

respected law firm. Her record of defending businesses raises concerns about her ability to balance business and individual interests. In her answers to my written questions, however, she assured me that she would be fair to all parties that come before her. I hope that she will be a person of her word. I hope that she will follow the law. I hope that she will treat all who appear before her with respect. I hope she will not abuse the power and trust of her position. Sometimes we have to take a risk to allow a nominee to be confirmed.

I congratulate Ms. Pratter on her confirmation today.

Mr. SANTORUM. Mr. President, I yield the remainder of time in opposition.

Mr. SMITH. Mr. President, I believe we have used all our time. Therefore, I believe we are ready to vote.

The PRESIDING OFFICER. All time has expired.

Mr. KENNEDY. 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. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

EXECUTIVE SESSION

THE NOMINATION OF VIRGINIA E. HOPKINS TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA

THE NOMINATION OF RICARDO S. MARTINEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON

THE NOMINATION OF GENE E.K. PRATTER TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider nominations 563, 564, and 566. There will be 20 minutes of debate equally divided between the chairman and ranking members of the Judiciary Committee, or their designees. At the conclusion of 20 minutes, we will vote on the nominations, following which there will be a vote on the pending amendment.

Mr. SANTORUM. Mr. President, I rise to speak in favor of Gene Pratter, who is the nominee, as you noted, on the Executive Calendar for the Eastern District of Pennsylvania.

Gene has an outstanding record of community service, of service to the

legal community, working in very complex and difficult litigation with a large law firm in the city of Philadelphia. She is someone who has been active, as I mentioned, in the community and in political life, and is the kind of well-rounded individual who I think would make an excellent jurist on the court.

She is someone I have gotten to know over the past 10 or 12 years, and I have respected her demeanor. She has a very professional but yet gentle way of discussing sometimes rather contentious issues in which we have been involved.

Again, I respect the way she approaches issues that confront her. She has proven that she has outstanding legal abilities. She has proven that she understands the importance of community and the importance of being a good citizen and participating as a citizen beyond just the professional life, which to me, as a judge, is something that is very important.

We have been fortunate under the leadership of Senator SPECTER in finding now 20 judges under this administration who have been nominated, and I believe the number is 17 or 18 who have been confirmed by the Senate. We have done a good job in finding people who are well rounded and people who have judicial experience and judicial temperament about which I spoke, as well as a record of community involvement and active citizenship which rounds out the person. So when they come to the bench, they are not just a narrow scholar or someone who is a "hail fellow well met" but a nice combination of the two that brings the kind of commonsense judicial temperament that is important in our court system.

I commend Gene for her steadfastness in this process. As anybody who has gone through this process in the last couple of years will tell you, this is a difficult and somewhat tortuous process where you are on again, off again; You don't know whether your career is going to move forward or is going to stay in limbo. Is it going to fall off the docket and not be heard from again? That is a very difficult thing for all of these nominees to have to go through.

But thanks to the agreement of Senator FRIST and Senator DASCHLE, we have been able to move some of these nominations—the "noncontroversial nominations"—and we will now have a vote on Judge Pratter.

I say for the RECORD again that because of the work Senator SPECTER has done with our bipartisan nominating commission we have in the State of Pennsylvania, we have been able to get Republicans and Democrats—I underscore Republicans and Democrats—nominated by this President.

When there are two Republican Senators, we have a rule in Pennsylvania that the party in power—that means the President—will nominate three to his party to every one in the minority

party, irrespective of, as I said before, the fact that we may have two Republican Senators and a Republican President. Out of every four nominees, we still nominate one Democrat to fill the bench to make sure there is a proper balance on the court, and even to some degree some little ideological balance on the court.

We have been successful in getting soon to be 20 nominees approved by the Senate, which I think is a fairly admirable record if you consider the contentious attitude the judicial nominees have had to work through in the committee as well as in the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I speak on behalf of a judicial nominee for the Northern District of Alabama, Virginia E. Hawkins. I join with Senator Richard Shelby of my State in moving her nomination forward with great enthusiasm. She is a woman of impeccable academic credentials, high in integrity, great legal experience and skill. She will do a great job on the Federal bench.

She has a strong academic background. She graduated from the University of Alabama in 1974 as an undergraduate. She attended Agnes Scott College before that. Then she attended the University of Virginia Law School in 1977. She began her career as an associate attorney at the law firm of Lange, Simpson, Robinson & Sommerville in Birmingham, AL. That is one of the great law firms in the State. The fact she was hired there in itself is a good commendation of what they thought were good legal skills and good judgment. She certainly would not have been selected at that firm had they not thought so at the time.

