

Congress of the United States

House of Representatives

Room 2165, Rayburn House Office Building

Washington, DC 20515

TELEPHONE: AREA CODE (202) 225-8443

September 26, 1996

**VOTE NO ON H.R. 3539!**

**"WHEN IT ABSOLUTELY, POSITIVELY HAS TO BE..."  
ADDED TO A BILL IN THE DEAD OF NIGHT**

Dear Colleague:



**THURSDAY, SEPTEMBER 26, 1996**

**FedEx Amendment Put In FAA Bill**

Must-pass FAA reform legislation took a nosedive Wednesday after House and Senate negotiators approved a controversial labor amendment in conference committee making it difficult for FedEx employees to organize. The amendment, proposed by Senate Commerce-ranking member Ernest Hollings, D-S.C., was approved 8-2 with strong support from House Republican leaders. In fact, House Transportation and Infrastructure Chairman Shuster said he was "instructed" by his leadership to accept the amendment. House Democratic conferees expressed outrage that the amendment, strongly opposed by organized labor, was tacked to the conference agreement at the last minute, although it was contained in neither the House nor Senate bill. They warned the entire legislation could now likely be doomed. "If you insist upon your amendment ... you very well could bring the bill down because it would not prevail in the House," House Transportation and Infrastructure Aviation Subcommittee ranking member William Lipinski, D-Ill., told Hollings. "I don't think it's possible to pass this bill in the House on suspension [of the rules] if the provision is in there."

Organized labor officials Wednesday evening vowed to kill the legislation, claiming they already have commitments from some senators to place holds on it to prevent it from going to the floor. The House is set to consider the FAA reform legislation under suspension of the rules, which requires a two-thirds majority vote to pass. Pro-labor forces, then, need only a little more than one-third of the vote

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**FAA Bill**

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to defeat the bill. "We'll do everything we can to kill this bill in the House," said Ed Wykan, lobbyist for the Transportation Trades Department of the AFL-CIO. "This is a sinister attempt by FedEx to deny their truck drivers the ability to organize a union."

The amendment would make it more difficult for FedEx employees to strike because it would reclassify them under the Railway Labor Act, which requires employees to organize nationally, rather than give them protections under the National Labor Relations Act, which

allows workers to organize locally. FedEx would then be covered under the same labor laws that apply to airlines.

The same amendment bogged down another House bill, the railroad insurance unemployment legislation, earlier this year for about five months until GOP leaders finally agreed to pull the provision to get the bill passed.

"This amendment is a killer," House Transportation and Infrastructure ranking member James Oberstar, D-Minn., said.

Despite that controversy, members by voice vote approved the overall bill to reform the FAA and reauthorize for one year the federal airport grants program.

The Airport Improvement Program must be reauthorized by Sept. 30 in order for airports to continue receiving grants from the FAA to pay for infrastructure needs.

Members also agreed to a framework to test privatization of airports using five unnamed airports on a pilot program basis. Members are expected to meet this morning to finalize any outstanding issues and sign the conference agreement.

"Tomorrow morning, we should have this done," Senate Commerce Aviation Subcommittee Chairman John McCain, R-Ariz., said Wednesday.

**VOTE NO ON H.R. 3539!**

WILLIAM O. LIPINSKI  
Ranking Democratic Member  
Committee on Transportation

JAMES L. OBERSTAR, M.C.  
Ranking Democratic Member  
Committee on Transportation