

"Oh, I remember my Senator or my Congressman wanted to make sure." Not to be found whatsoever.

The truth is that the counsel at the ICC, which does not certify express carriers like Federal Express air carrier, where 85 percent of their packages are carried by air, intimated since the Railway Express Agency had gone bankrupt and their rights had been transferred, there was no need for the language.

But they all now agree, 2 months later in 1996, when we learned about it, it was an inadvertence, because it was a hotly contested thing over a 5-year period in the Philadelphia case used by the distinguished Senator from Massachusetts.

The distinguished Senator from Massachusetts says that here the poor workers are right in the middle of trying to get their rights and are being cut off at the pass by the Senator from South Carolina. Not at all. Their rights are the same as under that 5-year case on November 22, 1995, under this particular amendment.

What we are trying to do is make sure that all rights of all parties, as expressed in the ICC Termination Act, are unchanged, neither expanded nor contracted.

So we are not pulling the rug out. On the contrary, we are preventing the rug from being pulled out. We are not changing the rules of the game. On the contrary, we are trying to prevent the rules from being changed after the game. For what it was is, on November 22, by a unanimous opinion of the National Mediation Board, Federal Express was an express carrier under the Railway Labor Act. It was not until December 15 that we marked up that conference report on the termination of the ICC. That is wherein they dropped the two words, "express company." That is wherein the ambiguity is, in spite of the expressed intent. That is the ambiguity that the Hollings amendment intends be corrected.

I am proud, because we have used that device ad infinitum here this particular week in the adoption of six appropriations bills. And matters included in those bills were never in the House, never in the Senate, included for the first time, and we voted overwhelmingly for them. So do not come with procedure and technicality.

Not a special interest in the sense of giving a corporation something they never had. A special interest in the light of the truth. The truth is a special interest of the Senator from South Carolina. It is a matter of honor and conscience. When we found this mistake was made on our watch, we wanted to make every reasonable effort to make sure it was corrected.

Don't give me about hearings. The mistake was made without any hearings, without any discussion, without any knowledge. So we need not have any hearings or knowledge now. However, we did have knowledge. We did argue it in the conference. We voted 8

to 2 on a 4-to-1 vote to include it. It passed the House, and has been ready to pass the Senate since the beginning of the week, except for the motion to postpone, the requirement of the reading of the bill, for all of these machinations where they say they are not for filibuster and are engaging in a filibuster.

That is not the matter of an issue never litigated. The Teamster case in 1993 which I referred to in the RECORD stated that it had nothing to do with Federal Express, but in a unanimous opinion by the National Labor Relations Board, an opinion by the chairman stating that the United Parcel Service has 92 percent of their packages delivered on the ground, did not qualify, in contrast, as Federal Express has since its initiation or beginning in 1973.

On the contrary, it is entirely different, quoting the Teamster lawyer, "As night and day." But they come with the oozing argument, trying to get the foot in that door—what is the matter; United Parcel Service operates under the rules, why cannot Federal Express? Federal Express is operating under the rules. It has operated under the rules. There is no court decision other than holding it should operate under the rules of the Railway Labor Act.

Yet, my distinguished colleague from Massachusetts continues to say again and again and again there is no court decision finding that Federal Express is an express company to operate under the Railway Labor Act. He could not show me one decision when I asked. I asked for the grounds. Where is the decision that he finds otherwise? It is not an issue unstudied.

We formed the Dunlop Commission here at the beginning of the year under the former Secretary of Labor under President Carter, and that commission found that the provisions of the Railway Labor Act should not be changed. I emphasize the fact that Mr. Doug Fraser, former president of the United Auto Workers, was a member of that commission.

Now, Mr. President, there is no reason to waste the time of the Senate here about Federal Express being antilabor. We know Howard Baker, the former majority leader, is not antilabor. We know George Mitchell, former majority leader on this side of the aisle, is not antilabor. They are both on the board. I put in more good Government awards for recognition for Federal Express than you could possibly imagine—continuous—over the years.

In "the 100 Best Companies To Work for in America," they rated at the top in every respect for workers' rights, good housekeeping, for working men. Who is the best company for working women? They won that. For minorities, for Hispanics, in any particular regard, you find Federal Express is diligent, working, growing, and paying.