She had at that firm a broad civil practice, including appellate matters, tax and estate planning, business dispute resolution, and planning in labor disputes. These things come up in Federal court, also.

She left the firm after 2 years to join the law firm of Taft, Stettinius & Hollister in Washington, DC, where she established the firm's intellectual property practice and handled complicated trademark matters. It is a fine law firm in Washington for her to be part of.

In 1991, however, she and her husband decided to return to her home of Anniston, AL, and to form the firm of Campbell & Hopkins where she is currently a partner.

Over the past 12 years she developed a broad civil practice, including litigation, tax and estate planning and administration, business dispute resolution, and planning intellectual property cases.

Simply stated, Virginia Hopkins has a number of career, academic, and professional achievements. Her experience will be an asset to the bench of the Northern District of Alabama.

I know her children now are at the age of graduating from high school. She felt the need to come back to her roots to raise those children in the right way. Now she is so excited about the opportunity to serve her country and her Nation and the rule of law as a Federal judge. It is exciting to talk to her. It makes me pleased every time I do, to see how excited she is about this opportunity. I believe she is going to do a terrific job.

I know Senator SHELBY agrees with that. In fact, he propounded her nomination from the beginning. I know he believes in every way she will be a superb Federal judge. I am glad to see the senior Senator from Alabama in the Senate today, a distinguished lawyer in his own right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I am pleased that we will soon be voting on the nomination of Virginia Hopkins for the United States District Court for the Northern District of Alabama. This nomination has been on the calendar for a number of months now and I am pleased that we are finally going to have an up or down vote.

Virginia Hopkins is a highly qualified candidate. She will be an important addition to the Federal bench. Like others who know Virginia, I have a high regard for her intellect and her integrity. She is a woman of the law who understands and respects the constitutional role of the judiciary and, specifically, the role of the federal courts in our legal system.

Having been a practicing attorney for more than a quarter century, Virginia has concentrated her legal practice in wills and estate planning, as well as intellectual property law and civil litigation. Virginia has a strong record of trying cases in both the federal and state courts for a broad range of individual and corporate clients. Without question, I believe it is fair to say that Virginia Hopkins is an experienced and skilled attorney.

In addition to being a devoted wife and mother of two children and a skilled attorney, Virginia is also active in her community. She has served on the board of the United Way of East Central Alabama, while also remaining active in her church. She is a graduate of the University of Alabama and also Virginia Law School.

Again, I am pleased to support the nomination of Ms. Virginia Hopkins to the United States District Court for the Northern District of Alabama. I am confident that she will serve honorably and that she will apply the law with impartiality and fairness. I encourage my colleagues to join with me in supporting her nomination as I believe that she will serve our nation with the

honor and dignity required of the federal judiciary.

I yield the floor.

Mr. REID. How much time remains for the majority and minority?

The PRESIDING OFFICER. The majority has 1 minute 44 seconds and the minority has 11 minutes.

Mr. REID. Does the distinguished Senator from Pennsylvania wish us to yield part of our time?

Mr. SPECTER. Mr. President, I would need 5 minutes to speak on behalf of the judicial nominee.

Mr. REID. I yield 5 minutes to the Senator from Pennsylvania of the time of the minority.

Mr. SPECTER. I thank my distinguished colleague from Nevada for yielding the time. I have sought recognition to urge my colleagues to confirm Gene E.K. Pratter to the U.S. District Court for the Eastern District of Pennsylvania. Ms. Pratter comes to this position with a very distinguished academic career, having earned honors at Stanford University and her law degree from the University of Pennsylvania in 1975.

She is a partner in the prestigious law firm in Philadelphia of Duane Morris where she serves not only as a partner but as general counsel to the firm for their own matters.

She has authored many very distinguished legal writings. She has served in many professional capacities as a judge pro tempore for the State courts, Court of Common Pleas of Philadelphia County. She has been a mediator for the U.S. District Court for the Eastern District of Pennsylvania, so she has had extensive ancillary experience before becoming a Federal judge.

I have had the opportunity to know Ms. Pratter personally for about a decade and can personally attest to her intelligence and demeanor. She will be an outstanding judge.

