

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

Mr. WARNER. Mr. President, I ask unanimous consent that each of the next three votes be 10 minutes so we can return to the Defense bill.

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

The Senator from Utah.

Mr. HATCH. Mr. President, I am prepared to yield back all of my time on the three judges. I ask unanimous consent that all time be yielded back.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Virginia E. Hopkins, of Alabama, to be United States District Judge for the Northern District of Alabama? The clerk will call the roll.

The legislative 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 98, nays 0, as follows:

[Rollcall Vote No. 115 Ex.]

#### YEAS—98

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

#### NOT VOTING—2

Jeffords Kerry

The nomination was confirmed.

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

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Ricardo S. Martinez, of Washington, to be United States District

Judge for the Western District of Washington.

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

The PRESIDING OFFICER (Mr. BURNS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I wonder if I could address the Senate with regard to the schedule.

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

Mr. WARNER. We are making good progress on this bill. We have indications of at least four amendments that will be worked on, part this evening and part in the early morning, that could result in three to four votes. We would like to lead off following the established time for morning business, which I understand may be some 30 minutes, at approximately 10 o'clock with debate with the Senator from Connecticut, Mr. DODD, 15 minutes on each side, followed by a rollcall vote. That would be followed thereafter by Senator LEAHY. We are not certain exactly what time. That will require approximately 2 hours equally divided. We have the Bunning amendment which will be brought up tomorrow. And tonight we will lay down an amendment by Senator REED on end strength. We will start that amendment tonight. There are colleagues on both sides who will want to address that tomorrow.

We will order this evening the final order of these amendments in sequence. If there is any other Senator desiring to move forward with an amendment tomorrow, I urge that Senator to address my colleague or myself.

Mr. REID. Will the Senator yield?

Mr. WARNER. Yes.

Mr. REID. It is my understanding that tonight, when we get to the bill, the junior Senator from Idaho is going to lay down an amendment; is that right?

Mr. WARNER. My understanding is he wishes to do that tomorrow where we can get a unanimous consent.

Mr. REID. That is the best way to proceed.

Mr. WARNER. We recognize when the votes are concluded, Senator REED would lay down his amendment for discussion, we would then do cleared amendments, and that will conclude the actions on this bill for today. When the leadership decides on the opening of the Senate tomorrow, we have 30 minutes for morning business.

Mr. REID. We need half an hour on our side. I indicated to Senator LEVIN we would be happy to waive morning business on Thursday, but we would like a half hour on our side tomorrow.

Mr. FRIST. Mr. President, if the Senator would yield.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. If you need 30 minutes in morning business, we would like it equally divided. Because we have such a full day tomorrow, I want to have

this first vote at 10 o'clock. We would be happy to come at 9 o'clock in the morning, you take 30 minutes, or we will divide the hour 30-30.

Mr. REID. That is totally appropriate.

I say through the Chair, on our side, Senator DURBIN will offer the next amendment, not Senator REED. Our amendment will be Senator DURBIN.

Mr. LEVIN. I understand that Senator DURBIN, if he could, prefers to lay it down tomorrow, and Senator REED can lay his amendment down.

Mr. WARNER. We have Senator REED tonight. We will accommodate Senator DURBIN tomorrow with 30 minutes equally divided.

Mr. LEAHY. Mr. President, if I might ask the distinguished senior Senator from Virginia, as I understand it, my amendment is actually pending. There are a number pending, but my understanding is the distinguished Senator from Virginia will protect me for a block of time.

Mr. WARNER. That is correct.

Mr. LEAHY. So we can debate and vote.

Mr. WARNER. Two hours equally divided at a time mutually agreeable, followed by a vote.

Mr. LEAHY. Good enough for me.

Mr. WARNER. We will incorporate this at the conclusion tonight in a UC. I thank the Presiding Officer, and I thank Members.

Senator TALENT, also, will be recognized tonight to lay down his amendment. We will debate that and then look for a vote, if necessary, tomorrow.

Any other Senators desiring to be heard on amendments? Now is a good time.

If not, I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Ricardo S. Martinez, of Washington, to be United States District Judge for the Western District of Washington? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative 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 (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 116 Ex.]

#### YEAS—98

Akaka	Brownback	Collins
Alexander	Bunning	Conrad
Allard	Burns	Cornyn
Allen	Byrd	Corzine
Baucus	Campbell	Craig
Bayh	Cantwell	Crapo
Bennett	Carper	Daschle
Biden	Chafee	Dayton
Bingaman	Chambliss	DeWine
Bond	Clinton	Dodd
Boxer	Cochran	Dole
Breaux	Coleman	Domenici