

have the leader to be designated to have 5 minutes.

Mr. BYRD. I hope that the distinguished Senator will include that in his request.

Mr. HATFIELD. Could I include the same as I did for the Senator from Indiana?

Mr. KENNEDY. That would be fine.

Mr. HATFIELD. That the Senator from Massachusetts be recognized to make whatever motions necessary to get the 5 minutes after we get this approved.

I would have no objection.

Mr. BYRD. Do I understand the Senator wishes to have his 5 minutes on the continuing resolution?

Mr. KENNEDY. No, just on the earlier matter being discussed. I do not want to interrupt the two chairmen on this very, very important matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I further ask unanimous consent that following the vote on H.R. 4278, the Senate proceed to vote on the adoption of the DOD appropriations conference report, all without further action, and that all points of order be waived.

Mr. BYRD. Mr. President, reserving the right to object, I shall not object, I very much advocate both of these requests. I did so in the conference earlier today, conference among Democrats. I feel that there should not be any amendments to the continuing resolution. I am not satisfied with everything that is in the resolution, but I do think the time has come to adopt the resolution without a great deal of debate this afternoon and without amendments because amendments would simply mean that the continuing resolution would go to conference, and I presume that the leader would probably take that continuing resolution down and call up the conference report, which is not amendable and therefore not conferenceable.

So it seems to me that the integrity of the Senate, the integrity of the legislative process within the Senate, the integrity of the Senate's right to amend and right to debate are all protected here, and that is what I am most interested in. We could offer amendments to the continuing resolution if we wanted. Consequently, any Senator could have objected to the request. We could debate at some length. I am sure that we Democrats do not want to be accused of shutting the Government down.

Therefore, it seems to me in the interest of all concerned—and as I say, in full view of the fact that the integrity of the process and integrity of the Senate's right to debate an amendment and amend have been fully protected—I have no objection, and I congratulate the Senator from Oregon and I also congratulate both leaders.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

Mr. HATFIELD. Finally, Mr. President, I ask unanimous consent that of the time allocated to Senator LOTT, 10 minutes be allocated to Senator MCCAIN.

Mr. BYRD. Mr. President, reserving the right to object, does the distinguished Senator wish to include Mr. COATS in that request? And I will ask that the Senator from Massachusetts be included.

Mr. HATFIELD. I would be very happy to incorporate 5 minutes to the Senator from Indiana.

Would the Senator like to include 5 minutes for the Senator from Massachusetts?

Mr. BYRD. I would like to have Mr. KENNEDY accorded 5 minutes in the request, from the time under the control of the minority leader.

Mr. HATFIELD. That would be then 10 minutes for Senator MCCAIN, 5 minutes for Senator KENNEDY, and 5 minutes for Senator COATS.

The PRESIDING OFFICER. Is there any objection?

Mr. PRYOR. Mr. President, reserving the right to object—I do not want to object—I do not think that I am going to ask to speak for 5 minutes, but at least if I could reserve 5 minutes in this process for myself I would appreciate very much the distinguished manager allowing me to speak.

Mr. BYRD. Include 5 minutes to come out of the time under the control of the minority leader.

Mr. HOLLINGS. Is that all right, 5 minutes also here for the Senator from South Carolina?

Mr. HATFIELD. Another 5 minutes for Senator PRYOR and 5 minutes for Senator HOLLINGS.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

Mr. HATFIELD. I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD. Mr. President, I thank all Senators and particularly those who have been so courteous as to yield allowing this request to be granted.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

APPLICATION OF CIVIL RIGHTS AND LABORS LAWS TO THE WHITE HOUSE

Mr. COATS. Mr. President, I would actually like to speak briefly on a non-related CR matter or a nonrelated FAA matter. This is something that I was fully of the understanding would be cleared on both sides and become law after it was sent to the President in final closing action of the Congress. I have sponsored a bill along with Representative HORN from the House designed to eliminate a very dubious double standard that remains in the application of our civil rights and labor laws. That double standard was elimi-

nated relative to this body in this Congress by application of the civil rights and labor laws which we had previously excluded ourselves from, that application now applicable to the U.S. Congress.

