

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the call for the quorum be dispensed with.

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

Mr. FORD. I understand there are 14 minutes left on this side.

The PRESIDING OFFICER. There are 13½ minutes left.

Mr. FORD. So, 13½ minutes. I yield myself as much time as I might use.

The PRESIDING OFFICER. The Senator from Kentucky.

#### EDUCATION IN AMERICA

Mr. FORD. Coming from Kentucky, and I guess in some other States, we have heard about midnight conversions or death-bed conversions. "I've seen the light. Everything's going to be all right." Lo and behold, we found for a long time that this side of the aisle has been pushing for additional funding for education. And I read in the morning paper where there was a midnight conversion. Somebody has been reading the polls.

For the first time in a Presidential campaign, education is No. 1—No. 1. So rather than going out with a whimper, Republicans want to close this session down with a bang. It is not enough. If you read the stories in the press, the Republicans were forced into putting this money in the budget by Democrats. That is the story. That is the story.

The midnight conversion was one we have been pushing hard, trying to get our amendment up yesterday, were refused, objected to, everything, because you did not want Democrats to offer their amendment yesterday. That is parliamentary procedure. I understand it. Every Senator in here understands it. I think the public understood it.

So now the \$2.3 billion or whatever the Republicans tried to put in last night in their midnight conversion, we think, is not enough. It should be a little over \$3 billion. I hope that the Senate will allow us to vote on that amendment.

We are getting to a point now where we cannot get appropriations bills out. It is not our fault. We are left out. We have bills that are coming up here that only the Republicans have dealt with—Democrats have never been called into the room. That is the way it has happened for over 18 months now. Somebody said, "Why should Democrats be in?" Some old fellow in the back said, "Well, a blind hog finds an acorn once in a while."

Maybe, just maybe, they would have a good idea. A good idea has been education. I do not know who said it, but I want to tell you I will remember it as long as I live: A cut in education never heals—a cut in education never heals. That is what has happened here. The Republicans cutting education, that

wound will never heal. I do not care how you try to paint it, how you try to phrase it in a 30-second ad, how the incumbents and challengers try to play it back home, that cut that was out there will never heal. The people will remember how you wanted to cut education.

Mr. President, I am delighted that the Republicans were converted last night. I am glad the death-bed conversion worked because at least we are a little over \$2 billion closer to what the administration feels and we on this side feel should be available for education. It used to be, and now I think it is a foregone conclusion, that a high school education is not enough.

We worked hard in Kentucky with KET, with the Star Program, to get KET by television. It worked well. Practically every State in the Nation picked up on it, the Star Program, so that everybody would have an opportunity, even if they worked, they could stay at home and get their GED. I do not know how many tens of thousands of GED certificates were given as a result of the Star Program. It all came from Kentucky educational television. It was the pilot project that spread across this country.

Now the President says that 2 years of college, 2 years of college ought to be the norm. We hear all about this tax cut. I do not hear much about it now; it has kind of faded away—15 percent tax cut. For an individual making \$200,000, your tax cut at the period of time proposed in the tax cut is \$28,900. That is annual. That will put 19 students through the community college if my hometown. So we give one individual making over \$200,000 a year, the equivalent of giving 19 students their tuition, getting them through community college.

I do not think Government ought to be in everything. I think they ought to be out of most things. But we have to give some leadership, and education is leadership in this country. The people understand it, constituents understand it, and, lo and behold, Republicans found out about it last night.

So as you read the story where Democrats forced Republicans to add over \$2 billion in education, that is the story. They are cutting. The cut in education never heals, and the cut that was attempted in education under the Republican budget, under the Republican appropriations bill, that cut will never heal because the people will remember what was attempted to do.

Mr. President, I hope we will be able to bring our amendment up, and we will be able to offer it as we wanted to and which we were precluded. When you ask unanimous consent that your amendment be brought up and it is objected to, everybody understands that. You think it does not resonate beyond this Chamber? Of course it does. People that watch C-SPAN understand who is preventing the amendment to come forward to improve education, so that they, being the Republicans, could make their effort last night and make

some headlines today. Read the story—the Democrats forced them to do it. The Democrats forced them to do it.