She had been recommended to the President by Senator SANTORUM and myself after she received approval from a nonpartisan judicial selection commission which advises Senator SANTORUM and I as to judicial recommendations to the President. This is a group which has functioned for all of my tenure in the Senate, going back 24 years when Senator Heinz and I had this panel in existence. It has been carried forward. As I say, it is in existence now by appointment from Senator SANTORUM and myself.

I am especially pleased to find this confirmation occurring today. We had to postpone the induction ceremony for Ms. Pratter some time ago when there had been some disagreements as to how we would proceed. We had hoped for this confirmation last week, and, of course, it has been delayed because of the ceremonies involving the funeral and other matters related to former President Reagan. But I am especially pleased to have it concluded today because a swearing-in has been scheduled in Philadelphia for Friday at 2 o'clock. So Ms. Pratter, who I am sure is watch-

ing, and others will know that the commitment can go forward. That is in anticipation of a favorable vote, which I think is virtually certain to be forthcoming.

Mr. President, it would take a great deal of time to give the details of Ms. Pratter's extensive biographical résumé and accomplishments, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENE E.K. PRATTER, PARTNER AND GENERAL COUNSEL

Gene E.K. Pratter is a partner in and General Counsel of Duane Morris LLP. She frequently represents clients in commercial litigation and professional liability and licensing matters. Ms. Pratter has represented licensed law, financial and other professionals before state and national licensing boards and in litigation throughout the country in federal and state courts.

A 1975 graduate of the University of Pennsylvania Law School and an honors graduate of Stanford University, Ms. Pratter is a member of the American Bar Association's Litigation Section and the Philadelphia Bar Association's Committees on Professional Responsibility and Professional Guidance, of which she was chair from 2000 through 2001. In addition, she is a member of the Pennsylvania Bar Association's Women in the Profession Committee. Ms. Pratter served as the co-chair of the ABA Litigation Section's Committee on Ethics and Professionalism and recently concluded her tenure as the co-chair of the Section's Task Force on the Independent Lawyer.

A member of the University of Pennsylvania's American Inns of Court, she is the author of a number of articles concerning ethics and professional conduct and has presented many programs for practitioners on those and other subjects. Ms. Pratter frequently serves as an expert witness and advises lawyers and law firms concerning professional responsibility and professional liability matters, and she has overseen legal issues for Duane Morris itself for a number of years while also holding the position of vice-chair of the firm's Trial Department. She has also been named as a Judge Pro Tem in the Philadelphia Court of Common Pleas and a mediator for the U.S. District Court for the Eastern District of Pennsylvania. Ms. Pratter was an Overseer of the University of Pennsylvania Law School from 1993 to 1999. She is active in numerous professional and community associations.

AREAS OF PRACTICE

Alternative Dispute Resolution;
Commercial and Real Estate Litigation;
Employment Contract Litigation;
Insurance Coverage Litigation;
Professional and Business Ethics Counseling and Litigation;
Professional Liability Litigation—Accountants, Actuaries, Architects, Attorneys, Brokers, Engineers, Fiduciaries, Insurance Professionals, Management Consultants, Title Insurers;
RICO Litigation;
Securities Litigation;
Reinsurance Litigation.

PROFESSIONAL ACTIVITIES

American Bar Association—Section of Litigation, Co-Chair, Ethics and Professional Responsibility Committee, 1994–1998, Co-Chair, Task Force on the Independent Lawyer, 1995–present, Commission on Women in the Profession, Tort and Insurance Practice

Section, Business Law Section, Center for Professional Responsibility;

Pennsylvania Bar Association—Civil Litigation Section, Education Law Section, Mentor, State Civil Committee, Women in the Profession Committee;

Philadelphia Bar Association—Professional Responsibility Committee, Chair, Professional Guidance Committee, Committee on Women in the Profession;

Association of Professional Responsibility Lawyers;

Defense Research Institute;
Pennsylvania Defense Institute;
University of Pennsylvania Law School
Inn of the American Inns of Court;
Federalist Society;
St. Thomas More Society.

ADMISSIONS

Pennsylvania;
United States Court of Appeals for the Third Circuit;
United States District Court for the Eastern District of Pennsylvania.

EDUCATION

University of Pennsylvania Law School, J.D., 1975.

Mr. SPECTER. Mr. President, I again thank my colleague from Nevada and yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

AMENDMENT NO. 3183

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Smith amendment No. 3183 to S. 2400.