For too long and to the general disgust of the American people, in the laws which we passed requiring them to comply with the civil rights laws of the land and the labor standards of the land, we crafted an exemption for the Government. We said it is good enough for you but not for us. You comply with it subject to both civil and criminal penalties, but we are going to exempt ourselves.

I am proud that under Republican leadership in this Congress, we finally remedied that inequity that existed for so many years because now that same list of laws which applies to every American worker and every American under the civil rights laws and under the labor laws of this country now applies to us. The theory here is that if we have to be subject to those same requirements, perhaps we will be a little more careful before we impose egregious regulations on the American people.

I remember attending a closed meeting of Senators while we were debating this, and a Senator walked in and said, "You mean we are going to have to live by this? It is impossible. Our office cannot comply with the OSHA laws. Our office cannot comply with all these fair labor standard laws. We cannot do this." We said, "Well, now you know what the American people are complaining about. They are saying they cannot do it either. Sometimes they even conflict with each other. And maybe if we feel the pain ourselves, then we will be a little more careful when we impose that pain on others."

What I have attempted to do, along with Representative HORN, is simply apply this same standard to the White House. Today, the only exempted entity in America is the White House. The White House does not have to comply with the laws that the Congress now complies with and every other American complies with.

I was encouraged because the White House sent us a statement of administration policy which said that they support the bill offered by Representative HORN and myself, and I read this statement of administration policy which says, "We support H.R. 3452 that would apply civil rights and workplace laws to the Executive Office of the White House."

They, however, had a couple problems with that. They did not want an inspector general because they thought it raised constitutional issues, and they did not want equitable relief too, which really leaves a double standard in place, but the only way we could get this through before the conclusion of this Congress was to remove those. I did not want to remove them. Representative HORN did not want to remove them. But we were assured by the

White House that if we could remove these, then they would be willing to accept this provision.

Now we find objections in the last day perhaps of the Congress. We find roadblocks. We find people stonewalling this, hoping the clock will run out so it is not passed. Talk about a double standard. Talk about a stonewalling so that the White House does not have to comply with all the rest of us. We are getting resistance. We are getting resistance from individuals who are trying to have it both ways. "Oh, yes, these ought to apply to the White House." The White House is saying, "Oh, yes, they should apply to us," whether it is the Family and Medical Leave Act, OSHA regulation, Fair Labor Standards Act. They said, "Oh, well, we comply with it in policy."

That is what we were saying around here: "Oh, we comply with it in policy. We don't need to comply by legal means."

Obviously, that is not true, and if we are going to apply that standard we ought to apply it to the American public as well. So if we are going to have a law, the law ought to apply equally to everybody in the land. It ought to apply to Congress, it ought to apply to the public, and it ought to apply to the White House. Everybody has now complied except the White House. On the one hand, they are saying, yes, we support this effort if you will make these changes. We made the changes reluctantly in order to get it through. And now they have apparently sent instructions or someone has decided that they are going to protect the White House by letting the clock run out and not let us pass this.

It passed the House 410 to 5. There were only 5 members who objected to this, and that is the tougher language they said they needed revised or weakened in order for them to support it. Reluctantly, Representative HORN and I met and agreed to drop that tougher language that had passed 410 to 5—only 5 opponents.

So it is clearly a bipartisan bill. We dropped that language and have now presented it, and we were totally under the assumption that this was absolutely cleared by everybody. If we drop the one piece of language that the White House objected to, that cleared the House by 410 to 5, then surely there would not be a problem over here. But, yet, we are getting all kinds of resistance back, in terms of passing this here in the last days.

I do not understand why we are in this situation, but—well, maybe I do understand. It was James Madison who wrote a long time ago, that "an effective control against oppressive measures by the Federal Government on the people is that Government leaders can make no law which will not have its full operation on themselves and their friends as well as on the great mass of society."

In other words, what is good for the goose is good for the gander. What is

good for the public, that we impose on them, ought to be good for us. We faced up to that fact. We stepped up to the bar with that. I was proud, under the leadership of Republicans, we imposed that on the Congress. Now we have to live by it. All we are trying to do now is extend it to the White House. They say they want it, yet efforts are being made to not allow it to go through.

