

It is difficult to justify paying military retired pay and veterans' compensation concurrently to the retiree but not paying benefits from both the SBP and the DIC concurrently to that retiree's widow or surviving children. My amendment ensures consistency in the application of benefits to survivors from the SBP program and DIC. I urge the Senate to adopt this amendment and take care of our military widows.

Mr. WARNER. Mr. President, I do not believe there are further matters in relation to this bill. At this point in time, I will proceed to wrap up on behalf of leadership.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, as the chairman said just a few moments ago on the floor, there has been a lot of hard work on the Defense bill over the course of the last month and over the course of the day. We continued to clear amendments on both sides. And although we have been in a quorum call, off and on, over the course of the night, as the chairman implied, there have been a lot of negotiations, and a lot of progress has been made in addressing the large number of amendments that we, at 6:30, realized we had. We continue to clear amendments on both sides, and we have entered into an agreement for votes on approximately five amendments tomorrow morning.

Unfortunately—and I made it clear to both managers and representatives of our leadership and leadership on the other side of the aisle—it is still unclear as to exactly how we are going to bring this bill to closure, how we will finish this bill. We have had this large number of consultations throughout the evening with colleagues on both sides of the aisle, and I do think it is time we bring the bill to conclusion. I believe it is really past that time.

But, again, everybody is working in good faith. I do respect Members' rights to offer amendments. However, as majority leader, I am charged with ensuring that we finish our work and that we are able to address the other very important work ahead of us. I specifically mentioned, in this case, the appropriations bill which provides the funding to support our troops overseas.

Having said that, I will file a cloture motion so all of our options are preserved. I understand everybody is proceeding in good faith for completion tomorrow. We will continue to find a way to finish the bill tomorrow, but we will have this cloture vote on Thursday if it becomes necessary.

#### CLOTURE MOTION

Mr. President, I send a cloture motion 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 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. 503, S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed services, and for other purposes.

Bill Frist, Mitch McConnell, John Cornyn, Trent Lott, John W. Warner, Norm Coleman, Lincoln D. Chafee, Gordon Smith, Jon Kyl, John McCain, Peter Fitzgerald, John E. Sununu, Richard G. Lugar, Don Nickles, Mike DeWine, George V. Voinovich, George Allen, Kay Bailey Hutchison.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. ALLEN. Mr. President, soon we will be voting on the nomination of Walter DeKalb Kelley, Jr., to be a Federal judge for the U.S. District Court for the Eastern District of Virginia. My colleague, Senator WARNER, and I know him as Walt. We very much support his nomination. I have known Walt Kelley for a long time now. He is one who continues to impress me as a gentleman. I have always found him to be even tempered, no matter the situation, no matter how fractious things might be. He always has a good, steady demeanor about him, which I think is an important attribute, especially for a trial judge.

Senator WARNER and I interviewed many outstanding nominees for this judgeship in the Eastern District of Virginia. The things I care about are experience, to the extent you can find somebody who has judicial experience. Also, when you look at their experience and talk about them, whether it is in the courtroom or what their beliefs are, it is important to figure out what their judicial philosophy might be.

On the point of judicial philosophy, as a judge, Walt Kelley will be one who understands the proper role of the judiciary, in particular to adjudicate a case, applying the facts and evidence before the court, applying the law in the proper way, as opposed to a judge who might want to invent new law.

As far as experience is concerned, while Walt Kelley has not served as a judge, he has a tremendous amount of experience in the courtroom, arguing and taking to final adjudication 25 cases in various Federal courts.

He has been endorsed and supported by the Virginia Association of Defense Attorneys and the Virginia State Bar. The American Bar Association has also given Walt Kelley a unanimous opinion

of "well qualified." He is rated "AV" by Martindale-Hubbell. In addition, the Virginia Women Attorneys Association supports his nomination.

He is an individual of great character, and he supports important aspects of the community in the Hampton Roads area. He is the chairman or the rector of the Board of Visitors at Old Dominion University in Norfolk. He is a trustee at Norfolk Collegiate School, where he attended, and his three children currently attend school. He is an adjunct professor in antitrust law at Regent University School of Law. He was on the Virginia Attorney General's Task Force on Higher Education, and he is also the director of the Hampton Roads Salvation Army Adult Rehabilitation Center Advisory Board, making sure folks are rehabilitated from being addicted to drugs, or using drugs, so they may become productive citizens.

