

Chafee	Harkin	Nelson (NE)
Chambliss	Hatch	Obama
Clinton	Hutchison	Pryor
Cochran	Inouye	Reed
Coleman	Isakson	Reid
Collins	Jeffords	Roberts
Conrad	Johnson	Rockefeller
Cornyn	Kennedy	Salazar
Craig	Kerry	Santorum
Crapo	Kohl	Sarbanes
Dayton	Kyl	Schumer
DeMint	Landrieu	Sessions
DeWine	Lautenberg	Shelby
Dodd	Leahy	Smith
Dole	Levin	Snowe
Domenici	Lieberman	Specter
Dorgan	Lincoln	Stabenow
Durbin	Lott	Stevens
Ensign	Lugar	Sununu
Enzi	Martinez	Talent
Feingold	McCain	Thomas
Feinstein	McConnell	Thune
Frist	Menendez	Vitter
Graham	Mikulski	Voinovich
Grassley	Murkowski	Warner
Gregg	Murray	Wyden
Hagel	Nelson (FL)	

## NAYS—1

Inhofe

## NOT VOTING—1

Coburn

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LOTT. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, although I voted to proceed to the bill I have strong concerns with this legislation.

I am concerned that this bill will take away the rights of asbestos victims to have their day in court while providing no guarantees that they will receive fair and prompt compensation. This bill and its payment structure could bankrupt small businesses, with many of them shouldering a larger financial burden under the bill than they currently do in the court system. Many of these small businesses are not the evildoers here, but due to the payment structure of the bill, they will find themselves shouldering a large portion of the liability.

I support the concept of a nonadversarial process to provide compensation to victims but a process that is fair to all the parties involved. I believe that this bill falls short, and while I voted for cloture I intend to vote against final passage of this bill unless significant changes are made.

## THE FUNERAL OF CORETTA SCOTT KING

Mr. FRIST. Mr. President, in a few moments, we will be closing down for the evening. But I did want to comment very briefly upon the wonderful experience that I and nine other of our colleagues had over the course of today as we attended the funeral of Coretta Scott King at the New Birth Missionary Baptist Church, down right just outside of Atlanta.

We had a bipartisan delegation that left early this morning, joined by a House delegation, joined also, as most people know, by the President and the First Lady and three prior Presidents, for what was, indeed, a memorial service in many ways but, in truth, a great celebration for a great woman. She leaves a legacy of leading with grace. Few people have ever had the opportunity of knowing someone like that. That was reflected in many comments over the course of the day at the funeral.

As a wife, as a mother, as a civil rights leader, Mrs. King joins this large pantheon of great Americans whose courage and whose dignity, whose boldness, whose tireless pursuit of social justice transformed not only a generation but the dreams and expectations of generations to follow. Over the course of the statements and having the opportunity to circulate among people who attended, the real global impact of this woman, as I said, leading by grace, focused on freedom and opportunity and social justice, was so apparent.

Born in April of 1927 on a family farm down in Marion, AL, she grew up during the Depression in the segregated South and early on experienced firsthand the unfairness and the racial injustice that had coursed through American life.

As a child—and we learned through many stories over the course of today—she would walk miles every day to attend a poor, one-room elementary school where her neighbors, White neighbors, road the bus in comfort to an all-White school that was close by. She was walking 5 miles a day.

But as Coretta herself would say in later years, before she was a King, she was a Scott, Coretta Scott King. As a Scott growing up in segregated Alabama, her parents taught her strength, taught her boldness, sharing that wisdom with her. It was this strength translated through great dignity over the course of her life that came to define her and to radiate from her from the very beginning and throughout her life.

There was much discussion and reflection on her faith, her innate strength and graciousness, all of which supported her through times, as many of the speakers and presenters today talked about, of extraordinary trials and suffering.

