

New Jersey, FRANK LAUTENBERG became Senator FRANK LAUTENBERG. Senator LAUTENBERG's motto is "Only in America."

He has done many great things legislatively. They are too many to list here tonight. But one thing I will always look back at, as to what this great Senator did, is what he did for my children. Years ago, when we traveled back and forth across the country, my children were allergic to cigarette smoke, literally allergic. They did not like it, and the little ones cried. Children in America no longer have to worry about that because of the Senator from New Jersey. He did a favor for me—because it made it so much easier on my children—and the rest of America.

Senator LAUTENBERG is a great Senator. The people of New Jersey are so fortunate this good man, who was financially set, would take public service as his life's work. I so admire him. I know the rest of my colleagues join me in congratulating the "junior" Senator from New Jersey on this significant milestone in an already accomplished career.

(Applause, Senators rising.)

Mr. LAUTENBERG. Thank you very much.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Democratic leader for those kind comments. I had hoped he would go on a little longer.

(Laughter.)

But, in any event, I thank you and all of my colleagues.

There are 7,000 votes. If I were asked to recite which of those I liked the best or which of those I disliked the most, I would be hard pressed to remember them. But the fact is, even though we have disagreements on some issues and agreements on others, I speak sincerely when I say I am proud to serve with all of you.

I know each of us has a responsibility that carries way outside this Chamber. We make the decisions here. But the desire to be of service and the obligation originates in places that we are all too familiar with. So we have differences.

I am going to stick up for my views, and I know others will stick up for theirs. The fact is, we are here to serve. I am proud to serve with each and every one of you. I am grateful for the commentary and thank you all very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, being the junior Senator from New Jersey, I must say that of all of the people I have watched live the American dream and then believe that it is their obligation to give back—the distinguished minority leader itemized the life of FRANK LAUTENBERG—no one cares more about that American dream and making sure it is available for his children

and all the children of America. I have to say as a colleague but, more importantly, as a friend, I am honored to serve with you every day, and I appreciate very much what you have done for the State of New Jersey. I know the people of the State of New Jersey care very deeply about FRANK LAUTENBERG.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, a number of people have asked about the schedule. We will have two more votes tonight. We will have a vote on final passage and then on a motion to proceed to the CAFTA bill. We will be addressing CAFTA tonight, and we will be on it—there are 20 hours—tonight and through tomorrow. We will be completing two appropriations bills before we leave this week, which means tonight will be busy. We will have no rollcall votes after the two which will be back to back shortly. We will be debating CAFTA through tomorrow, and then we will do two other appropriations bills sometime before we leave. It means that we may well be here Friday to vote, which we talked about earlier this morning.

In addition, as we said this morning, both the Democratic leader and I, when we come back after our recess, it is going to be important for people to recognize the huge amount that we have to do. We are competing with people going back to their States, people who are saying we need to work Tuesdays, Wednesdays, and Thursdays, but not Fridays and Mondays because we have other things to do. We are going to have to have people here voting on Mondays when we announce that and also on Fridays. But with that, we have two votes tonight. They will be back to back, and no more rollcall votes after those two.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I am wondering if we could have unanimous consent that these next two votes be 10 minutes each. Everybody is here—10 minutes on the first one, 10 minutes on the second one. Then we can move on to the CAFTA bill at that time. I ask unanimous consent that be the case.

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

The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—94

Akaka	Dole	Mikulski
Alexander	Domenici	Murkowski
Allard	Dorgan	Murray
Allen	Durbin	Nelson (FL)
Baucus	Ensign	Nelson (NE)
Bayh	Enzi	Obama
Biden	Feingold	Pryor
Bingaman	Feinstein	Reed
Bond	Frist	Reid
Boxer	Graham	Roberts
Brownback	Grassley	Rockefeller
Bunning	Hagel	Salazar
Burns	Harkin	Santorum
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Inouye	Shelby
Chafee	Isakson	Smith
Chambliss	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Coleman	Kerry	Kohl
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	McConnell	

NOT VOTING—6

Bennett	Gregg	Martinez
Coburn	Lieberman	McCain

The bill (H.R. 2361), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. CRAIG. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

DOMINICAN REPUBLIC-CENTRAL AMERICA UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate begin consideration of S. 1307, the CAFTA legislation.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, I move to proceed to S. 1307.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS CONSENT REQUEST—LEGISLATIVE APPROPRIATIONS BILL

Mr. FRIST. Mr. President, I ask unanimous consent that following the vote, Senator ALLARD be recognized for

the purpose of proceeding to the Legislative Branch appropriations bill under a consent agreement that there be 10 minutes equally divided for debate prior to the vote; finally, that this amount of time count against the majority's time under CAFTA.

