

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

The Senator from New Mexico will be recognized at the conclusion of the remarks of the Senator from Washington. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise today as a strong proponent of the bill before us H.R. 3539, the Federal Aviation Administration reauthorization bill. This legislation does provide critical aviation safety and reform efforts and it is the principle authority for aviation infrastructure investments.

The importance of this bill only underscores the time and serious attention, Members in this Chamber have given to the legislation's express carrier provision. I have listened closely over the last few days to colleagues whom I deeply respect, on both sides of this issue and both sides of the aisle.

As much as I want to see the FAA bill pass, I believe we must focus on the question of fairness. Did this provision, we are now debating receive enough public comment and undergo hearings necessary to adequately judge the change? Is this provision so insignificant, that it can be quickly addressed in the rush to adjourn? Are we creating a priority system that places specific companies above others?

These questions are serious and far-reaching. This provision raises too many concerns and justifies this Chamber's serious examination of the language. First, one must look at the legislative history of this rider. There has never been a hearing on this provision in a House subcommittee or full committee. Neither have there been any hearings on this provision in a Senate subcommittee or full committee.

There have been previous attempts to attach the rider to omnibus appropriations bills, the National Transportation Safety Board reauthorization and the Railroad Unemployment Act. All of these attempts to insert this controversial language have failed.

The rider was not on this bill as it passed the House and was not included in the Senate's original FAA reauthorization bill until it reached the conference committee. There are even jurisdictional questions to be answered as the House required a special rule just to consider the provision. In the end, 198 Members of Congress opposed the FAA bill with this added rider.

Second, as debate continues on this provision, it becomes clear that this is not simply a technical correction. The term "express carrier" has been obsolete for years and was purposely removed from the Railway Labor Act and the Interstate Commerce Act when Congress passed the ICC Termination Act last year. Express carrier was removed, simply because no express carrier existed since the mid-1970's.

Congress is charged with promoting an equal playing field for all. Unfortunately, what appeared to be an innocuous correction has become a dangerous reclassification. We must ensure

that employees of one company have the same opportunities as those employees in other similar organizations.

Many will try to boil this issue down into another labor battle. I prefer to look at the provision as one that denies a specific group of employees, basic rights in the workplace. These opportunities are already granted to these employees' colleagues.

All of us are ready for adjournment. Many have felt that they've become hostage to an insignificant technical correction with little impact. Our 4 days of debate will one day, however, appear insignificant. Especially in contrast to the thousands of workers who will forever be held hostage by this language.

Mr. President, let's act reasonably. Let's act rationally and by all means let's adjourn. But let's leave this session with a clear conscience and a bill we can all live with, confident that we did not act in haste or shortsightedness.

In the interest of good Government and good public policy, let's remove the provision and re-examine it through the normal legislative process. In the interest of good Government and good public policy, let's pass the FAA bill without this express provision. This legislation is strong enough on its own merits. I am certain the House will recognize its responsibility to come back and finish a job, so critical to America's workers.

The PRESIDING OFFICER. Under the previous order the Senator from New Mexico is recognized.

TRIBUTE TO RETIRING SENATORS

SENATOR BENNETT JOHNSTON

Mr. DOMENICI. I have not had occasion to speak on the floor with reference to some of my close friends, retiring Senators, other than some remarks I made with reference to BENNETT JOHNSTON. We came to the Senate together, and I addressed my thoughts on BENNETT JOHNSTON. He is my ranking member and I have been his.

Now I will take a few minutes to talk about a number of Members. I do not know that I will be able to comment on all my fellow colleagues that are leaving, but I will briefly state my remarks, and I hope brevity is not taken by any of the departing Senators as an indication of my heartfelt feelings. In a few minutes I will cover a lot of them with some observation that I remember most specifically about each Senator.

SENATOR PAUL SIMON

I start with a Democrat Senator, Senator PAUL SIMON from the State of Illinois. I perceive, as I look at Senator SIMON, that he was a quiet man, who acquired a great deal of respect in this Chamber and became very effective because he has been very forthright in the manner that he does business and carries out his initiatives and efforts.