Today, while millions of people around the world watched, there were four U.S. Presidents, I believe there

were 13 colleagues—14 Senators, 13 of my colleagues—dozens of Congressmen, clergy, community leaders, thousands of admirers, people from around the world, from South Africa, who spoke today, also celebrating the life and contributions of Coretta Scott King, the first lady of the civil rights movement and, as we heard from South Africa, the first international lady of the civil rights movement.

I think all of us who went, and many people who shared this service on their televisions today, were humbled by her example. You can't help but to be lifted by her spirit. Oprah Winfrey observed yesterday at the Ebenezer Baptist Church in Atlanta—and I did have the opportunity to share one Martin Luther King Day with the King family and with Coretta Scott King; I believe it was 3 years ago, at the Ebenezer Baptist Church—that the great Reverend Martin Luther King, Jr., often preached that Mrs. King, “leaves us all a better America than the America of her childhood.”

She leaves behind a tremendous legacy and a great challenge to all of us; that is, to lead our lives—and very much the thematic today was a real celebration but what are we all going to be doing tomorrow? Are all our thoughts going to be similar to what her thoughts were the day after her husband was assassinated, that bold decision to go up to Memphis and to return there 3 days later to be with her people? That as we look ahead, how do we translate all this so that we all look to our own lives to be led with courage and with grace and with the boldness and dignity that she has shown, and to realize the dream to which she and her husband devoted their lives; that one day, one day soon, in their words, “this Nation will rise up and live out the true meaning of its creed”—“that all men are,” indeed “created equal.”

## ASBESTOS

Mr. FRIST. Mr. President, we had a very important vote today on asbestos, and we will be proceeding to that bill tomorrow. It is a bill that I feel passionately about, a bill—as I shared with my colleagues who were with me earlier today in Atlanta at the funeral—that reflects, to me, the very best of what this body should be reflecting; that is, compassion for those victims who today are not being compensated, who suffer from asbestos exposure with mesothelioma, with lung cancer, with asbestosis; who today are not getting taken care of. In a sense, they are not getting appropriate compensation, just compensation, either in terms of time in which the decisions are made or in the amount of resources that are to be directed to them.

So now is the time for us to address this important issue. It is a jobs issue. We talk about 150,000 people who have lost their jobs. We talk about the 77 companies that have gone bankrupt—not as companies but as employers.

And when they go bankrupt, thousands and thousands of people lose their pensions and the jobs are lost. Now is our opportunity.

Just yesterday, I know there were a lot of statements made by those on the other side of the aisle that we should stop this bill; it is a bad bill; we should not be addressing it and using postponing procedural moves and delay. But we just can't delay anymore.

I am delighted with the outcome of the vote today which shows that this body is ready to take up this important issue. We will be going to that issue tomorrow, and I look forward to addressing, through debate and amendments, an issue that will have a huge impact on people's lives both right now and well into the future.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### HONORING OUR ARMED FORCES

DUSTIN L. KENDALL

Mrs. LINCOLN. Mr. President, I rise today to honor a young man from Arkansas who recently lost his life while heroically serving our Nation in uniform. SPC Dustin Kendall will be remembered by those who knew him as a charming and charismatic young man, who was beloved by his friends and family and had a special gift for bringing smiles to the faces of everyone he met.

Growing up with a brother and four sisters, Specialist Kendall spent his childhood as many children do: playing sports, causing mischief, and enjoying the company of his family and friends. As the son of missionaries, he spent his childhood in a variety of places and wherever he ended up, his outgoing and friendly nature was sure to follow. These qualities allowed him to make friends quickly and adapt to new surroundings, and that was certainly the case when his family moved to Bryant, an Arkansas town just south of Little Rock, in 2002. In Bryant, Specialist Kendall worked at a local restaurant, where he became a favorite of the regular customers, while he finished his schooling. Later, when his parents moved to Europe to continue their missionary work, he stayed in Arkansas to continue classes at the University of Central Arkansas in nearby Conway. At UCA, he studied business but was considering following one of his passions and pursuing a career in golf, possibly in golf-course design.

