

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

rowed for the crew team, defined him as a Marine. "He wanted the camaraderie—the team spirit—of being part of something bigger than he was."

During their last phone conversation, Jody said that Wesley sounded very happy and enthusiastic. She said, "Wes, you sound really great. Are you having a good time?" Wesley replied to his mother, "I'm having a great time. I love the guys I'm serving with. I love what I'm doing. We're really well-trained. The mission is worth it."

One of Wesley's very good friends and high school classmates, Brian Fry, addressed the crowd at Wesley's funeral. He greeted Wesley in a way that I am sure he would have loved. Brian said this:

Wes, we know you're in Heaven. And your Heaven is probably one big mud pit! We'd just like to say, take a ride for us, and we'll see you soon.

During the funeral, Wesley's Uncle Brian read a prayer he wrote titled *Twenty Years and a Day*. He asked God to tell his nephew that he missed and loved him and to thank him for the memories he left behind. Brian concluded the poem by saying:

Thank you for sending this wonderful gift to us—even if it was for just 20 years and a day.

An Air Force chaplain who had known Wesley well read from a poem titled *Dash*, which refers to the mark between the birth and death dates on a tombstone:

He never made it to mid-dash. But he lived, and paid the ultimate sacrifice for people he didn't even know. And, that—that is love.

This past Veterans Day held special meaning for Wesley's family and friends. As his mom Jody said:

Previously, Veterans Day was a day; it could just slip by even though my dad is a veteran and my husband's father is a veteran. This year, it has new and intense meaning for us.

She went on to say:

To stand up for what they believed in, to stand up for their country, to show their love for their families and their country and show pride to be an American citizen and do something about it, we have to appreciate all of them for that. While Wesley's death is a tragic loss, he died doing something he felt passionately about. He was the best that this country had to offer.

Wesley once said, "I don't want to die, but I understand it is a responsibility, and I'm willing to accept that risk." Wesley Davids was a brave, model Marine. Did he make a difference in his all-too-brief lifetime? Absolutely. He made a difference, and this statement demonstrates a maturity level and selfless spirit well beyond his 20 years and a day. As Reverend Charles Kuck said so well, "Wesley Davids saw more life than most of us see in an entire lifetime."

Indeed, he did, Mr. President, indeed he did.

My wife Fran and I continue to keep Wesley's parents and his brother Steven in our thoughts and prayers.

PRIVATE FIRST CLASS CHRISTOPHER DIXON

Mr. President, I rise today to honor the life of a fellow Ohioan—Marine

PFC Christopher Dixon—who was killed on May 11, 2005, when his amphibious assault vehicle struck an explosive device while conducting combat operations against enemy forces in Iraq. Christopher was only 18 years old at the time of his death, making him the youngest service member from Ohio to be killed in Iraq.

Franklin Delano Roosevelt, in paying tribute to the sacrifices young men like Christopher Dixon make during times of war, said the following:

In all of the operations of our Armed Forces, the toughest job has been performed by the average easy-going, hard-fighting young American who carries the weight of battle on his own young shoulders. It is to him that we and all future generations must pay grateful tribute.

And so today, I pay tribute to Christopher, a hard-fighting young American, who carried the weight of battle on his own young shoulders.

Christopher—Chris to his family and friends—was a fun-loving young man, who took great joy in making others laugh. Friends remember Chris as both a daredevil and as a handsome ladies' man. Chris didn't have a girlfriend, but his friends describe him as a charmer, with blue eyes and light brown hair that bleached to blonde in the summertime. His mother said that when it came to girls, "He liked them all."

Not afraid of anything, Chris was a true adventurer. He loved to fish, hunt, and ride his dirt bike, while standing on the seat, going full speed into Wayne National Forest. An avid bowler, Chris would show off bowling tricks at Rainbow Lanes on South High Street in his hometown of Obetz, OH.

He worked in the bowling alley before joining the marines and liked to impress his friends by knocking down pins after facing backwards and rolling a ball through his legs. As friend Michele Hatfield remembers:

He'd do it just to show off. Anything to get a laugh out of people.

Chris graduated from Hamilton Township High School in 2004, and joined the marines a week later. According to his mom, Chris dreamed of becoming a marine since the start of high school. He was assigned to Lima Company, which is part of the 3rd Battalion, 25th Marine Regiment out of Columbus. When he was sent to serve in Operation Iraqi Freedom, his unit was attached to Regimental Combat Team 2, 2nd Marine Division, 2nd Marine Expeditionary Force.

On May 22 of this year, I had the honor of meeting Chris Dixon's family and friends at the calling hours following his death. I saw pictures of Chris and talked with his mom and his dad, Beckie and David Dixon, and his older brother Chad. Beckie said that after she learned of Chris's death, she put up 18 flags, one for each year of his all too brief life.