Walt Kelley is an outstanding individual. He has the experience, the temperament, and the right philosophy to be a judge in the Eastern District of Virginia for many decades to come. I look forward to voting for him and respectfully urge my colleagues to support the nomination of Walter Kelley to the United States District Court for the Eastern District of Virginia.

Mr. President, I yield the floor.

#### JUAN R. SANCHEZ

Mr. SPECTER. Mr. President, I rise in support of the nomination of Chester County Common Pleas Judge Juan Sanchez who is on the docket for confirmation at the present time. Judge Sanchez was born in Puerto Rico, but emigrated to the United States at an early age and has an outstanding academic record from City College of New York, where he had his bachelor's degree cum laude in 1978. He graduated from the University of Pennsylvania Law School with his J.D. degree and has a very impressive background. He served in the Legal Aid Society of Chester County where he was staff attorney for 2 years, and then a partner in a private law firm. He also served the County of Chester in the Public Defender's Office for some 4 years; and for the last 6 years, he has been a judge of the Court of Common Pleas of Chester County.

Mr. Sanchez was nominated by the bipartisan nominating committee which Senator SANTORUM and I have recommended to the President, withstood the rigor of the examinations and has been voted out of committee unanimously. I think he will make an outstanding judge.

I ask unanimous consent that Judge Sanchez's resume be printed in the RECORD.

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

#### JUAN R. SANCHEZ, RESUMÉ

Birth: December 22, 1955, Vega Baja, Puerto Rico.

Education: 1974–1978, City College of the City University of New York B.A. degree, cum laude.

1978–1981, University of Pennsylvania Law School, J.D. degree.

Bar Admittance: 1982, Pennsylvania.

Experience: 1981–1983, Legal Aid of Chester County, Staff Attorney.

1983–1990, Nester, Nester & Sanchez Partner.

1983–1997, County of Chester Public Defender's Office, Senior Trial Attorney, 1993–1997, Trial Attorney, 1983–1993.

1990–1997, Sole Proprietor.

1997, MacElree, Harvey, Gallagher, Featherman & Sebastian, Trial Attorney.

1998–present, Chester County Court of Common Pleas, Judge.

#### ROBERT H. PERRY—NEVADA TRIAL LAWYER OF THE YEAR

Mr. REID. Mr. President, I rise today to congratulate Robert H. Perry, who has been recognized as Nevada Trial Lawyer of the Year by the Nevada Trial Lawyers Association.

Mr. Perry grew up in Topeka, KS, and attended the United States Naval Academy. Following his graduation, he served in the U.S. Marine Corps. After he completed his military service, Mr. Perry worked in sales in Montana, and then returned to Kansas where he became a mentor for youth who were detained in the justice system. That whetted his interest in the legal system, and he decided to attend law school at the University of Kansas.

After he graduated law school, Mr. Perry moved to Nevada, where he became a successful prosecutor in the Washoe County District Attorney's Office. After several years, he rose to the position of Deputy District Attorney for the Criminal Division.

In 1976, Mr. Perry joined the law firm of Laxalt and Berry, and a few years later he formed a partnership with Richard Davenport. He ventured out on his own in 1991, forming Robert H. Perry, Ltd., and concentrated on civil trial work.

Since then Mr. Perry has dedicated himself to representing average citizens who have been harmed by the wrongful actions of others. Many times the party that did the harm was much more powerful than the victim—but in our legal system, it is possible for ordinary people to get justice, thanks to lawyers like Mr. Perry.

In 2001, Mr. Perry represented a young girl whose medical treatment had been delayed because the treating physician thought she was complaining in order to receive more painkillers. But in fact, she was really sick. When surgery was finally performed on this girl, only three feet of her small intestine remained. Today, and for the rest of her life, she must receive her nourishment intravenously.

Mr. Perry fought for her and she won the largest verdict for medical malpractice in Nevada history.

