

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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	Reid (NV)
Feingold	Levin	Rockefeller
Feinstein	Lieberman	Sarbanes
Graham (FL)	Lincoln	Schumer
Gregg	Lugar	Smith
Harkin	Mikulski	Snowe
Hollings	Miller	Specter
Inouye	Murkowski	Stabenow
Johnson	Murray	Stevens
Kennedy	Nelson (FL)	Voinovich
Kohl	Nelson (NE)	Warner
Landrieu	Pryor	Wyden
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. Vicious 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.

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.