Chris's closely knit town of Obetz was devastated by the young marine's death and the community grieved together. Allen Lantrip, 17 at the time,

said Chris was among the best the town had to offer. Chris was one of the first people who welcomed Allen to Hamilton Township High School last year. The two talked before Chris departed for Iraq. Allen said Chris was very optimistic about going on the mission and coming home safe.

Another friend, Jordan Wall, also said Chris never worried about the possibility of not coming home. She had known him for 7 years, as he had lived one street over from her. Jordan said Chris wasn't scared at all and that he was happy to be in the marines. She said Chris was always trying to help somebody. He knew he would be helping people in the marines by serving his country.

At Chris's memorial service, Reverend William L. Snider said:

While Chris's death at such a young age is devastating, he did not waste his youth and he died living his dream of protecting his country as a marine. He gave his best for what he believed in. He gave his best for the best.

Several of Chris's friends paid their respects to his life through postings on an Internet tribute site. Chris's friend Danielle from Columbus wrote the following:

Chris, my good friend, I miss you so, but I could not be any more proud with how you lived your life. You are a true hero, and now, my guardian angel. I will never forget all our phone conversations and how beautiful that smile of yours was. You lived out your dream and I know you are so happy right now in heaven. I know I will see you again. Your mark and your heart will be forever with me.

Chris Dixon epitomizes everything a good friend should be. People adored this young man and deeply respected his commitment to serving our country. He was a good person, a good person who loved what he was doing and was proud to be helping to protect America and help rebuild the lives of the people in Iraq.

I wish to conclude my remarks with something that Chris's friends Danielle and Nick from Obetz wrote in tribute to him:

Chris, you are someone who will be in our hearts forever. We think of you daily and talk about our precious memories, laughing about the crazy things you did. I'll always remember going on double dates with you and your girlfriends, going to the zoo, or trying to find a haunted house on my first date with Nick. I am blessed that I got the pleasure of knowing you. Spending the precious time you spent with Nick before you left are some of the fondest memories he has of you, and believe he, he couldn't be happier having all of those memories—hanging out in the hot tub, playing pool and Ping-Pong and, most of all, all the long talks. You were always someone Nick could talk to no matter what it concerned and he will never forget that.

We are proud of you. We knew you would do something great with your life. You died for us at home so we could live free and be safe. You made a sacrifice that no one will ever forget. You are truly our hometown hero. We love you, Chris.

My wife Fran and I continue to keep Christopher Dixon's family in our thoughts and in our prayers.

LIEUTENANT COMMANDER WITTWER

Mrs. BOXER. Mr. President, I rise to honor the memory of the late LCDR Frank Carl Wittwer. Lieutenant Commander Wittwer, a longtime Hanford resident, perished when his F/A-18C Hornet went down during a training mission near Naval Air Facility El Centro on January 18, 2006. He was 35 years old.

A 1994 graduate of the U.S. Naval Academy, Lieutenant Commander Wittwer was fondly remembered as a friendly and active student who participated in a number of activities such as music and youth ministries at his church. Upon receiving his bachelor of science degree in systems engineering, he began his successful active-duty career as a surface warfare officer aboard the USS *California* and the USS *McFaul*.

In recognition of his considerable talents, Lieutenant Commander Wittwer was assigned to the Hornet Program with VFA-137 in 2001. Subsequently, he received postings at Strike Fighter Wing Pacific Fleet as safety officer and a follow-on assignment with the VFA-97 Warhawks. Throughout his years of service, Lieutenant Commander Wittwer was known as a dedicated and honorable serviceman who embodied the best qualities and ideals of the U.S. Navy.

In his personal life, Lieutenant Commander Wittwer demonstrated a genuine commitment to improving the lives of others. A popular figure in the community and an elder in the First Presbyterian Church in Hanford, he had a passion in working with kindergartners and grade school students. A man of many talents, Lieutenant Commander Wittwer recently completed the executive MBA program at the California State University, Fresno's Craig School of Business.

Lieutenant Commander Wittwer will be remembered by those whose lives he touched as a devoted family man, a loyal friend and an outstanding member of the U.S. Navy. He is survived by his wife Mendi; daughters Erin and Abbie; son Jack; sister Patti; nephew Josh; and his grandfather Hurdis Haris.

STOP COUNTERFEITING IN MANUFACTURED GOODS ACT

Mr. SPECTER. Mr. President, I will take a moment to speak about H.R. 32, the Stop Counterfeiting in Manufactured Goods Act of 2005, sponsored by Representative KNOLLENBERG and 59 House cosponsors. The counterfeiting of goods bearing American held trademarks is an important problem that I am committed to fighting, as reflected by my sponsoring S. 1699, the Senate companion bill to H.R. 32, earlier this year with Senator LEAHY and Senators ALEXANDER, BAYH, BROWNBACK, COBURN, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, HATCH, KYL, LEVIN, REED, STABENOW, and VOINOVICH.