I finally have to put in, when we heard we had not had a pay raise; to

the contrary, for the past 8 years, all Federal Express workers, including 30,000 couriers—not including their board members, but including 30,000 couriers—all have received an average of 6.5 percent over the past 8 years or over a 50-percent increase in their wages. That is the fact. No use to come out here and slam and paste antiworker signs with a big old Federal Express truck on them and begin a diatribe against the Republican Party. That is the worst performance I have ever seen.

I yield 5 or 10 minutes to the distinguished Senator and reserve the balance of my time.

Mr. CHAFEE. First of all, I want to thank very much the distinguished Senator from South Carolina for letting me proceed.

I ask that I might proceed for 8 minutes as in morning business.

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

#### RETIRING SENATORS

Mr. CHAFEE. Mr. President, there are 13 Senators who have chosen not to run for reelection. Each one I consider a friend. With each one, I have had extremely enjoyable experiences—whether it be traveling abroad, as with HOWELL HEFLIN; working on the centrist coalition, as with HANK BROWN, BILL COHEN, NANCY KASSEBAUM, SAM NUNN, and AL SIMPSON; long hours spent together on the Finance Committee with BILL BRADLEY and DAVID PRYOR; friendly times in this Chamber with BENNETT JOHNSTON, PAUL SIMON, and JIM EXON; a long time friendship that goes back over 30 years with MARK HATFIELD; and working together for our State with CLAIBORNE PELL.

CLAIBORNE PELL has been here the longest, 36 years. His splendid achievements on behalf of education will long be recognized for their benefits, not just to millions of young people, but also to our Nation.

His years on the Foreign Relations Committee have been devoted to obtaining treaties to foster a long term peace.

Our Nation's cultural life has been enhanced by his originating the National Endowment for the Arts. By any measure, his Senate career has been a splendid one.

It is always risky to single out any individuals from a star studded group such as the 13 who are retiring, but I would like to make a few additional comments regarding six of those with whom I have worked especially close.

The first five Senators I will mention were for the past 4 years in our bipartisan mainstream coalition and our bipartisan centrist coalition. We spent scores of hours together in room S-201 here in the Capitol working together to forge legislation first on health care and then on the budget.

Ever since BILL COHEN came to the Senate, he and I have exchanged views on legislation. I've listened especially

careful to his thoughts on national defense and matters pertaining to the aging. It has been a joyful relationship and his penetrating appraisal of senatorial actions has been a continuous leavening to some tiring sessions that we have had. Above all, I will remember his willingness to take difficult votes in attempting to put our fiscal house in order.

As do all Senators, I have tremendous respect and affection for NANCY KASSEBAUM. That quiet manner and lovely smile hides a spine of steel. She takes courageous positions and sticks by them. She was always there when challenging budget votes had to be taken.

AL SIMPSON is noted for his humor, occasionally earthy and always pertinent. But, never should we forget the difficult subjects he has dealt with, forged into legislation, brought to the floor and achieved passage. Whether it be immigration, veterans affairs or Medicare matters, AL SIMPSON has the courage to tackle the tough issues.

Likewise, HANK BROWN has dealt with these budgetary matters that, if unrestrained, will bankrupt our country and leave no Medicare, and a Social Security System that is a shambles. His constant cheerfulness and quiet determination will be greatly missed.

The final retiree from our centrist group is SAM NUNN. Everyone knows of SAM as a defense expert, whether it's ICBM's or troop numbers in NATO, he is the leading expert. But his courageous efforts to control the Federal budget should receive equal billing. Like the other members of the centrist group, he was willing to take the tough votes. He has been a giant in this Senate.

Finally, to longtime friend, MARK HATFIELD, a special farewell. Calm, determined, devoid of side or slickness, always courageous, willing to withstand tremendous pressure if his principles were under attack; he stands as a model Senator.

All 13 of these Senators will be greatly missed and our Nation will be hard pressed to replace them with their equals.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

The Senate continued with the consideration of the conference report.

Mr. WYDEN. Mr. President, with the conference report on S. 1994, the FAA bill, is still pending before the Senate, I want to take a moment to run through the provisions dealing with air safety. Having authored these with

Senators MCCAIN and FORD, I want the legislative history to be clear about how we got here and what we expect.

