I have heard the Chair's distinguished colleague, who is on our Commerce Committee, talk about the air transportation problems in small communities in their area. I am hopeful that in this piece of legislation we moved in the right direction to help those communities that have not benefited from airline deregulation and have a chance to improve their services. I will talk more about the small community needs later.

As I said earlier, I think Senator MCCAIN explained the bill very well and very fairly. I am hopeful that colleagues on my side will be more than willing to accept the managers' amendment and will be Henry Clay-like—that is, in the mood of compromise—as we move into the amendments that are not quite ready to be agreed to.

I am hopeful that we will be limited to maybe five or six votes and then final passage. If we can do that, then that will be a real victory for the legislative process. I want to express a special thanks to the staff on both sides who have worked so hard since this bill was introduced to work out many of the amendments that were being proposed and suggested.

I think we come today with a package that is almost there. I am sure that once we get into the five or six amendments that might be contentious, we will be able to work it out. Even now, as we are bringing this piece of legislation to the floor, staff are working to see if they can reach an agreement on the final pieces of legislation. I agree with my colleague, Senator MCCAIN, that we are hopeful that between now and roughly 6 p.m., we will know how many amendments will be brought to this piece of legislation, how many would need a vote, and how many we would need to discuss. We are hopeful that we can be very close at the end of the day to getting this bill prepared to pass here tomorrow and send it to conference, so that we can include this must-pass bill in our agenda before we leave here somewhere around October 9.

Again, I thank my colleague for all of his hard work. He is a pretty tenacious fellow. When there are things that he believes should be done, even though he may not have a majority with him at that time, look out, here he comes. So we are down to five or six amendments, I believe, and we are still working to try to see if an accommodation can be made, because when we are talking about the transportation and the industrial development, those things are so important to this country and our ability to move in the international sphere that we must pass this bill before we leave here.

So I am ready to work. I will meet with our colleagues any time. Our staffs are prepared to meet, and we will do whatever is necessary to spend the time to work out these final few amendments. Before we leave here this afternoon, I look forward to having some kind of a finite list, if we can get it, of those that we will be considering in the next 24 hours.

Madam President, I thank the chairman for his courtesy and the time. I yield the floor.

Mr. MCCAIN. Madam President, again, I thank the Senator from Kentucky. I argue that if I possess any legislative skills, a major part of the reason for that is that I learned from a master for several years. I was privileged to serve as the ranking member of the Aviation Subcommittee of which the distinguished Senator from Kentucky was the chairman. I watched the Senator from Kentucky masterfully, with enormous skill and bipartisanship, pass several pieces of landmark legislation. He did it in a way that I will always remember, and he did it even though issues may have been rather controversial, and he did it without rancor. I believe that the contributions that he has made to aviation in America will be remembered long past his time here in the U.S. Senate.

Madam President, we do have a managers' amendment, which I will bring forward in just a minute, as we attempt to get amendments. By the way, I also know that there are Members, especially from the States of Maryland, Virginia, Illinois and New York, who have very strongly held views on this issue, and I welcome their presence on the floor to help educate me and Senator FORD further on their views and the impact of this legislation on their airports and surrounding communities.

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

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

OUR CONSTITUTIONAL RESPONSIBILITY TO AMERICA'S WORKING FAMILIES

Mr. BYRD. Madam President, once again, I come to the floor to express my opposition to fast-track procedures. Fast-track procedures were soundly defeated last year by this body, but were resurrected by the Senate Finance Committee as part of a trade bill reported under its jurisdiction.

In reviewing the trade bill reported by the Senate Finance Committee, I am reminded of a remark attributed to Napoleon in referring to one time political-supporter-turned-foe, Charles Maurice de Talleyrand-Périgord. Purportedly, Napoleon referenced Talleyrand as ''a silk stocking filled with mud,'' believing that Talleyrand's costume and charm covered nothing but light-mindedness and egotism. Regardless of the legitimacy of Napoleon's remark, ''a silk stocking filled with mud'' is exactly my expectation of what would result from the provisions of the trade bill reported by the Senate Finance Committee. The bill's supporters have proclaimed a trade package promising lucrative U.S. economic gains, and have tried to stake out a claim to the moral high ground in the name of free trade. The rhetoric may extol a very pretty package, indeed, but, I am not sold by packaging. American workers simply cannot afford pleasing packaged rhetoric that in reality might leave them in an uphill fight, through an international thicket, to save their jobs.