H.R. 32, the Stop Counterfeiting in Manufactured Goods Act of 2005, addresses a problem that has reached epidemic proportions as a result of a loophole in our Criminal Code: the trafficking in counterfeit labels. Criminal law currently prohibits the trafficking in counterfeit trademarks "on or in connection with goods or services." However, it does not prohibit the trafficking in the counterfeit marks themselves. As such, there is nothing in current law to prohibit an individual from selling counterfeit labels bearing otherwise protected trademarks within the United States.

This loophole was exposed by the Tenth Circuit Court of Appeals in *United States v. Giles*, 213 F.3d 1247, 10th Cir. 2000. In this case, the United States prosecuted the defendant for manufacturing and selling counterfeit Dooney & Bourke labels that third parties could later affix to generic purses. Examining title 18, section 2320, of the United States Code, the Tenth Circuit held that persons who sell counterfeit trademarks that are not actually attached to any "goods or services" do not violate the Federal criminal trademark infringement statute. Since the defendant did not attach counterfeit marks to "goods or services," the court found that the defendant did not run afoul of the criminal statute as a matter of law. Thus, someone caught redhanded with counterfeit trademarks walked free.

H.R. 32 closes this loophole by amending title 18, section 2320 of the United States Code to criminally prohibit the trafficking, or attempt to traffic, in "labels, patches, stickers" and generally any item to which a counterfeit mark has been applied. In so doing, H.R. 32 provides U.S. Department of Justice prosecutors with the means not only to prosecute individuals trafficking in counterfeit goods or services but also individuals trafficking in labels, patches, and the like that are later applied to goods.

Congress must act expeditiously to protect U.S. held trademarks to the fullest extent of the law. The recent 10-count indictment of 4 Massachusetts residents of conspiracy to traffic in approximately \$1.4 million of counterfeit luxury goods in the case of *U.S. v. Luong et al.*, 2005 D. Mass., underscores the need for this legislation. According to the indictment, law enforcement officers raided self-storage units earlier this year and found the units to hold approximately 12,231 counterfeit handbags; 7,651 counterfeit wallets; more than 17,000 generic handbags and wallets; and enough counterfeit labels and medallions to turn more than 50,000 generic handbags and wallets into counterfeits. Although the U.S. Attorney's Office was able to pursue charges of trafficking and attempting to traffic in counterfeit handbags and wallets, they could not bring charges for trafficking and attempting to traffic in the more than 50,000 counterfeit labels and medallions. As such, these defendants

will escape prosecution that would have otherwise been illegal if they had only been attached to an otherwise generic bag. This simply does not make sense and had the Stop Counterfeiting in Manufactured Goods Act of 2005 been in effect at the time of indictment, U.S. prosecutors would have been able to bring charges against the defendants for trafficking and attempting to traffic in not only counterfeit goods but also counterfeit labels.

As Assistant Attorney General Alice Fisher said, "Those who manufacture and sell counterfeit goods steal business from honest merchants, confuse or defraud honest consumers, and illegally profit on the backs of honest American workers and entrepreneurs." This point is underscored by the Bureau of Customs and Border Protection estimate that trafficking in counterfeit goods costs the United States approximately \$200-\$250 million annually. With each passing year, the United States loses millions of dollars in tax revenues to the sale of counterfeit goods. Further, each counterfeit item that is manufactured overseas and distributed in the United States costs American workers tens of thousands of jobs. With counterfeit goods making up a growing 5 to 7 percent of world trade, this is a problem that we can no longer ignore.

To be sure, counterfeiting is not limited to the popular designer goods that we have all seen sold on corners of just about every major metropolitan city in the United States. Counterfeiting has a devastating impact on a broad range of industries. In fact, for almost every legitimate product manufactured and sold within the United States, there is a parallel counterfeit product being sold for no more than half the price. These counterfeit products range from children's toys to clothing to Christmas tree lights. More frightening are the thousands of counterfeit automobile parts, batteries, and electrical equipment that are being manufactured and placed into the stream of commerce with each passing day. I am told that the level of sophistication in counterfeiting has reached the point that you can no longer distinguish between the real and the counterfeit good or label with the naked eye. However, just because these products look the same does not mean that they have the same quality characteristics. The counterfeit products are not subject to the same quality controls of legitimate products, resulting in items that are lower in quality and likely to fall apart. In fact, counterfeit products could potentially kill unsuspecting American consumers.

In addition to closing the "counterfeit label loophole," the Stop Counterfeiting in Manufactured Goods Act strengthens the Criminal Code and provides heightened penalties for those trafficking in counterfeit marks. Current law does not provide for the seizure and forfeiture of counterfeit trademarks, whether they are attached to