As a student, Specialist Kendall joined the U.S. Army Reserve for primarily financial reasons but, over time, came to enjoy his military life and was ultimately considering a ca-

reer in the Army. Upon signing up for active duty last summer, he was stationed at Fort Carson, CO, before being deployed with his unit to Iraq in November of 2005. In Iraq, Specialist Kendall served with the 68th Armor Regiment of the 3rd Heavy Brigade Combat Team, where he served with distinction, most recently as a bodyguard for an Army colonel. Tragically, he was killed on January 15 in Baqouba, Iraq, when his military humvee was accidentally struck by an American Abrams tank. He was 21 years old.

A memorial service was held for Specialist Kendall on January 21, in Summerville, SC. Many of his friends and his family gathered to remember the charming young man with the infectious smile and to honor the brave soldier who had given his life in the fight for freedom. Although words cannot convey the sorrow felt by his loved ones, I hope they may find some solace remembering the way he lived his life and knowing that he touched the lives of so many others. My thoughts and prayers go out to his parents, Brandi Lee and Penelope Jean, his brother and his sisters, and to all those who knew and loved him. His time with us was far too short but his spirit will live on in us forever.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In February, 2004 in Durham, NC, Sean Ethan Owen, a 23-year-old gay man, was shot to death. According to police, three men wanted to steal a car and targeted Owen on a gay chat line. They then coaxed Owen to meet them for a date, then beat him, shot him, and threw him into the Eno River.

Matthew Lawrence Taylor, Shelton Deangelo Epps, and Derrick Arness Maiden beat their victim before attempting to rob him of anything. According to pathologists, Owen probably died relatively slowly by drowning in the river.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### POSTAL REFORM

Mr. BOND. Mr. President, I rise to engage the chairman of the Homeland

Security and Governmental Affairs Committee in a colloquy regarding a provision contained within the manager's amendment to S. 662, the Postal Accountability and Enhancement Act.

The manager's amendment offered by Senator COLLINS changes the language of section 3622 concerning rate and service complaints that are brought to the Postal Regulatory Commission. I ask the Senator to explain the purpose and intent of this change. I particularly want to be sure that this amendment to the bill is not intended to, and does not deprive the Postal Regulatory Commission of its power to consider complaints relating to rates and the provision of postal services.

Ms. COLLINS. I thank the gentleman from Missouri. He is correct. The amendment I propose to section 3622 does not and is not intended to preclude any interested party from securing a hearing before the Postal Regulatory Commission if it believes that the rates being charged or the manner in which services being provided to that mailer or mailer group violates the act. It is my hope that in conference that we can work to assure that the Postal Regulatory Commission does not become embroiled in attempts to resolve disputes as to internal affairs or purely operational decisions of the Postal Service. This provision is intended to protect the rights of the mailing public against the potential for monopoly abuse or other unjust or unfair conduct by the Postal Service in terms of rates charged or the nature of service provided.

Mr. BOND. I thank the chairman.

#### VOTE EXPLANATION

Mr. INHOFE. Mr. President, on February 2, 2006, I was absent for the roll-call vote on the motion to waive the Congressional Budget Act on Conrad amendment No. 2729 to Senate amendment 2702 to H.R. 4297, Tax Relief Extension Reconciliation Act of 2005. My absence was due to a previously scheduled speaking engagement at the Africa Dinner in conjunction with the National Prayer Breakfast. Had I been present, I would have voted nay on the motion to waive. Additionally, I would like to note that this absence did not affect the final outcome of the vote.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO WILLIAM "BILL" TALLMAN

• Mr. THUNE. Mr. President, today I rise to honor William "Bill" Tallman. Bill was the meteorologist in charge at the Aberdeen office of the National Weather Service. At the time of his death, Bill was on a voluntary, temporary assignment with the Federal Emergency Management Agency helping with the relief efforts in the gulf coast region that was devastated by hurricanes this last season.