

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

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—92

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

NOT VOTING—8

Bayh	Dole	Menendez
Biden	Jeffords	Mikulski
Burns	McCain	

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes equally divided on the Dodd motion to instruct.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Grassley motion for Senators TALENT and SNOWE be the Grassley amendment for TALENT, SNOWE, and LINCOLN.

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

The Senator from Connecticut.

Mr. DODD. Mr. President, parliamentary inquiry: How long did that last vote require?

The PRESIDING OFFICER. Approximately 37 minutes.

Mr. DODD. I thank the Chair.

Let me briefly explain to my colleagues the distinction between the vote you just took and the motion I offer. Very simply put, it is whether we are going to pay for the language we just adopted with the motion of the chairman of the Finance Committee to have \$19.9 billion for veterans and then not provide the resources to achieve that goal. Everyone in this Chamber knows what will happen. That amendment will be dropped before this bill even gets out the door. If you adopt the motion I offer, you will support taking the \$19.9 billion out of the \$64.8 billion that the House of Representatives proposes to spend on the two-tenths of 1 percent of American taxpayers who make incomes of more than \$1 million a year. For that small amount, we can pay the veterans who desperately need the kind of services all of us know they

need. If you want to do something for the Grassley amendment, then adopt this motion which will provide the resources we have not adopted with the Grassley provision.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the words "paid for" also mean tax increase. The difference between these motions is, the Grassley motion does not contain the tax increase. The Dodd motion asks the conferees to raise taxes.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

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 Montana (Mr. BURNS) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 40, nays 53, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—40

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bingaman	Harkin	Obama
Boxer	Inouye	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

NAYS—53

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (NE)
Allen	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
DeWine	McConnell	

NOT VOTING—7

Bayh	Jeffords	Mikulski
Biden	McCain	
Burns	Menendez	

The motion was rejected.

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

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

UNANIMOUS-CONSENT AGREEMENT—MOTIONS TO INSTRUCT

Mr. FRIST. Mr. President, I ask unanimous consent that the only motions to instruct be those currently pending and that no other motions be in order; I further ask consent that no amendments be in order to the motions; provided further that when the Senate adjourns this evening, all remaining debate time under the statute be considered as having expired; further that when the Senate convenes tomorrow, the Senate begin to vote in relation to the motions, with the Republican alternatives occurring prior to the votes in relation to the Democratic amendments; and I send a list to the desk with the order of votes; further that prior to the Kennedy motion and the Grassley motion on capital gains/dividends, there be 2 minutes per side for debate prior to the votes on each, with debate before all other votes limited to 2 minutes equally divided and all votes after the first vote in the sequence be limited to 10 minutes each.

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

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2005—Resumed

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now return to the consideration of the asbestos bill.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 852) to create a fair and efficient system to resolve claims for victims of bodily injury caused by asbestos exposure, and for other purposes.

Pending:

Frist (for Specter/Leahy) amendment No. 2746, in the nature of a substitute.

Specter Modified amendment No. 2747 (to amendment No. 2746), to provide guidelines in determining which defendant participants may receive inequity adjustments the Administrator shall give preference.

Kyl amendment No. 2754 (to amendment No. 2746), to reduce the impact of the trust fund on smaller companies and to expand hardship adjustments.

Ensign point of order that the pending bill and the pending amendment in the nature of a substitute (Frist (for Specter/Leahy)) amendment No. 2746 (listed above) violate section 407 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

Specter motion to waive the point of order (listed above).

CLOTURE MOTION

Mr. FRIST. I now send a cloture motion to the substitute to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending substitute amendment to Calendar No. 131, S. 852: a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Bill Frist, Arlen Specter, Lisa Murkowski, John Thune, Mel Martinez, Johnny Isakson, David Vitter, George Allen, Pat Roberts, Richard Shelby, Richard Burr, James Talent, Jeff Sessions, Mitch McConnell, Ted Stevens, Rick Santorum, Kay Bailey Hutchison.

#### CLOTURE MOTION

Mr. FRIST. I now send a cloture motion to the bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 131, S. 852: A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Bill Frist, Arlen Specter, Lisa Murkowski, John Thune, Mel Martinez, Johnny Isakson, David Vitter, George Allen, Pat Roberts, Richard Shelby, Richard Burr, James Talent, Jeff Sessions, Mitch McConnell, Ted Stevens, Rick Santorum, Kay Bailey Hutchison.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, these votes would occur on Wednesday. We are still working on the time during Tuesday's session for the vote on the motion to waive. We will announce that when it is locked in.

I ask that there be a period for morning business.