Mr. President, I am pleased at the movement in the right direction. I hope we can do a little bit more so that those students out there in my State and your State and other States will have an opportunity for education and will not continue to burden the families with the borrowing of money and the struggling in order to see that their family is educated.

I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from North Dakota.

#### FEDERAL JUDGES

Mr. DORGAN. Mr. President, let me take the remaining couple of minutes of morning business to further amplify about the number of judges we need still to clear. We have on this calendar six judges, four of them appeals judges, two district court judges. There is pending in the Judiciary Committee 22 judges, 4 appeals judges, and 17 district judges. In the last 40 years, Congress has never adjourned, ever, without confirming at least one Federal appellate court judge, and some are saying that will happen now. This would be most unfortunate.

Many of us have sent a letter on September 16 making this point. This confirmation process on judges has virtually ground to a halt. That is unfair. It is unfair to the judges that have been appointed and are awaiting confirmation. It is unfair to the Federal court system, unfair to the American people. This is only about politics—only about politics.

Now, the statistics are quite clear. In election years previously when we controlled the Senate, we did not do this. We pushed through a substantial number of judges. If you compare the numbers—I invite anybody to compare the numbers—what we see this year is a very few judges confirmed and many left on the calendar, with some proposing that that is it, we will not have time to do them, or refuse to do them, or will not do them. I think that is not fair to those awaiting confirmation or to the American people.

We have confirmed fewer than 20 district court judges and not a single appellate judge during this session of Congress. The number of confirmations—in our letter, we point out—even in past Presidential election years far exceeded what we are experiencing today. For example, the Senate confirmed an average of almost 55 Federal judges, including 10 appellate judges annually in the years 1980, 1984, 1988, 1992. In each of these years, the Senate Congress confirmed no fewer than seven appellate court judges. In our letter, we write, "Have circumstances changed so dramatically that the Senate would now turn its back on our rich tradition of bipartisanship in appellate court confirmations?"

I hope things have not changed that much. Circuit court dockets have grown by over 20 percent in the last 5 years, we are told by the judiciary. So the failure to do this is not just a political failure, but it is a failure that has profound impact on the Federal court system. To our knowledge, none of the nominees that are awaiting action on the floor have been opposed by any member of the Judiciary Committee for any ideological reasons. Some of us, who believe that the Senate ought to complete its work on this, simply say, let us have votes on these confirmations. The names are here, the nominations have been made, and the candidates are available.

There was a need for these judges to be placed in the Federal judiciary, and this Senate has a responsibility to act. As I said previously, this is not a circumstance that existed in prior years. But this year it has been like pulling teeth to get any judgeships through this Senate, because some believe that since they control the Senate, there should be no judges appointed by an opposing party. It reminds me of the line-item veto legislation, which I supported for years in the House, and I supported it here. We passed it here, and the majority party said they wanted it, but they did not want this President to have it during his term. We passed it, but they prevented President Clinton from having it this year. They control the Senate, and they were able to do that.

That didn't make much sense to me. Nor does this make any sense to me. Let's confirm judges. That's our job and our responsibility. It doesn't matter who is President; appointments come and confirmations ought to be made. This Senate ought to act.

So if there are those who think we are going to adjourn and slap each other on the back and thank each other for a job well done and leave all these judgeships in the lurch, for political reasons, they need to think again, because a fair number of us will insist that we do our work before we adjourn.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. 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 REAUTHORIZATION ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 994, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 994) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Chafee amendment No. 5361, to remove certain provisions with regard to FAA's authority to regulate aircraft engine standards.

Simon/Jeffords amendment No. 5364, to amend the Employee Retirement Income Security Act of 1974 with respect to the auditing of employee benefit plans.

