

[Rollcall Vote No. 113 Leg.]

YEAS—42

Akaka	Dayton	Lautenberg
Baucus	Dodd	Levin
Biden	Dorgan	Lieberman
Bingaman	Durbin	Lincoln
Boxer	Edwards	Mikulski
Breaux	Feingold	Murray
Byrd	Feinstein	Pryor
Cantwell	Graham (FL)	Reed
Carper	Harkin	Reid
Chafee	Inouye	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden

NAYS—55

Alexander	Domenici	Murkowski
Allard	Ensign	Nelson (FL)
Allen	Enzi	Nelson (NE)
Bayh	Fitzgerald	Nickles
Bennett	Frist	Roberts
Bond	Graham (SC)	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith
Campbell	Hatch	Snowe
Chambliss	Hollings	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Thomas
Crapo	McCain	Voivovich
DeWine	McConnell	Warner
Dole	Miller	

NOT VOTING—3

Jeffords	Kerry	Leahy
----------	-------	-------

The amendment (No. 3263) was rejected.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I thank the Senator from Colorado and all others who participated in what I felt was one of the better debates we have had in some time on a very serious issue. I commend the Senator from Massachusetts and others for the manner in which we conducted the debate.

Mr. President, I will now propound a unanimous consent request.

I ask unanimous consent that the time from 2:15 to 3:40 be equally divided between the opponents and proponents of the Smith amendment No. 3183; provided further, that at 3:40, the Senate proceed to executive session for the consideration en bloc of the following nominations: Virginia Hopkins, Ricardo Martinez, and Gene Pratter.

I further ask unanimous consent that there be 20 minutes of debate equally divided between the chairman and ranking member of the Judiciary Committee, or their designees, and that at 4 o'clock today the Senate proceed to a vote in relation to the Smith amendment No. 3183, with no amendments in order to the amendment prior to the vote.

I further ask that following that vote, the Senate then proceed to consecutive votes on the confirmation of Executive Calendar Nos. 563, 564, and 566, with 2 minutes of debate equally divided prior to each vote. I finally ask

that following these votes, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, following this series of votes, we will return to the Defense bill. At that time, there has been an agreement—at least it is my understanding that a Crapo amendment will be laid down.

Mr. WARNER. Mr. President, that is correct.

Mr. REID. That amendment would be set aside and Senator CANTWELL would lay down an amendment, and we will do our best to work out a time to vote on those amendments.

Mr. WARNER. The Senator is correct.

Mr. REID. Following the offering of the Cantwell amendment, the next one in order is the amendment by Senator DURBIN on our side, so people understand that.

Mr. DODD. Mr. President, if I may inquire, we have a pending amendment. What is the plan for dealing with amendments that have been offered and set aside? Do we try to resolve these matters in negotiation, or is there a schedule by which we will vote on these?

Mr. WARNER. The issue I am familiar with is the one the Senator from Connecticut and I debated which has sections (a) and (b).

Mr. DODD. Correct, the contractors. Mr. WARNER. Mr. President, did the Senator reach any conclusions as to whether he wants to amend his amendment?

Mr. DODD. We may very well. I have not had a chance to speak with staff. I will be happy to speak with them in the next hour.

Mr. WARNER. I am hoping we can act on that amendment.

Mr. LEVIN. If whoever has the floor will yield, I understand we have now received the documents. We received the documents which we sought from the Army. I have not read them yet, and I do not know if the Senator has had a chance to review them.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. REID. No objection. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer. I think we will go to the standing order to place the Senate in recess.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m. today.

Thereupon, the Senate, at 1 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

The PRESIDING OFFICER. Under the previous order, the time until 3:40 p.m. will be equally divided between the proponents and opponents on the Smith amendment.

Who yields time? The Senator from Virginia.

AMENDMENT NO. 3183

Mr. WARNER. Mr. President, it is my understanding that the time is equally divided between the distinguished Senator from Oregon on this side and the Senator from Massachusetts on the other. Am I correct on that?

Mr. LEVIN. As I understand it, Mr. President, both are proponents of the amendment. I do not know who would be controlling the opponents' time. Is there opposition? If so, I wonder if the chairman knows who the opponents are who would be controlling the time.

Mr. WARNER. Mr. President, the distinguished Senator from Michigan does raise a valid point. I will provide the Senate with the individual that controls the opponents' time momentarily.

Mr. LEVIN. In terms of the proponents' time, I understand that will be divided between the Senator from Oregon and the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Oregon will control the time.

The Senator from Oregon.

Mr. SMITH. Mr. President, first may I express my appreciation to those who have agreed to this time agreement about an issue that is long overdue for our Senate to take up once again and to vote on its merits. This is the issue of hate crimes. This is an issue that is much in the news of late because it is an issue that too often is visited on the American people, or classes of Americans within the American community.

We are in the midst of a war on terror, and as we fight that war on terror abroad, it is important we not forget the war on terror at home. What Senator KENNEDY and I are trying to do in this bill is to simply remind the American people that there are classes of Americans who are uniquely vulnerable, who are singled out for violence, and for whom we need to do something.

It is a fact that hate crimes statutes are on the books of well over 30 States in America. They are even on the books of the U.S. Government. The Federal Government now has authority to pursue, prosecute, and punish those who commit hate crimes on the basis of race, religion, or national origin. What we are proposing to do in this bill is to add a few categories.

There is one category, one class of Americans that is the problem in this amendment, as some view it a problem, and that is the gay and lesbian community.

Now, many may wonder why we are bringing up this issue on a Defense authorization bill. And the answer is simply because some of the worst hate