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

#### LEAVE NO ONE BEHIND

Mr. FRIST. Mr. President, today, I would briefly like to recount the details of a troubling series of events that resulted in the capture of four Americans, one of whom was executed, in the jungles of Colombia. I recently received word of this story from a special operations officer with intimate knowledge of these and subsequent events.

Three years ago today, a contract surveillance plane operated by four American Defense Department contractors and one Colombian military sergeant, was flying in support of our joint counternarcotics efforts in Colombia. Engine troubles forced the

crew to crash land the aircraft in the Colombian jungle south of the capital Bogota.

While there was a small window of opportunity to mount a search and rescue effort, the launch of the rescue team was never authorized. All five crew members were captured by the Revolutionary Armed Forces of Colombia.

FARC is a known terrorist organization that has terrorized Colombian civilians and political figures for decades. It has kidnapped and killed numerous American citizens and poses a serious threat to U.S. interests in Colombia. FARC is also very actively involved in drug trafficking and extortion.

FARC immediately executed the lone Colombian serviceman and one of the Americans and moved the other hostages farther south, deeper into the Colombian jungle. In the 3 years since their abduction, there has been only one serious attempt to rescue the three remaining American contractors. This took place in late August and early September of last year.

Their names are Keith Stansell, Thomas Howes, and Marc Gonsalves. These three Americans and their families here at home deserve more.

Our military, in coordination with its Colombian counterparts, needs to take more assertive action to rescue the captive Americans. In order to carry out this mission, American personnel on the ground need access to better, more reliable, and more actionable intelligence.

They have a better chance of uncovering the location and well-being of the hostages by increasing contacts with Colombian troops patrolling the jungles and interrogating captured FARC members.

It is also important to seek tips from the local population that might have information as to the whereabouts of these soldiers. But there must be incentives for these civilians, who must also endure FARC violence and intimidation, to come forward. For example, radio broadcasts in the surrounding areas could inform local civilians of the situation and offer rewards that the locals will truly value. Access to land and livestock could prove to be a great incentive for those with any information on the hostages to come forward.

We also need to increase our coordination with Colombian intelligence personnel. They have the most intimate knowledge of their country and are likely to have more access to contacts with information. Greater coordination and stronger links with these Colombian intelligence units will give our military a better opportunity to act when relevant information becomes available.

For 3 years, three brave American civilian contractors have been held hostage by a ruthless terrorist organization deep in the Colombian jungle. Though rescue attempts can be dan-

gerous and entail numerous risks to both the hostages and the rescuers, the failure to launch more than one serious rescue attempt is a disservice to those men and to their families here at home. We can only imagine the anguish, uncertainty, and doubt they have endured for those 3 long years.

I urge the administration to redouble its efforts to rescue these three Americans. A more assertive response is required. We owe it to these men and to their families to make a more serious effort to rescue them.

#### HONORING OUR ARMED FORCES

##### LANCE CORPORAL WESLEY DAVIDS

Mr. DEWINE. Mr. President, I rise today to honor the life of a brave young man, who was known for his incredible spirit and selflessness. Marine LCpl Wesley Davids, from Dublin, OH, was killed by an explosion in Iraq on May 11, 2005—exactly one day after his 20th birthday.

Ronald Reagan once said that “some people spend an entire lifetime wondering if they’ve made a difference. The Marines don’t have that problem!” Indeed, all of our U.S. Marines are making a difference each and every day, and Marine LCpl Wesley Davids was no exception.

Wesley was born to loving parents Michael and Jody Davids. Even from the time he was a little boy, he loved anything that moved fast. When he got older, he loved driving fast cars and fast boats. He owned a Mustang GTS and two other cars. He also worked at a National Tire & Battery store on the North side of Columbus.

Wesley's friends at Dublin Scioto High School, from which he graduated in 2003, describe him as having boundless energy and that between working on his cars and going off-roading, Wesley lived a very active, very full life.

He loved a challenge and testing his own limits. Wesley was a stand-out member of his high school's crew team. According to his coach, Russ Merritt, “Wesley was just a very impressive, strong young man. You just had no doubt that he would give 100 percent.”

Amy Speck, who rowed with Wesley, wrote the following about her teammate in a posting on an Internet tribute site dedicated to Wesley:

I had the privilege to be Wes's coxswain in his crew boat his sophomore year and my senior year. Wes helped lead us to winning the Midwest Championships. He always led by example and was a fighter with a courageous spirit from the beginning.

It was that courageous spirit and strong sense of leadership that prompted Wesley to join the Marine Corps after the September 11 terrorist attacks. His mother, though concerned about Wesley's safety, came to accept his choice to enlist and respected the passion he brought to his decision. Jody knew that her son's determination in this pursuit was strong, and she was very proud of him.

She said that the same passion that defined Wesley in the boat when he