AMENDMENT NO. 5364

The PRESIDING OFFICER. The pending question is the Simon amendment No. 5364.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for not to exceed 10 minutes.

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

#### HOWARD O. GREENE

Mr. BYRD. Mr. President, I rise today to pay tribute to a true professional, a loyal public servant, a staff member and Senate official who has served the Senate with allegiance and honor during his 28 years of working for this body, in this body, and with this body—Howard O. Greene.

It isn't enough that we say in our hearts  
That we like a man for his ways;  
And it isn't enough that we fill our minds  
With psalms of silent praise;  
Nor is it enough that we honor a man  
As our confidence upward mounts;  
It's going right up to the man himself  
And telling him so that counts.  
Then when a man does a deed that you really  
admire,

Don't leave a kind word unsaid,  
For fear to do so might make him vain  
Or cause him to lose his head;  
But reach out your hand and tell him, "Well  
done",

And see how his gratitude swells;  
It isn't the flowers we strew on the grave,  
It's the word to the living that tells.

Yesterday, a goodly number of Senators on both sides of the aisle expressed their word to the living. Howard Greene served the Senate since 1968 as a door messenger, a Cloakroom assistant, the Assistant Secretary for the Minority, Secretary for the Majority, Secretary for the Minority, and most recently as Senate Sergeant at Arms.

Now, these are the bare facts about Howard Greene's Senate career. But there is much more than one could say about Howard Greene's work. Over the years, I found him to be an individual of unfailing courtesy and cooperativeness, one who was always respectful of the Senators on this side of the aisle as well as those on the other side. His word was always his bond, and that counts a great deal in this day and time. He was a man of strict principle in this Chamber, and absolute dedication to duty, dedication to his party, dedication to the Senate.

He carried out his many responsibilities in the various Senate offices which he held with distinction and uncommon integrity. He unfailingly presented his views in an objective and straightforward manner.

During my years in the majority as leader of my party, and during my

years in the minority as leader of my party in the Senate, I always found Howard Greene to be trustworthy, forthright, straightforward, honest. It was not just a job for Howard Greene; it was a calling. He literally devoted his life to this institution. And so today, he richly deserves all of the accolades of yesterday, when a resolution commending him for his outstanding service and an outstanding career was adopted by the full Senate.

He will be missed on both sides of the aisle. I will miss him, and he will be missed on a personal and on a professional basis. I wish him all the best in his future endeavors, and I hope that he will come around and see his old friends.

I consider him to be my friend. Friendship crosses the aisle, friendship crosses party lines. "He that hath friends must show himself friendly."

I say to my true and dear friend, JOHN CHAFEE, a Republican Senator from the State of Rhode Island, who is my friend, has been my friend, and will always be my friend, that we should treasure friendships. I treasure a friend and a friendship like that of Howard Greene.

I shot an arrow into the air,  
It fell to earth, I knew not where;  
For, so swiftly it flew, the sight  
Could not follow it in its flight.

I breathed a song into the air,  
It fell to earth, I knew not where;  
For who has sight so keen and strong,  
That it can follow the flight of song?

Long, long afterward, in an oak  
I found the arrow, still unbroke;  
And the song, from beginning to end,  
I found again in the heart of a friend—

Howard Greene.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished senior Senator from West Virginia for the very kind comments that he made about the friendship that we have had. I am here now in my 20th year, and as I look back on the individuals I have known here and the friends I have had and the respect I have for them, there is none that stands higher than the distinguished senior Senator from West Virginia, who I feel lucky to have known. We have worked together on issues. Sometimes we have been in opposition on issues, I will confess to that, but never with rancor and always with friendship and always with, certainly from my point of view, respect, and I would like to believe the respect was mutual.

I am absolutely confident that there is no tribute that Howard Greene has received on this floor that will mean more to him than the one he has received from the distinguished senior Senator from West Virginia, because he has, as do all the Members on this side and all the Members of the Senate, tremendous respect and affection for the gentleman who once upon a time was majority leader, and he has been minority leader. He has had every post in