He has always put all his cards on the table, even in cases where not all the

cards were on his side. I think his reputation for integrity and honesty, along with his articulate manner of presenting things in a low-key manner, have gained him a significant reward in this institution by way of his accomplishments. We will miss him.

Obviously, he has done work in mental illness parity, the Genetic Privacy Act, the balanced budget amendment for which he will be known, line-item veto, some work on homelessness, problems of violence on television, and the programming that he has deemed indecent and not worthy of presentation. I commend him for his time in the Senate and wish him and his wonderful wife the very best.

SENATOR HANK BROWN

Second, I take a few moments to talk about Senator BROWN from the State of Colorado. I wanted to say right up front, I have been in this Chamber now for 24 years, 4 terms. I have not seen a Senator make as much of an impact in 6 short years as has the distinguished Senator, Senator BROWN, from the State of Colorado. He is a man with great talent, a marvelous wit, and a great knack for making the complicated simple. He has helped us present very complex issues in ways that the American people understand, and he has done that wherever he chose in whatever committee work or here on the Senate floor.

No one was more effective in defeating the 19 billion dollars' worth of so-called stimulus package proposed by President Clinton which would have been \$19 billion more added to the deficit. Senator BROWN provided clear, powerful examples and straightforward and practical reasons as to why we should not do that. His ideas were contagious, and I believe among the many things he can take credit for, it is this example of clarity that he gave to all of us which permitted an issue that clearly, clearly, should not have gone the way the President asked. Because of him, it did not.

SENATOR JIM EXON

Let me take just a moment to talk about another Senator. First of all, I wish I had more time to talk about my cohort on the Budget Committee, Senator EXON, of the State of Nebraska. But as I indicated, I do not have enough time to say all that I would like, and I don't believe I will find enough time; but here are the three things I recall most vividly about the Senator. First and foremost—and only people who work with the budget will appreciate this—I think Senator EXON should be commended because, as he took over the Budget Committee, he was fully aware that you can't do that work without the very best staff. He retained and added to the fine staff, and, as a consequence, the work and combat of budgeting was done in a professional manner, in a manner clearly calculated to present the facts and the truth.

Obviously, he has been a leader in budget matters, a strong Senator in

favor of fiscal control. While we may differ, there is no question that in my chairmanship and his ranking membership of that committee, we clearly set the tone for the country that a balanced budget was absolutely necessary for the future of our children and our country. He has gained expertise, obviously, in some special areas of armed services, for which I commend him. Those who are in agriculture and farming in his State know how hard he worked to maintain the right things, as he saw them, for that part of America's marketplace mix. Much of that was directed at his State, but it helped many farmers everywhere.

SENATOR HOWELL HEFLIN

Mr. President, I have just a few remarks about the distinguished Senator, Senator HEFLIN. I think we all know this Senator came here as a renowned judicial reformist from his State, where he presided in a masterful way over reorganizing the judicial system and putting honesty and integrity back front and center in that system in Alabama. He brought to us his very sharp mind on legal matters, and he has been consistently well-prepared on a wide diversity of issues, for which he will be remembered as much for the clarity of purpose and the clarity of expression as for the issues themselves.

He also deserves our accolades, because anybody who chairs the Ethics Committee of the U.S. Senate for any sustained period of time deserves our highest esteem. Not only did he do that, but he did it during the most difficult of modern times in terms of that Ethics Committee. I believe the matters before him took a long time because of their complexity and personal nature, but things came out fairly well. I believe he is entitled to a great deal of respect for that.

SENATOR DAVID PRYOR

Mr. President, I want to say a few words about a Senator on the other side of the aisle, Senator PRYOR. Let me just say that this Senator, as I view it, has been a marvelous, quiet, strong advocate for the issues that concern him. Whether it was the Taxpayers Bill of Rights, which he proposed, or whether it was his advocacy for small business, he obviously did it with a kind of calm and calmness that many of us wish we could have every day we come to the floor of the Senate.

