

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

the Senate. And Howard Greene, I know, will be very, very pleased to receive the accolades that came from the distinguished senior Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Rhode Island for his kind remarks. He is a gentleman, and his high dedication to purpose is worthy of adulation and emulation. I shall always treasure our associations over the years, and I look forward to the future years of service with my friend, John CHAFEE.

Mr. CHAFEE. Mr. President, again, I thank the Senator and say how flattered I am by the kind comments that the Senator from West Virginia made about me.

#### FEDERAL AVIATION REAUTHORIZATION ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 5361

Mr. CHAFEE. Mr. President, I call now for my amendment No. 5361.

The PRESIDING OFFICER. The Senator has that right. It is now the pending question.

AMENDMENT NO. 5361, AS MODIFIED

Mr. CHAFEE. Mr. President, I ask unanimous consent to modify my amendment, and I send that modification to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 5361), as modified, is as follows:

Page 78, line 12, strike "and aircraft engine emissions,".

Page 78, line 19 through 24, strike all of paragraph (C) and insert the following:

(C)(1) The Environmental Protection Agency shall consult with the Federal Aviation Administration on aircraft engine emission standards.

(2) The Environmental Protection Agency shall not change the aircraft engine emission standards if such change would significantly increase noise and adversely affect safety.

(3) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.

Mr. BAUCUS. Mr. President, I am pleased that we have been able to reach an agreement with the managers on this issue. The amendment offered on behalf of Senator CHAFEE and myself corrects language in the bill that creates overlapping authority in the EPA and the FAA, conflicting regulations, and fiscal waste.

The result of the Commerce Committee's proposal contained in S. 1994 would have been confusion and uncertainty for the airline industry, and unnecessary burdens for the taxpayers.

Let me explain the situation briefly. The Clean Air Act Amendments of 1990 require the EPA to set emission stand-

ards for new aircraft engines. The bill before us, however, grants the FAA the very same authority. Thus, two different agencies would have the same authority.

With all the effort by this administration and Congress to downsize the bureaucracy and trim agency budgets, I don't think the committee intended this duplication. The Secretary of Transportation acknowledges that, if this provision became law, the FAA would have had to develop the expertise and capacity to set emission standards. So this bill would have required an entirely new office, with a new budget and new workers all to do a job already being done by the EPA.

This just didn't make sense. The FAA is now straining to meet its basic responsibilities in aviation security and safety. We should not divert them from those critical missions by forcing them to duplicate work already being performed by another agency.

Mr. President, this amendment corrects the situation by eliminating the provision in S. 1994 which creates the FAA's duplicate authority over emission standards. I'm pleased that the compromise we reached with the managers also requires greater cooperation between the two agencies by directing the EPA to consult with the FAA prior to setting new emission standards for aircraft engines. The amendment also allows the FAA Administrator to include representatives from the EPA on advisory committees that deal with issues of aircraft standards.

This should facilitate coordination between EPA, the FAA and interested parties early in the development of any future regulations.

In conclusion, I believe this amendment makes good sense all around. It protects the taxpayer by eliminating unnecessary bureaucracy and duplication. It encourages better dialogue between government and industry. And it avoids any weakening of our environmental standards.

I'm pleased the managers of the bill have accepted the amendment and I thank them for their willingness to work with us on this important issue.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I thank the Senator from Rhode Island for his cooperation and the modification of his amendment. As far as this Senator is concerned, as far as our side is concerned, and the administration is concerned, his modification makes his amendment now acceptable.

The chairman of the subcommittee, Senator MCCAIN, is working on one other amendment. We feel we are ready to go at some point with your amendment, which will be accepted, I am sure. I do thank him, again, for his cooperation and congeniality.

Mr. CHAFEE. Mr. President, let me express my appreciation to the distin-

guished Senator from Kentucky for his help on this and also Senator MCCAIN, the floor manager of this legislation. This is something that has been worked out. Amazingly enough, we seem to have everybody satisfied. Having seen these things in the past, I am a great believer in getting things done, if we can.

I will suggest the absence of a quorum and see perhaps if we can get Senator MCCAIN here just briefly and get this one accepted, if it is agreeable. If there is no other business, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. FORD. As far as Senator Chafee's amendment is concerned, now, as modified, this side has no objection.

Mr. MCCAIN. Mr. President, we have no objection to the amendment. But also I would like to thank Senator CHAFEE. He is the watchdog in this body for environmental issues. I am very grateful that he would reach this compromise so that we can move forward with the bill. Frankly, I think the bill will be stronger now that we have his seal of approval. So we have no objection.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment No. 5361, as modified.

The amendment (No. 5361), as modified, was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on the Simon amendment No. 5364.

Mr. FORD. Mr. President, I ask unanimous consent that the Simon amendment be set aside temporarily.

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

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Again, I want to express my appreciation to Senator MCCAIN and Senator FORD for their assistance in this, also the folks from the FAA and EPA. I think we have worked out a good solution here, and I am very pleased with that.

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

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