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

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—65

Akaka	Breaux	Conrad
Alexander	Byrd	Corzine
Allen	Campbell	Daschle
Baucus	Cantwell	Dayton
Bayh	Carper	DeWine
Bennett	Chafee	Dodd
Biden	Clinton	Dorgan
Bingaman	Coleman	Durbin
Boxer	Collins	Edwards

Ensign	Leahy
Feingold	Levin
Feinstein	Lieberman
Graham (FL)	Lincoln
Gregg	Lugar
Harkin	Mikulski
Hollings	Miller
Inouye	Murkowski
Johnson	Murray
Kennedy	Nelson (FL)
Kohl	Nelson (NE)
Landrieu	Pryor
Lautenberg	Reed (RI)

NAYS—33

Allard	Domenici	Lott
Bond	Enzi	McCain
Brownback	Fitzgerald	McConnell
Bunning	Frist	Nickles
Burns	Graham (SC)	Roberts
Chambliss	Grassley	Santorum
Cochran	Hagel	Sessions
Cornyn	Hatch	Shelby
Craig	Hutchison	Sununu
Crapo	Inhofe	Talent
Dole	Kyl	Thomas

NOT VOTING—2

Jeffords Kerry

The amendment (No. 3183) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, hatred and violence are not traditional values and they are not American values. Violent crimes tear at the very fabric of our society and should be prosecuted to the fullest extent of the law.

Sixty-five Senators—including 18 Republican Senators—voted today to expand hate crimes protection to all Americans. The overwhelming support for the hate crimes amendment is a victory for basic fairness and for victims' rights.

This bipartisan amendment provides more help for local law enforcement—and tougher penalties for people who commit hate crimes. It also expands hate crimes protections to include gender, sexual orientation and disability. These are all reasonable changes that are supported by the overwhelming majority of Americans and by law enforcement agencies across the country.

Those who say these protections are unnecessary because they protect only a small number of people miss the point. Even one beating, one murder, or one assault is unacceptable. Hate crimes diminish all Americans.

This is not the first time the Senate has voted to strengthen existing federal protections against hate crimes. I brought these same protections to the Senate floor when I was majority leader in 2002. They were first introduced in 1997 and passed by the Senate in 1999. In 2000, majorities in both the House and Senate supported hate crimes legislation—only to have the provisions stripped out behind the closed doors of a conference committee at the insistence of the far right.

We urge the far right to end their efforts to prevent these modest but important protections from being signed into law. We will continue to press this case until all Americans enjoy equal protection from hate crimes.

Reid (NV)
Rockefeller
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Voinovich
Warner
Wyden

Mr. BYRD. Mr. President, today, I voted in support of an amendment to the Department of Defense Authorization Act to establish that hate crimes based on race, color, religion, and national origin are prohibited at all times—not only when a person is involved in certain federally protected activities as is the case under existing law. The legislation I voted to enact today for the first time also prohibits hate crimes based on three additional categories, meaning a person's actual or perceived disability, gender, or sexual orientation, so long as the incident has a demonstrable tie to interstate trade.

The legislation voted on today is different than the hate crimes legislation I opposed in June 2000 in several significant ways. Primarily, it includes stronger safeguards to ensure that the States continue to take the lead in prosecuting hate crimes. The language of the amendment makes it clear, though, that the Federal Government can prosecute a hate crime at the Federal level in circumstances where, for example, the State does not have jurisdiction or refuses to take jurisdiction over the crime.

In June 2002, I voted in support of an amendment nearly identical to the hate crimes legislation approved today. Then, and today, I approached the Senate leadership about adding to the legislation language that would include age as a protected category, so that crimes directed against the elderly and children could also be considered hate crimes under this law. Defining age as an additional protected category in the law would also give State and local law enforcement officials new tools to provide technical, forensic, prosecutorial, and other assistance beneficial to prosecuting hate crimes against the elderly and children.

Unfortunately, the managers of the hate crimes legislation declined to accept my suggestion of defining age as being an additional protected category under the bill, but I pledge to continue to do all that I can to make certain that the elderly and children are provided all protections possible to ensure their safety, and to make certain that those who perpetrate hate crimes against them receive suitable punishment.

EXECUTIVE SESSION

NOMINATION OF VIRGINIA E. HOPKINS TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The Senate will now proceed with executive session to consider Executive Calendar No. 563, which the clerk will report.

The legislative clerk read the nomination of Virginia E. Hopkins, of Alabama, to be United States District Judge for the Northern District of Alabama.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided on the nomination.