I also want to commend him, because it fell to him—and I assume it was with relish on his part—to be the principal defender in many instances of the current occupant of the White House, President Bill Clinton. They are from the same State. Senator PRYOR had been Governor, as had Senator BUMPERS, of that State. I think his efforts to support the President and fellow Arkansas resident was done eloquently and articulately. But I also believe that he had the ability to do that, which puts him in an extremely partisan mode, without ruffling the feathers of those of us on this side of the aisle because of the way he did it. It

seems to me that he added some great character to his personality, because he did it in a way that was not intended to offend us on this side of the aisle, and he did it in great, good spirit. I commend him for that. He had a heart attack and came close to death in that episode. He brought a great deal of calmness to all of us, as he shared going through the rigors of that incident. I thank him for the personal way he has affected all of us in a positive manner.

SENATOR ALAN SIMPSON

Mr. President, I would like to say a few words about Senator SIMPSON. I don't know what we can say to label him. We all, in a very strange way, sort of smile when we think of Senator SIMPSON. I guess it is fair to say that he is our cowboy philosopher. He has educated and delighted the Members of this Chamber with his unmatched sense of humor and his sharp wit, with his fine mind and his broad knowledge.

He has helped lead the charge in so many areas that are so desperately in need of reform. While he didn't yet accomplish his goal of reforming the entitlement programs of this country, it is clear that he never backed away from calling things exactly as he saw them, whether or not that would lead to his adulation or to, as he has indicated to many of us, clamor by many, or to being chastised by many groups because of the way he presented issues, which was in the forthright manner that he believed in.

He took a lead in such matters as immigration reform. I think it is fair to say we would not have major immigration reform signed into law by this President but for this Senator. He was courageous in that regard, and he will be very much missed.

There will be a few Senators whom I will mention before we adjourn. I will try to find time without burdening the Senate. At a time when perhaps there is nothing else to do, I will try to find another 15 or 20 minutes to comment on a few other Members. Those I have commented on and talked about will be missed. I trust that we will all get to see each other again, and frequently. But I understand that may not be the case, for as you leave the Senate, sometimes you don't see each other for years. We will miss them dearly.

I yield the floor.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION—CONFERENCE REPORT

The Senate continued to consider the conference report.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want to take the bulk of my time to talk

about really the underlying fundamental issue, which is how we are going to treat working families, because we have heard a great deal about technical amendments, nontechnical amendments, holdings, committee reports, and all of the others. I will just reference some of those items very, very quickly and then get to what I think is really the fundamental issue. That is the issue of fairness. Are we, by the action that has been included in the legislation, really denying some fundamental justice to scores of American workers who have been playing by the rules and believe that they ought to have their rights considered and adjudicated under the National Labor Relations Act, a process and procedure which is being considered at this very time?

Mr. President, just to reiterate the points that have been made by Senator FEINGOLD, Senator MURRAY, Senator SIMON yesterday, and others, all of us are for the FAA conference report—without this particular provision. We were prepared to offer the FAA conference report without this provision as an amendment to the continuing resolution and do it within a 5- or 10-minute time limit. That would have been over and been accepted in the House of Representatives, and we would not be here this afternoon discussing this particular amendment. Or we could follow another procedure by just calling a clean bill up from the calendar this afternoon and acting on that this afternoon and doing that by voice vote, and our colleagues and friends would not have to inconvenience themselves by being here tomorrow.

There is a question then about whether the House would accept it or not. But the precedent is quite clear that the House has taken favorable action in such situations in the past and are still acting on some measures, even as we are here.

There is really very little reason to doubt that they would accept it, particularly when you look back over the debate and discussion in the House of Representatives when they were considering the FAA conference report.

So that is where we are, Mr. President, and that is why we continue to maintain that it is those who are continually committed to this provision who are the ones that are really holding up the Senate. It is not those of us who want to move along into other endeavors but feel compelled to protect the rights of working families to make this case.

Mr. President, just very briefly, the National Mediation Board has ruled 12 times since 1978 on cases involving Federal Express. There has been a discussion of that by my friends and colleagues, the Senator from South Carolina and others. These cases involve requests for union elections, unfair labor practice charges, and other labor-management issues. In one case involving the Airline Pilots Association, the