In addition to the certainty that current fast-track trade negotiating authority offers no guarantee to the average American worker, my colleagues should take heed that, likewise, no certainty exists that rosy international economic predictions linked to fast-track authority would come true. Take a look at the current global economic crisis. There are no guarantees.

I have listened to my colleagues who urge support of the fast-track process, but I cannot, and I will not, vote to undermine a responsibility assigned to Congress through the Constitution. That responsibility is ''to regulate Commerce with foreign Nations'' and to ''lay and collect * * * Duties, Imposts and Excises''—a responsibility that this legislation appears bent on diminishing.

Clearly, under the Constitution, the Senate is to have a meaningful role in trade negotiations. Likely, the Founding Fathers recognized the different institutional interests that affect trade negotiations and, thus, crafted provisions to provide checks and balances to ensure that the broad interests of the states—and the people—are protected. By side-stepping the Senate's authority in trade negotiations, we are circumventing the framework set up by the Founders to help guarantee that the total national interest is met. We are playing dangerously with the basic premises that underlie our system of checks and balances, and separation of powers.

I note that many of my colleagues feel that the fast-track legislation under consideration sufficiently revises past trade negotiating authority to ensure that Congress' constitutional role in the regulation of foreign trade is preserved. Particularly, in this regard, supporters are touting the bill's beefed-up notice and consultation provisions as achieving the proper balance of power between the executive and legislative branches of government.

I am supportive of continuous dialogue between the Administration and the Congress throughout any trade negotiating process. That would seem like a commonsense approach to me. But guidelines and cursory oversight provisions simply do not fulfill the Senate's constitutional role in foreign trade, and these new consultation and

notification provisions can not overshadow the bill's basic shortcomings. That basic flaw is that the Congress through this measure hands the President broad authority to initiate, negotiate, and present trade agreements to the Congress. The Congress must then consider those agreements by an up-or-down vote with little or no debate and no opportunity to offer amendments.

That is where we get off the track. They may call it the fast-track process. But that is where we leave the constitutional track. That is where we leave the track, which under the Constitution, says that the Senate has the right to offer amendments.

While the Members on the committees of jurisdiction may have the opportunity to influence and develop the implementing legislation, for all practical purposes, this bill obliterates the voices of most of the Members of Congress when it comes to international trade agreements.

The Constitution says that revenue measures shall originate in the House of Representatives but that the Senate may amend as on other bills. But here in this so-called fast track, the agreement is presented to the Senate to accept—up or down, with no amendments in order.

Take it all or nothing. Frankly, I have little faith that consultations with the administration will have much impact—this or any other administration, if we are to be guided by recent administrations.

Such consultations—with this or any administration—usually do not yield significant results. They have not thus far, in recent years certainly.

So consult and notify as you will, but I am well aware of the likelihood that the President will sign an agreement, an implementing bill will stealthily materialize, and Senators will be provided with an immense document which they have little ability to change.

It is take it or leave it. This is where we leave the track. This is where we part company as far as I am concerned. Under this bill, Senators' ''meaningful'' role in trade pacts will continue to be a yes-or-no vote on legislation that can affect millions of American workers and their communities.

Perhaps I would be more enthusiastic about fast-track procedures if I believed that past trade agreements implemented under fast-track rules were beneficial to the nation as a whole.

Regrettably, I believe that past agreements, such as the North American Free Trade Agreement, NAFTA, which I voted against, have poorly represented the concerns of the average American worker.

By eroding the carefully crafted checks and balances provided under the Constitution, our current trade policy poorly represents the broader interests of American society.