We have cleared the Legislative Appropriations bill and this would allow us to consider that bill quickly, without a rollcall vote. Then we can begin the debate on CAFTA. Debate on the CAFTA legislation is under a statutory 20-hour time limit. Therefore, I expect the next vote to be the last vote of the evening.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, for the information of colleagues, this will be the last vote of the evening. We will be proceeding with CAFTA tonight.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. COBURN), the Senator from New Hampshire (Mr. GREGG), and the Senator from Florida (Mr. MARTINEZ).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—61

Alexander	DeMint	Lugar
Allard	DeWine	McCain
Allen	Dodd	McConnell
Baucus	Dole	Murkowski
Bingaman	Domenici	Murray
Bond	Ensign	Nelson (NE)
Brownback	Feinstein	Pryor
Bunning	Frist	Roberts
Burns	Graham	Santorum
Burr	Grassley	Sessions
Cantwell	Hagel	Shelby
Carper	Harkin	Smith
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Isakson	Talent
Collins	Jeffords	Kyl
Conrad	Leahy	Voivovich
Cornyn	Lincoln	Warner
Craig	Lott	Wyden
Crapo		

NAYS—34

Akaka	Inouye	Reid
Bayh	Johnson	Rockefeller
Biden	Kennedy	Salazar
Boxer	Kerry	Sarbanes
Byrd	Kohl	Schumer
Clinton	Landrieu	Snowe
Corzine	Lautenberg	Stabenow
Dayton	Levin	Thomas
Dorgan	Mikulski	Thune
Durbin	Nelson (FL)	Vitter
Enzi	Obama	
Feingold	Reed	

NOT VOTING—5

Bennett	Gregg	Martinez
Coburn	Lieberman	

The motion was agreed to.

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1307) to implement the Dominican Republic-Central America-United States Free Trade Agreement.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. It is my understanding under the rule there is 10 hours on each side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I yield 5 hours to the ranking member of the Finance Committee, Mr. BAUCUS, and 5 hours to Senator DORGAN.

The PRESIDING OFFICER. The Senator has that right.

Who yields time on the bill?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I may consume.

Tonight the Senate begins its consideration of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, more commonly known as CAFTA. I will be speaking in some detail on this trade agreement tomorrow, but for tonight I want to open the debate with some observations about the process that brought us here.

CAFTA has proved itself to be the most controversial trade agreement to come before the Congress since the North American Free Trade Agreement a decade ago. It did not have to be this way. When the story of CAFTA is written, whether it passes or fails, the theme will be the politics of the last minute because even as we bring this bill to the floor parts of the CAFTA package are still being negotiated. In fact, they are being negotiated as we speak. We need to do better.

The Founding Fathers, in their wisdom, assigned primary responsibility for trade policy to the legislative branch. Article I, section 8, clause 3 of the Constitution states:

The Congress shall have the power . . . to regulate Commerce with foreign Nations.

It quickly became obvious, however, that Congress is a body ill-suited by structure to negotiate trade agreements. So our predecessors quickly figured that the actual negotiating would have to be delegated to the executive branch. Still, the constitutional responsibility for trade remains with the Congress. That is why under U.S. law no trade agreement is self-executing.

Trade agreements such as CAFTA have no force or effect on domestic law

until Congress passes implementing legislation. A system where one branch of the Government negotiates trade agreements and another must approve them and turn them into domestic law presents many challenges. To work well, it requires the highest degree of coordination between executive and legislative priorities.

Over the years, this system of shared responsibilities has been formalized into Senate procedures commonly called fast trade, or more recently, trade promotion authority. These procedures require the executive to negotiate agreements that meet a long list of congressional priorities, and they require very close consultation between the executive and Congress at every stage of the process.

I am sure that Ambassador Portman, our current USTR, and his staff can document that they followed these statutory procedures to the letter for CAFTA. I do not disagree. Their problem is that process for the sake of process does not work if there is no true spirit of cooperation. A statute can require a meeting, but a meeting of the minds cannot be mandated by law. A true meeting of the minds is what we need to make the consultative process work the way it is intended to work.

Congress and the executive need to be working closely together at every stage of a trade negotiation to make sure that everyone's priorities are being addressed, maybe not all agreed to but certainly all addressed. Unfortunately, that is not what happened with CAFTA.

Early on in the CAFTA negotiations, I could see that sugar was going to be a difficult issue so I asked former USTR Ambassador Zoellick to meet with the Senate sugar caucus. That meeting was not required by trade promotion authority, but it made sense to try to address a difficult issue as soon as possible. The meeting took place and views were exchanged, but there was no meeting of the minds and little attempt to continue the dialogue. Not surprisingly, CAFTA's sugar provisions were unacceptable to many Members, but CAFTA sat unchanged for more than a year.

Suddenly, last week, there began a series of around-the-clock sugar negotiations. Those negotiations were ongoing this morning when the Finance Committee marked up CAFTA. They are still ongoing as we speak. So those of us who have sugar producers in our States still do not know for sure what CAFTA means for our constituents.

This would have been resolved and should have been resolved months ago. We should not be on the floor debating an implementation package that is not final. The story is similar for the labor provisions. From the beginning, it was clear that labor rights were going to be a contentious issue in CAFTA. So I, together with a number of colleagues, began a dialogue with Ambassador Zoellick. We sought assurances that CAFTA's labor provisions would be