Mr. President, I hope as we deal with these issues here at the last, waning moments of Congress, we will take our responsibilities seriously, and whether it is FAA or public lands or White House accountability, we will deal with this before this Congress adjourns.

I urge my colleagues to accept what the White House says it wants to accept, what the House in a total bipartisan fashion has accepted, and even a weakened version here in the Senate, that applies to the White House, is ready for passage if we can lift the restrictions against it.

Mr. President, I yield the floor.
The PRESIDING OFFICER. Who seeks recognition?

The Senator from Massachusetts.

FEDERAL EXPRESS ANTILABOR RIDER TO FAA REAUTHORIZATION BILL

Mr. KENNEDY. Mr. President, I think I am entitled to 5 minutes. I yield myself 4½ minutes, Mr. President.

Mr. President, earlier in the discussion of the FAA and the special interest provisions that were included in the conference, I want to just point out there are some who have suggested this was really technical and it was not really a big deal. I hope our Members will review the House debate on it. The House of Representatives voted for final FAA reauthorization 219 to 198; 30 Republicans voted no.

It is useful for Members to have some opportunity to review that debate. Here Mr. LIPINSKI points out, in fact, talking about the conference, "In fact, there were no discussions between the conferees in regard to this particular provision until the absolute end of the conference when everything else was decided. A Senator brought forth a provision that prevailed." I understand that. But just because it prevailed in conference among 10 members, it should not mean that this House has to accept it.

Mr. President, earlier in the debate, Mr. Oberstar pointed out,

I thank the gentleman for yielding time. Let me just get the record straight on this express issue. The reason for ending the ICC investigation and oversight of express carriers was the concept of express carriers had become obsolete. The ICC staff itself recommended the elimination of express carrier status. It was not an oversight, it was not something someone neglected to do, something that was not negotiated in drafting, it was not a drafting error. It was done for good reason. The last express carrier went out of business in the mid-1970's.

So, since it was obsolete, there were no hearings. If you are going to expand

the definition of "express carrier" to include Federal Express, and amend effectively the National Labor Relations Act and the Railroad Act, you ought to have some kind of hearings to find out what the impact is going to be. That is basically what we are talking about here, is changing and expanding.

That is the same conclusion that these Members had, with what the CRS had. The ICC staff recommended it. Now we are being asked to put in these special kinds of provisions.

The House of Representatives, in a very close vote, for some of the reasons I have mentioned here—I will have more of a chance to bring in some of the excellent comments. We do not have the time this afternoon, but I understand we will have some time later on, to be able to get into this in greater detail. We will see why this is special legislation. It is special legislation for a special company. Let us make no mistake about it.

Federal Express wants to have a requirement that every truck driver in this country has to be a part of a national group in order to be able to be considered whether they can bargain with the company. A truck driver is a truck driver. The UPS has recognized the truck drivers for UPS are under the National Labor Relations Board. Why we ought to write special legislation in the last hour on the FAA conference report, that has so many important matters, including aviation safety, and that ought to be held hostage for a special provision for a special company is, I think, untenable.

But if that is the way it has to be, that is the way it has to be.

Mr. President, I understand there has to be additional debate on the underlying matter of the continuing resolution, so we will wait our time, and I yield what time we have.

The PRESIDING OFFICER. Who seeks recognition? The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield myself 4½ minutes, just like the distinguished Senator from Massachusetts.

Mr. President, "On balance," I am reading:

... the amendment would appear to confuse rather than clarify the question of Railway Labor Act coverage. On the one hand, it could be argued that the amendment would have no effect. Since neither Federal Express nor any other employer was certified as an express company, subject to title 49, on December 31, 1995, it would follow that no employer could come under the coverage of the proposed amendment.

That is an argument, if I were the lawyer for Federal Express, I would be delighted to make. But it shows you how totally confused, not the decision language makes it, but how confused this silly lawyer is over there. Because the ICC does not give an air carrier certification—period. They never gave one to Federal Express. He does not seem to understand that.

However, let us go to the basic law.

I read: