

which amendments they might be, indeed they are very controversial in nature and would require extended debate. That is not the way to complete action on this bill.

With that said, I am prepared to file cloture this evening on the bill. I do so continuing to hope we can consider relevant amendments to the bill while the motion ripens. If colleagues do have relevant class action amendments they want considered, I encourage them to come forward and discuss them with the managers and let us work out a process to dispose of them.

#### CLOTURE MOTION

Mr. FRIST. Mr. President, I now 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 assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 430, S. 2062, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

Bill Frist, Orrin Hatch, Charles Grassley, Peter Fitzgerald, Craig Thomas, Mitch McConnell, Ted Stevens, Robert F. Bennett, Jim Talent, George Allen, Jon Kyl, Rick Santorum, Jeff Sessions, Pete Domenici, Susan Collins, Lamar Alexander, John Cornyn.

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

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

Mr. FRIST. Mr. President, for the information of my colleagues, this vote will occur on Friday unless it is vitiated by some other agreement, and we will remain in discussion and willing to vitiate it if agreement can be reached. We will be on the bill throughout tomorrow's session. Again, I hope we will be able to dispose of class action amendments during that period.

#### MORNING BUSINESS

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

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

#### HONORING OUR ARMED FORCES

##### LANCE CORPORAL RUSSELL WHITE

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of LCpl Russell P. White. Russell epitomized the best of our country's brave men and women who are fighting to secure a new democracy in the Middle East. He exhib-

ited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Russell reminds each of us how good we can be.

A resident of Dagsboro, Russell's passing has deeply affected the community. A graduate of Indian River High School, Russell was the son of Gregg and Tricia White. Friends, family, and school officials recalled Russell as a proud young man who made a sacrifice for their freedom, even if his death did not come during combat. As a senior at Indian River High School in rural Frankford, Russell spent his days in classrooms overlooking soybean fields, and his spare time at home hunting duck along tranquil Vines Creek. In his senior year, he tried out for and made the football team at Indian River. He became a starter and, at a mere 165 pounds, played nose guard, out hustling opposing lineman who weighed 50 to 100 pounds more than he did.

But Russell had a desire to be part of something bigger. He wanted to be among the troops sent to hunt Osama bin Laden in the mountainous terrain of Afghanistan, so he joined the Marines early last year.

Russell had been stationed in Afghanistan for about a month prior to his death and was part of the mission to root out bin Laden and other members of al-Qaida. He was assigned to the 3rd Battalion, 6th Marine Regiment, whose home base is at Camp Lejeune, NC.

Russell was remembered by his fellow marines as a young man who had a kind spirit and a zest for life with an outlook that sometimes got him into a little trouble, especially in the 13 grueling weeks of boot camp. When drill sergeants would bark orders, Russell would often crack a smile, unlike others who might shed tears in their bunks at night. "They couldn't crack him." Russell's father, Gregg, said. While Russell may have found some of his early training a little amusing, he was absolutely serious about his duties in Afghanistan.

Russell was a remarkable and well-respected young soldier. His friends and family remember him as an honorable man. He enjoyed playing football, hunting, skiing and being out on the water. He had hoped to return to Sussex County to help run his father's home-building business. Sadly, that dream will not be fulfilled.

I rise today to commemorate Russell, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

#### 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 cat-

egories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 14, 1995, a 9-year-old boy named Steven Wilson was found brutally raped, beaten, and drowned in a muddy ditch one mile from his house. Around the town, little Steven was known as a kid who liked to play with dolls. Other kids teased him and called him "fag." Nonetheless, Lamont Harden, a 15-year-old neighbor of Wilson, confessed to this horrific murder on the basis that he was trying to "humble the fag" that allegedly got into a scuffle with his brother.

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.

#### INTERIOR ALASKA WILDFIRES

Ms. MURKOWSKI. Mr. President, 10 years ago, on July 6, 1994, fourteen wildland firefighters lost their lives fighting the deadly South Canyon Fire near Glenwood Springs, CO. Nine of the 13 who perished were members of a single crew—a hotshot crew based in the small high desert town of Prineville in central Oregon. The "Prineville Nine," as they have come to be called, were all in their 20s.

The events of July 6, 1994 were as significant to the wildland fire community as the events of September 11, 2001 were to the New York City Fire Department, and the brave young men and women who perished in the South Canyon Fire were every bit as heroic as those who perished at the World Trade Center.

The anniversary of the South Canyon Fire brings home to all who live in the West how dearly we hold the brave young men and women, clad in their fire resistant yellow shirts, green pants and helmets, who fight the fires that sweep through our backyards.

On Monday, July 5, I had the privilege to visit a fire camp near Fairbanks, AK. The young men and women based at the camp were fighting the Boundary Fire, which is burning to the North of Fairbanks, under the experienced leadership of Steve Hart and his Type I Incident Management Team, drawn from the Rocky Mountain region of our Nation.

In the course of my visit, I had the opportunity to meet with each of the leaders on the Incident Command Team and received detailed briefings on how the fire was being managed.

One of those briefings was delivered by the Incident Safety Officer, who emphasized the acronym L-C-E-S, which stands for lookouts, communications, escape routes, and safety zones. Wildland firefighters are taught to keep safety in their forefront of their minds, constantly focusing on L-C-E-S.

On the Boundary Fire, the singular focus on safety is evident throughout the camp. It is clear that the lessons of the South Canyon Fire have not been lost to history.

Today there are 73 wildland fires burning in the State of Alaska and some 1,544 wildland firefighters from 26 states and one province of Canada are on the ground tirelessly addressing these fires. Since the beginning of this year's fire season, approximately 2 million acres have burned in Alaska. Most of these acres have burned in seven large fires and "fire complexes" which occurred in the last few weeks.

As of the last report that I received, the Boundary Fire is 27 percent contained. Two other incidents are five percent contained and the remaining four are zero percent contained. New fires can start on a moment's notice from a strike of lightning and, depending on the fuel; wind shifts can move existing fires at rates of over 2 miles per hour.

In fact, a new fire was just reported yesterday, near the villages of Bettles and Evansville. At 5:00 PM, when the fire was reported, it had burned one acre, one hour later it was reported at 500 acres and at 10:00 PM it was reported at 1500 acres.

Last week was an exceptionally difficult one for the people of Interior Alaska. In Fairbanks, a dark, smoky haze hung over the community. The Boundary Fire was burning about 30 miles to the north of Fairbanks between the Steese and Elliott Highways, while the Wolf Creek Fire was burning to the east, near Chena Hot Springs Road.

These fires caused the evacuation of more than 280 households and countless animals, including household pets, sled dogs, cows, pigs and llamas. While volunteers from the Tanana Valley Chapter of the American Red Cross were offering shelter, food and respite from the smoke to the people of Fairbanks, officers from the Fairbanks North Star Borough's Division of Animal Control and numerous volunteers were making sure that the displaced animals were being well cared for.

Miraculously, only seven structures, to date, have been lost in the spate of these wildfires with no loss of life. Thanks to the hard work of firefighters through the Independence Day weekend, the people uprooted by the Boundary Fire are returning home today.

Although the Boundary and Wolf Creek fires were the subject of attention in the national media because of their proximity to urban areas, we must not forget that the fires are also threatening bush villages in rural Alaska. The Pingo Fire has burned to within one and one half miles of the town of Venetie and wildfires continue to threaten habitat that is important to the subsistence lifestyle practiced in the village.

The people of Eagle on the Canadian border have been challenged by two fires, one burning west from Dawson

City in the Yukon Territory. The safety of these communities, as well as Bettles, Chicken, Evansville, Fort Yukon, Stevens Village and Tok are on our minds today.

The proximity of wildfires to the outskirts of our urban areas reminds us all to be firewise. Building defensible space around structures not only increases the likelihood that a building will survive a fire; it also increases resident and firefighter safety. Alaskans are also being encouraged this week to store their firewood away from structures and to use metal or fire resistant roofing materials in construction. I support these important safety initiatives.

I also continue to support the important fuels reduction provisions of the President's Healthy Forest Initiative, and will continue to work to ensure that adequate resources are made available by Congress to our Nation's fire fighting crews.

Fairbanks is known as the "Golden Heart City," so let me say that our golden hearts go out to the thirty seven Alaska Native firefighting crews that are protecting Fairbanks as well as our villages, the Alaska firefighters on mutual aid assignments to fight the wildfires, and members of the national wildland fire community who have been dispatched to Alaska to help us get through this difficult fire season. I am deeply grateful to all in the wildland firefighter community for their tremendous sacrifices and commitment to making all of our communities safe.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today President Bush is holding a private fundraiser in North Carolina and complaining about the few judicial nominees who have not been given hearings by the Republican-led Senate, when he should be commending the Senate for confirming nearly 200 of his judicial nominees. One-hundred-ninety-eight of his judicial nominees have been confirmed. This number of confirmations is higher than the number of judicial nominees confirmed during President Reagan's first term, during the President's father's Presidency, and during the final term of President Clinton.

With these confirmations, there are only 26 vacant seats in the entire Federal judiciary, which is the lowest level since the Reagan administration. Senate Republicans more than doubled circuit court vacancies and raised overall federal court vacancies to more than 100 from 1995 through early 2001. Vacancies have been greatly reduced with Democratic cooperation during the last 4 years. Vacancies have been cut by more than 75 percent and judicial emergency vacancies have been cut by more than 60 percent from what they were.

During the 1996 session, when President Clinton was seeking a second term, Republicans allowed only 17 of

his judicial nominees to be confirmed all year and blocked all of his circuit court nominees from being confirmed. This year, the Senate has confirmed 29 of President Bush's judicial nominees, including five circuit court nominees.

Democrats have acted with bipartisanship toward the judicial nomination process and supported the confirmation of this historic number of judicial nominees of this Republican president. During the 17 months of Democratic control of the Senate, 100 of President Bush's judicial nominees were confirmed. Republicans had blocked the confirmation of more than 60 of President Clinton's judicial nominees, including nearly two dozen to the circuit courts.

The situation in North Carolina illustrates this history of Republican obstruction and the Bush administration's determination to try to pack the courts. During the Clinton administration, four nominees from North Carolina to the Fourth Circuit were blocked by Republican Senators, and they never got a hearing or a vote. U.S. District Court Judge James Beaty would have become the Fourth Circuit's first African-American jurist. According to *The Charlotte Observer* of March 8, 1996:

He is an excellent judge, partly because of admirable qualities that make him an ideal candidate for judging others. He rose from humble circumstances and eventually graduate from the UNC-Chapel Hill School of Law. Admirers say he is an ideal judge and citizen: even-tempered, hard-working, fair, serious, intelligent and unfailingly polite.

Judge Beaty never got a hearing or a vote from Republicans in 1995, 1996, 1997, or 1998. U.S. Bankruptcy Judge J. Richard Leonard also never got a hearing or a vote in 1995 or 1996 on his nomination to the Fourth Circuit, nor did Republicans give him a vote in 1999 or 2000 in his nomination to the District Court in North Carolina. North Carolina Court of Appeals Judge James Wynn never got a hearing or a vote on his nomination in 1999, 2000, or 2001. Had Judge Wynn been confirmed he would have been the first African American to sit on the Fourth Circuit. Law Professor Elizabeth Gibson also did not get a hearing or a vote.

During Republican control of the Senate, no nominee from North Carolina to the Fourth Circuit was allowed to be confirmed during the entire Clinton administration. It is ironic that Republicans now claim that Judge Boyle must be confirmed because the seat is considered a judicial emergency by the Administrative Office of the U.S. Courts, when the North Carolina vacancies on the Fourth Circuit were considered judicial emergencies years ago when Republicans blocked Clinton nominee after Clinton nominee. During the Clinton administration, Republicans argued that these vacancies did not need to be filled because the Fourth Circuit had the fastest docket time to disposition in the country, a distinction it still holds. After three