

Congress of the United States

House of Representatives

Room 2105, Rayburn House Office Building

Washington, DC 20515

TELEPHONE: AREA CODE (202) 225-6448

September 25, 1996

VOTE "NO" ON H.R. 3539!
DEFEAT SPECIAL INTEREST RIDER TO HELP ONE
COMPANY RESIST EFFORTS OF WORKERS TO ORGANIZE

Dear Colleague:

The House will soon consider the Conference Report on the Federal Aviation Reauthorization Act of 1996. The basic Conference Report is an excellent bill that reauthorizes the aviation trust fund programs that fund FAA's air traffic control system, and the AIP program that develops the safety, security and capacity of our nation's airports. Unfortunately, the Senate has added a special interest, **killer amendment, which is beyond the scope of the conference.** The amendment revives an arcane, obsolete term that would assist one company's effort to prevent its workers from organizing. As long as the so-called "Federal Express" amendment is included in the conference, we urge a NO vote, as do the Teamsters, the UAW and the AFL-CIO. There are three reasons why.

1. This is the wrong time and place to consider the "Fed Ex" amendment.

The amendment would allow trucking companies otherwise subject to the National Labor Relations Act to claim coverage under the Railway Labor Act, making it more difficult for workers to organize. Although the amendment could significantly affect transportation employees, no Committee has held hearings on this important issue.

2. The amendment is not "technical" or "non-controversial."

The amendment would reinstate coverage of employees of "express" carriers under the Railway Labor Act. The coverage of express carriers was intentionally ended in 1995 because the ICC Termination Act eliminated all federal regulation and oversight of express carriers.

Since there are no more express carriers, there is no prejudice to Federal Express from eliminating express carriers from the Railway Labor Act. Moreover, even when there were express carriers, Federal Express never operated as one; the Surface Transportation Board, the successor to the ICC, has advised us that ICC "considered Fed Ex to be a motor carrier." STB further stated that the license issued to Federal Express "was different from the licenses typically issued to motor common carriers to provide express service."

Why does Federal Express want express carriers restored to the Railway Labor Act? Federal Express is already covered by the Railway Labor Act as an "air carrier." Do they plan to change their method of operating, or to organize new trucking subsidiaries which would not be covered by the Railway Labor Act? Do they intend to somehow claim that new trucking operations qualify as express carrier operations, which would help them resist organization by its employees? Employees who oppose the amendment are entitled to a hearing to explore fully the implications.

3. Delaying the FAA Reauthorization bill until next year will not impair the safety or security of the aviation system.

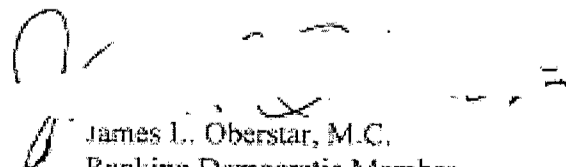
Under appropriations legislation FAA will have funding for all programs except AIP. Previously awarded AIP grants will not be affected by a delay in reauthorization. A delay in new AIP grants will not be fatal. Typically, few grants are made early in the fiscal year, and in many parts of the country, construction cannot begin in the winter. In 1975, 1982, and 1992, AIP reauthorization was delayed until well into the fiscal year, and there was still time to make all the grants authorized.

VOTE "NO" ON H.R. 3539!

Sincerely,



William O. Lipinski
Ranking Democratic Member
Subcommittee on Aviation



James L. Oberstar, M.C.
Ranking Democratic Member
Committee on Transportation
And Infrastructure