When we began the process, this was a relatively modest reauthorization bill, no safety measures to speak of. But we have come a long way: with this legislation, we are going beyond all the talk about safety.

The conference report includes two central provisions on air safety; the first eliminates the FAA's so-called "dual mandate" to make safety paramount at the FAA; the second requires the NTSB to make airline safety information available to the public.

Just as the American public relies on the FDA to assure that the food supply is safe, the flying public relies on the FAA to make sure aviation is safe. This is the FAA's most important and fundamental mission. Building an infrastructure for an ever-increasing demand for air travel is not.

The problem is that until today, the law gave the FAA a dual mandate. It said to the FAA, go out and promote air commerce but keep an eye on safety as well. Mr. President, that simply isn't acceptable.

The dual mandate created a dilemma for the Agency. If, for example, an FAA official believed new safety equipment, like better flight data recorders, would greatly improve safety, but it carried a huge price tag, what should that official do? That official would have to decide whether the safety benefits outweighed the costs to the aviation community. That is not the type of cost-benefit analysis I find acceptable.

That is why I sponsored the amendment, adopted unanimously by the Commerce Committee, to eliminate the Agency's dual mandate and make safety paramount. The FAA should not have to choose between safety and promotion of the industry.

The genesis for second provision on aviation safety information is my long-held belief that one thing Government can and should do is give American consumers access to good, unbiased information. It is time to adopt new policies that empower the consumer, to make it possible for consumers to get critical information about aviation safety in our country.

Everyone who flies should be able to make informed choices about the airlines they fly and the airports they use. This legislation will enable consumers to do that.

Right now, it is possible for consumers to find out if their bags may be crushed and whether their flights will arrive on-time. But it is pretty darn hard for consumers to find out if the airline they are flying on has been fined for violating a major safety law.

Back in July, Senator FORD and I wrote the FAA asking them to work with the NTSB, industry, labor and others to come up with a way to make aviation safety information available to the public.

I have talked to people in all parts of the aviation community—the FAA,

NTSB, airlines, labor, manufacturers, pilots, and consumer groups—about the best way to do this. While there are certainly differences over how to do it, everyone agrees that it should be done. And I agree with those in the industry who say that anything involving safety should not be part of competition. But by having uniform definitions, standards, and public access to this information, I believe we will move safety out of the shadows and into the sunshine.

To get this kind of information today, consumers have to go through the legalistic torture of the Freedom of Information Act. I do not think that's good enough.

In addition, the kind of safety information gathered by the FAA and the NTSB is also a problem. It is pretty tough to figure out what's an accident and what's an incident. It is certainly unfortunate if a flight attendant trips and breaks a leg during a flight, but that shouldn't be recorded in the same way as an engine losing power in mid-air.

The intent of the provision in this bill is to have the NTSB make accurate information available to the public about aviation safety, including accidents and violations of safety regulations. This particular provision focuses on the NTSB, and I expect the NTSB effort to parallel the FAA's ongoing project of looking at how to make its information on accidents as well as violations of its regulations available to consumers.

In a few weeks, the FAA will be reporting back to Senator FORD and myself on the best way to handle a broader task: getting the FAA's more comprehensive safety information on accidents and fines for violations of safety regulations out to consumers. I look forward to this report.

Mr. President, there are many other important elements in this legislation, but I wanted to take this time to explain in greater detail those relating to aviation safety. These are critical components of this bill. I hope my comments will provide some guidance to the NTSB and the FAA as they proceed to put them into practice.

Mr. ASHCROFT. I wish to congratulate Senator PRESSLER on his efforts and those of the other Senate conferees to work out a beneficial aviation bill in conference. The conference report before us covers airport grants for the fiscal year beginning yesterday, as well as a continuation of FAA programs, new aviation security measures, and other matters. The bill also establishes a process by which Congress can get recommendations from outside experts on how much funding FAA will need in future years for FAA programs, including airport grants, and who should be paying greater or lesser user taxes or fees. In this respect, I had hoped the conference report would have made clear that this blue ribbon commission should look at the issue of user taxes or charges from the viewpoint of the metropolitan areas where they are generated as well as indicating which user