

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

groups provided them. I believe that this blue ribbon commission should generate information as to the annual amount of Federal aviation user taxes that are collected or attributable to aviation activity within each metropolitan area in the United States and to compare these metropolitan area totals to the annual amounts of Federal airport grants that are annually received within each of these metropolitan areas.

This data would be highly useful to airport sponsors and metropolitan planning organizations for assessing the probable impacts of any recommended changes to the existing aviation user tax structure. The data which I wish to have developed would be for the latest year for which the information is available, and could involve estimates when actual data about the geographic source of specific aviation user taxes can't be determined precisely.

When the next FAA authorization bill is presented to us, this information would be useful in helping us make important judgments as to the equity of user taxes or fees in comparison to the airport grants our metropolitan areas have received.

Mr. PRESSLER. I agree with the Senator. The information you request should have been included within the charter of the blue ribbon commission that will be looking into these matters under this legislation. After this legislation is enacted, I will talk to the Secretary of Transportation to make sure that the Senator's request is satisfied and that the data he requests is assembled and timely made available to all of us. I appreciate his bringing this oversight to our attention.

Mr. ASHCROFT. I thank the Senator. I very much appreciate his efforts to follow through on this matter and I look forward to voting in favor of the conference report before us.

Mr. FRIST. Mr. President, when the Federal Government enacted laws regulating the trucking industry, it created the Interstate Commerce Commission [ICC] to administer regulations pursuant to these laws. These regulations were repealed during the Carter administration. However, it was not until last year that Congress finally got around to eliminating the ICC.

The purpose of the ICC Termination Act of 1995 was simply to eliminate a bureaucracy that had outlived its usefulness. By its express terms, it was in no way intended to change the labor law.

Unfortunately, a technical error in the act—left uncorrected—could have a serious impact on labor law.

Since 1934, the interests of employees of express carriers such as FedEx have been protected under the Railway Labor Act.

Unfortunately, the ICC Termination Act inadvertently dropped the term "express carrier" from the Railway Labor Act.

This was not a deliberate change of law. In fact, the ICC Termination Act

expressly states that its enactment "shall neither expand or contract coverage of the employees and employers of the Railway Act."

The provision included in the FAA Reauthorization Act that has become the target of such rhetoric and controversy is nothing more than a technical correction.

If this technical flaw in the ICC Termination Act had been detected before its enactment last year, Congress would have corrected it without fanfare.

The debate today is not about being pro-union or pro-management.

The debate today is not about wages in America.

The debate today is not about anything except making a technical correction to clarify that express carriers are in the same position today with respect to the Railway Labor Act as they were last year prior to enactment of the ICC Termination bill.

We are not plowing new ground here. We are simply clarifying that what was law for over 60 years continues to be the law of the land.

All the heat and bluster of this debate cannot change this simple fact.

I hope my colleagues will join me in bringing this debate to a close, passing the FAA reauthorization bill and righting a technical wrong.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes.

Mr. HOLLINGS. Mr. President, if the Senator from Massachusetts has completed, then I have completed.

#### TRIBUTE TO RETIRING SENATORS

SENATOR HOWELL HEFLIN

Mr. HOLLINGS. Mr. President, I have already spoken and put in the RECORD various praiseworthy notes of my association over the years with these outstanding Senators, both Republican and Democrat, who are leaving us. None have been closer to me, on the one hand, over on this side than HOWELL HEFLIN of Alabama. We have been in each other's States several times. I have gotten to know him and his distinguished wife, Mike—Elizabeth, I think, is her full name, if I am not mistaken. He is what someone would call a Senator's Senator. He had to serve in the role as chairman of our Ethics Committee. You can see the sensitivity of a Senator's Senator in the regard in any kind of local matter. I see they all have picked up the same thing I thought, or I picked up what they thought, relative to being the peanut Senator. The agricultural community in Alabama is going to be missing in representation, to a degree, because no one really can replace HOWELL HEFLIN.

We in the law field otherwise are going to be penalized because he, as a former chief justice of the Alabama Supreme Court, has had profound judicial knowledge and also judicial feel for the

particular statutes and the issues before this particular body.

So I just cap it off by saying that this Senator is going to miss his humor. He has always had a good way of taking these complex human problems and issues and bringing them right down to the ground with some humorous story about someone he remembered back down in Alabama.

SENATOR NANCY KASSEBAUM

We are fortunate in South Carolina to have the grandchildren of NANCY KASSEBAUM. I have always admired her for what the Senator from Rhode Island just said. She is a woman of steel, who makes up her own mind and takes the very difficult stands for her politically, because sometimes her very colleagues and others around may be voting otherwise. But you can bet your boots Senator KASSEBAUM of Kansas has studied, from all angles, a particular problem and made her own judgment as to what is fair and right in the interest of the people.

With respect to our friend, BILL COHEN, he is the one literate Senator that we have. I envy him, because in the evenings when we would be attending the various parties and receptions for the different groups visiting from your home State, and otherwise, we would always miss BILL. You would find out BILL is writing another book, reading some important document, or something else. We have read and not only heard his poetry and his books, but his sum-up talk here. Just this past week, I am getting a copy of that one for the good of the Senate and getting it printed, because I think it more or less sums up what has been occurring here in Government and politics, particularly in the U.S. Senate, good and bad, over the past 20-some years. We are going to miss him most of all, in my opinion.

SENATOR SAM NUNN

Mr. President, My neighbor is SAM NUNN. No one knows the defense budget better. No one is more conscientious about the Nation's security. No one has studied, in depth, the disarmament problem, and no one has worked to solve these particular problems, and no one has a greater respect for integrity amongst his colleagues than SAM NUNN of Georgia.

SENATOR DAVID PRYOR

Mr. President, I now want to mention my friend, DAVID PRYOR. I hope we can get him back here by morning. As we all know, his wonderful son has been under surgery down in Texas. And, of course, that is his first obligation, and we all understand that. We need every vote we can possibly get, but the most popular, obviously—and everybody will agree—was DAVID PRYOR's, because PRYOR always had a good word for everyone, and he centered on those things, such as the taxpayers' relief from the IRS, and something about the drug companies, or whatever it was. He went into it and stuck with it and then listened to the other Senators with respect to their particular interests.