service Improvement Act of 1999"

**SECTION 2. PURPOSES**

The purpose of the legislation is to require the STB to accord greater weight to increase rail competition; to eliminate unreasonable barriers to competition; ensure reasonable rates in the absence of competition; and remove unnecessary regulatory barriers that impede the ability of rail shippers to obtain rate relief.

**SECTION 3. FINDINGS**

The Congress finds that the railroad industry has become concentrated and that rail industry consolidation has diminished competition, creating a greater dependence upon the Surface Transportation Board's rate relief process, whose procedures for obtaining rate relief, according to a report issued by the General Accounting Office, "are highly complex and time-consuming."

The GAO also found that—

75 percent of the shippers believed that they are overcharged with unreasonable rates and over 70 percent of the shippers believed that the time, complexity, and costs of filing complaints create unsurmountable barriers and therefore precluded them from pursuing the rate relief they are entitled to under the law;

The STB rate relief process cost shippers between \$500,000 to \$3 million per complaint and took between a few months and 16 years to resolve;

Over "70 percent [of shippers] believe that the time, complexity, and costs of filing complaints are barriers that often preclude them from seeking relief"; and

While shippers contend that the rate complaint process needs serious repair, shippers believe that increasing competition in the railroad industry would do more to lower rates and diminish the need for a rate complaint process.

Consolidation in the railroad industry has diminished competition, thwarting the in-

tended objectives of deregulation to allow completion to lower rates and improve service. The rate protection intended for shippers without effective competition has been derailed by a complex, costly, and time consuming web of discoveries, findings, and appeals that take years and cost millions of dollars.

**SECTION 4. CLARIFICATION OF TRANSPORTATION POLICY**

The legislation requires the STB to give priority to the following policy objectives:

- (1) ensuring effective competition among rail carriers;
- (2) maintaining reasonable rates where there is an absence of effective competition;
- (3) maintaining consistent and efficient service to shippers, including the timely provision of railcars requested by shippers.

**SECTION 5. FOSTERING RAIL COMPETITION**

The bill overturns the STB's "bottle neck" decision that has been disappointing for shippers. Under the legislation, rail carriers would have to quote a rate for transportation over a segment of line upon the request of a shipper. If the rail carrier refuses, the STB shall establish the rate.

**SECTION 6. RELIEF FOR CERTAIN AGRICULTURAL SHIPPERS**

Places a \$1,000 limit on filing fees on rate complaints filed by small, captive agricultural shippers; establishes a simplified and streamlines rate complaint process for small, captive agricultural shippers; and would allow a small, captive agricultural shipper to request service from another railroad or file for damages when their carrier fails to honor railcar orders.

**SECTION 7. COMPETITIVE RAIL SERVICE IN TERMINAL AREAS**

Eliminates the requirement that evidence of anti-competitive conduct be produced when the STB determines the outcome of requests to allow another railroad access to rail customer facilities within an area served by the tracks of more than one railroad.

**SECTION 8. SIMPLIFIED STANDARDS FOR MARKET DOMINANCE**

The market dominance standard (which establishes the terms in which rail shippers may have standing to challenge the reasonableness of a rate) is simplified in a goal to minimize the regulatory burdens confronting captive rail shippers. Under this legislation, a rail carrier will be presumed to have market dominance if the shipper is served by only one rail carrier and if the rail shipper can demonstrate that the carrier's rate is above 180% revenue to variable cost. [Currently, a shipper must demonstrate—in addition to the above criteria—there is no geographic or product competition. This legislation would eliminate those hurdles for the shipper.]

**SECTION 9. REVENUE ADEQUACY DETERMINATIONS**

Repeals the revenue adequacy test [which is a determination by the STB on the financial fitness of the railroads and creates another obstacle for shippers seeking rate relief from the STB].

**SECTION 10. SERVICE PERFORMANCE REPORTS**

Requires the railroads to submit service performance reports to the Department of Transportation.●

**ADDITIONAL COSPONSORS**

S. 61

At the request of Mr. DEWINE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 61, a bill to amend the

Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 110

At the request of Mr. SMITH, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. DURBIN], the Senator from North Carolina [Mr. HELMS], the Senator from Illinois [Mr. FITZGERALD], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 110, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a federally-funded screening program.

S. 249

At the request of Mr. HATCH, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 249, a bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 261

At the request of Mr. SPECTER, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 261, a bill to amend the Trade Act of 1974, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mr. HAGEL, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 329

At the request of Mr. ROBB, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alabama [Mr. SESSIONS], the Senator from South Dakota [Mr. JOHNSON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to

games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 398

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 427

At the request of Mr. ABRAHAM, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 459

At the request of Mr. BREAUX, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 494

At the request of Mr. GRAHAM, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 494, *supra*.

S. 521

At the request of Mr. LEAHY, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 521, a bill to amend part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Ohio [Mr. DEWINE], the Senator from New York [Mr. SCHUMER], and the Senator from Georgia [Mr. CLELAND] were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 537

At the request of Mr. LUGAR, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 537, a bill to amend the Internal Revenue Code of 1986 to adjust the exemption amounts used to calculate the individual alternative minimum tax for inflation since 1993.

S. 562

At the request of Mr. HARKIN, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

S. 575

At the request of Mr. CLELAND, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 575, a bill to redesignate the National School Lunch Act as the "Richard B. Russell National School Lunch Act."

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

## SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the names of the Senator from Nebraska [Mr. HAGEL] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

## SENATE RESOLUTION 19

At the request of Mr. SPECTER, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by \$2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 53

At the request of Mr. HUTCHINSON, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Resolution 53, a resolution to designate March 24, 1999, as "National School Violence Victims' Memorial Day."

## AMENDMENTS SUBMITTED

## NATIONAL MISSILE DEFENSE ACT OF 1999

COCHRAN (AND OTHERS)  
AMENDMENT NO. 69

Mr. COCHRAN (for himself, Mr. INOUE, Mr. LIEBERMAN, and Mr. WARNER) proposed an amendment to the bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense capable of defending the territory of the United States against limited ballistic missile attack; as follows:

On page 2, line 11, insert before the period at the end the following: "with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense".

DORGAN AMENDMENTS NOS. 70-71  
(Ordered to lie on the table.)

Mr. DORGAN submitted two amendments intended to be proposed by him to the bill, S. 257, *supra*; as follows:

## AMENDMENT NO. 70

On page 2, strike line 7 and all that follows and insert the following:

It is the policy of the United States—

(1) to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate); and

(2) that deployment of the system shall be carried out in a manner that—

(A) balances such deployment with the deployment or utilization of other measures to protect the United States against attack by weapons of mass destruction; and

(B) gives appropriate consideration to the cooperative relationship between the United States and Russia regarding a reduction in the threat posed by weapons of mass destruction.

## AMENDMENT NO. 71

On page 2, strike line 7 and all that follows and insert the following:

(a) POLICY FOR DEVELOPMENT OF NATIONAL MISSILE DEFENSE SYSTEM.—It is the policy of the United States to develop for potential deployment an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(b) POLICY FOR DEPLOYMENT OF NATIONAL MISSILE DEFENSE SYSTEM.—It is the policy of the United States to deploy a National Missile Defense system only if that system—

(1) is well managed, proven under rigorous and repeated testing, and cost-effective when assessed within the context of other requirements relating to the national security interest of the United States;

(2) is deployed in concert with a variety of additional measures to protect the United