This is just an example of the kind of battles that Robert Perry wages on behalf of his clients. I salute him for his selection as Trial Lawyer of the Year,

and extend my best wishes for success in all his future ventures.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Wichita, KS, on June 29, 2001, a 58-year old openly gay hairdresser, Marcell Eads, was beaten and died from burns and smoke inhalation after the alleged bashers set his home on fire. Zachary Steward, 18, and Brandon Boone, 17, were arrested in connection with the crime. Steward claimed that Eads had made sexual advances toward him, prompting Boone to start beating Eads with a broomstick and later with the end of a table and a rock. The perpetrators accused each other of setting the fire that killed Eads, and both took credit for trying to put out the fire.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### FAITH IN ACTION

Mr. GRASSLEY. Mr. President, in the 21st century, advances in medicine are allowing Americans to live longer than ever before. Today, the average American will live to be over 76 years old. As the collective age of society increases, so does the need for increased help, care, and support, as long-term illnesses and the frailties of age become the rule, not the exception. Faith in Action volunteers play a crucial role in ensuring that help is there for neighbors in need.

Faith in Action is a nationwide, interfaith coalition that works to help people with long-term health needs or disabilities maintain their independence by providing assistance with daily activities. Funded by the Robert Wood Johnson Foundation, Faith in Action boasts 100,000 nationwide volunteers serving over 200,000 care recipients.

Through Faith in Action, Americans of every faith—including Catholics, Protestants, Hindus, Jews and Muslims—work together to improve the lives of their neighbors in need. Faith in Action volunteers help others maintain their independence by doing simple things: watering flowers, shopping for groceries, taking people to the doctor, and simply listening. Sometimes they open doors that people can't open on their own.

In my home State of Iowa, over 2,100 dedicated volunteers work in local pro-

grams to contribute approximately 315,000 volunteer hours per year—a service valued at nearly \$5.2 million.

But the value of Faith in Action is measured not by dollars and cents. Nor is the value measured by the number of volunteers, or the number of hours donated. The real value of Faith in Action is measured by the warm smiles of gratitude that line the faces of those whose lives have been enriched by the kind touch of a stranger.

Fred Jones is a man who knows firsthand the value of Faith in Action. Fred lives with his wife in the rural farmhouse where he was born, on the outskirts of Parnell, IA. Fred is, by any measure, a big man—standing 6 feet 2 inches tall and weighing over 200 pounds. Twelve years ago, Fred had a major stroke—a stroke that left half of his body paralyzed, and left Fred confined to a wheelchair in a home not built with wheelchairs in mind.

After the stroke, Fred's wife did not want to put him in a care facility and dreaded the thought of leaving the home where he was born. So at 76 years old and without any help, Mrs. Jones assumed the burden of lifting Fred up and down the 6-inch step from the front door of their home to the sidewalk below.

When Faith in Action was notified of the situation, the dedicated staff found resources to pay for the materials and a volunteer to install a wheelchair ramp for the elderly couple. Now Mrs. Jones is able to maneuver her husband in and out of their home with ease. Fred can now go to church, enjoy the sunshine, and watch his grandchildren play.

As an Iowan and a Member of Congress, I greatly appreciate the selfless acts of charity done by Faith in Action volunteers and I look forward to even greater accomplishments in the years to come.

#### THE CRISIS IN HAITI

Mr. DODD. Mr. President, I rise today to speak about the lamentable situation in Haiti. After suffering political upheaval and widespread violence over the last few months, the Haitian people are now facing even more desperate circumstances.

During the last 2 weeks of May, floods devastated major sections of Haiti and parts of the Dominican Republic. The death toll in Haiti has reached nearly 2,600 people not including the missing and medical personnel expect that number to climb higher as the waters recede and reclamation efforts become possible.

In the immediate aftermath of the catastrophe, aid workers, Haitian officials, and foreign troops—including U.S. soldiers scrambled to prevent the crisis from worsening. They have been delivering emergency supplies of food and water, building temporary housing, and working to prevent the spread of disease.

I am concerned, however, by reports that the efforts are sorely under-funded