Why can't the Senate be given an opportunity to at least offer 1 or 2 or 3 or 4 amendments? I am not suggesting that the Senate ought to be the arbiter over every little, teensy-weensy item in a trade agreement. I am not suggesting that at all. Obviously, we can't do that. But to say that the Senate cannot amend, can offer no amendments is off the track. To me that doesn't comport with the Constitution which provides that the Senate may offer amendments to bills.

Trade agreements, in principle as well as in practice, always have winners and losers. I believe the underlying issue for the average American worker is precisely who benefits most from our trade negotiations. I believe that the average American worker perceives that a select few U.S. industries keep winning, while other domestic industries keep losing, and that the promised ''trickle down'' of benefits from the winners to the losers never actually trickles.

Some will say that the benefits have not yet had time to trickle down. But data available today demonstrate a most distressing trend toward U.S. income inequality. That is: the rich keep getting richer and the poor keep getting poorer. Under fast-track rules, Senators cannot challenge trade provisions that appear inappropriate or unfair. They cannot question trade provisions which seem to contain juicy deals for specific industries or companies, but hold few guarantees for the average American worker just trying to make ends meet, take care of family responsibilities, and save a little bit for retirement.

Thus, it should be no mystery to Members of Congress as to why the American public is increasingly skeptical about our trade policies. During the NAFTA debate there were promises that the agreement would create lucrative economic gains for Americans—all Americans. American workers remember this promise, and they have judged that the promised gains have not materialized.

We need to wise up. Our trade negotiators are under strong pressures from certain influential industry sectors in our economy to negotiate deals which benefit them. To achieve these deals, our negotiators often offer our trading partners concessions, such as tariff reductions that adversely affect less influential U.S. industries. Such concessions, I believe, are not usually properly reviewed. Too often, the benefits achieved in our trade agreements are insignificant compared with the costs to the individual workers, and the total costs to the economy. Worse, many of the negotiated provisions to benefit U.S. industries fail to materialize because our trading partners fail to implement the promised reforms.

Therefore, we end up imposing enormous costs on various groups and segments of our economy and wind up with nothing to show for the damage. We end up with that pretty silk stocking filled with worthless mud.

Average American workers live in my state of West Virginia. They work hard for their money, very hard indeed. They labor in the coal mines, on small family-operated farms, in steel, glass or chemical manufacturing plants. These hard-working families deserve a fair slice of the pie. These and other American workers elected the various members of this body to look after their interests in national trade matters. Senators simply cannot adequately fulfill this obligation under fast-track procedures.

The Constitution established a system of government that has served the United States well for over 200 years. It created a nation filled with the promise of opportunity for all. It is our duty to do our best to make certain that the interests of every American are considered when it comes to matters of trade.

We live in an increasingly globalized world economy. I am not a protectionist and I am not against fair and free trade. But I would vote to preserve the Senate's essential role in its right to amend bills and in regulating foreign commerce. I would vote against fast-track procedures, as I have in the past, procedures that camouflage provisions that simply might not be acceptable to the majority of Americans.

I urge my colleagues to carefully consider the institutional and practical problems that fast track presents. The Constitution is clear: Congress is assigned the power ''to regulate Commerce with foreign Nations: and to ''lay and collect duties, imposts and excises.''

The Constitution is also clear on the point that the Senate has the power and the right to amend legislation that comes before this body.

Let us not again so easily relinquish our constitutional power when it comes to issues of such importance to American working families.

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

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

Mr. GREGG. I ask unanimous consent to speak as in morning business for a period of 5 minutes.

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

Mr. FORD. Reserving the right to object, how much time?

Mr. GREGG. Five minutes.

The PRESIDING OFFICER. Without objection, the Senator from New Hampshire is recognized.

BUDGET DISCIPLINE

Mr. GREGG. Madam President, I wanted to return to the floor; I have spoken about this issue before, but I wanted to continue to raise the issue because as we move into the final weeks of this session of the Congress, it is one of the core issues we have to address; that is, the question of budget discipline as a Congress.