

they served in higher numbers as a percentage of their population than almost anyone in this country—most of them, many of them came back to their reservations to find there was a crisis in health care, housing, and education.

My colleague, Senator DASCHLE, offers an amendment dealing with health care. This is not just about veterans. It is about children. It is about retired folks. If you tour these Indian reservations and take a look at what the Indian Health Service is doing, what the public health system is doing, we have some wonderful men and women working very hard, long hours, doing the best they can, but the resources don't exist to provide the kind of health care for these children and these citizens as exists in the rest of the country. It is just plain fact.

The Indian Health Service has a budget of about \$2.5 billion. The analysis is they need about \$12 billion more. Of course, that is not going to happen. This is not some academic debate. This is not about theory. This is about people living and dying. This is about life or death decisions for a lot of people, especially the more vulnerable in that population. I am talking about children.

You want to hear stories about children who die because of chicken pox. We can talk about that on some of these reservations. You don't hear that much anymore, people dying of chicken pox.

The primary health services that are available to American Indians on reservations are inadequate. I mentioned yesterday 5,000 people getting their dental care from one dentist in a small trailer. That is not health care. It doesn't meet the needs of those people on that reservation.

My colleague, Senator DASCHLE, offers an amendment to try to find some additional resources for clinical services. I support that.

Senator BURNS missed what I said about this bill. I said, Senator BURNS has Indian reservations in Montana and cares a lot about these issues. We have done as well as we could given the allocation in this bill. I wish we could do more.

I support this amendment because it will do more. I recognize the offset comes from outside the bill, and there is some difficulty with that. I think when you are talking about issues of life and death, we need to make fit the solution that is necessary to provide the health care needed, particularly by these children but also people who are more vulnerable.

Go to an Indian reservation, for example, and talk to people about diabetes. You will discover the rate of diabetes on, for example, the Fort Berthold Reservation is not double or triple or quadruple the rate of diabetes in this country. It is 12 times the rate of diabetes, 12 times the rate of the American population.

One day I flew into New Town, ND, with the late Congressman Mickey Le-

land and former Congressman Tim Penny. We held a hearing on the Fort Berthold Reservation. We had a range of people talk to us about the diabetes epidemic. Go to that reservation today and see the rows of people doing renal dialysis to stay alive, go to the diabetes clinic—which I got funding for—and see what they are doing to try to deal with this scourge called the diabetes epidemic.

There are so many challenges that need to be met and so few resources. That is why I fully support this amendment.

When I walked in the Chamber, my colleague from Montana was speaking of forest fires. North Dakota is a State that is ranked 50th among the 50 States in native forest lands. We are a wonderful State. We cherish the trees we have. But we rank 50th among the 50 States. We are not affected much by forest fires. We do have some range fires on the grasslands. The forest fires, of the type my colleague and his constituents face, or the forest fires we have read about in Colorado and Arizona and other areas, are devastating events. The fact is, we know these events occur. This is not some tsunami or typhoon that occurs once every 5 or 10 years. We know these events occur.

As my colleague said, we ought to provide for the payment for fire suppression and firefighting in the budgets that we put together. The President ought to do it. He ought to request it, and we ought to fund it. It doesn't make sense for us to pretend we are surprised when there is a forest fire. We must be the only people surprised. Forest fires happen. There is no reason to continue having budgets come down from the President that say, let's not adequately fund this so that we can borrow money from this, that, and the other place. Then we pretend we are shocked when a fire comes around and we have to pay for it. Then we try to do some emergency fix someplace. That doesn't make sense to me.

Forest fires are devastating events. We know they are going to happen. We should provide funding for fire suppression activities. Hundreds of millions of dollars ought to be in these budgets. My colleague from Montana and I are determined to try to make sense of this and work with the White House and others to do the right thing. I echo his comments about the urgency of doing that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business.

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

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today, we vote to confirm 5 district court nominees, including 4 nominees to the U.S. district courts in New York.

With today's confirmations, the Senate will now have confirmed 151 judicial nominees for this President. This stands in stark contrast to what occurred with judicial nominees during the Clinton administration. More than 3 years passed during President Clinton's second term, when Republicans controlled the Senate, before the 150th judicial nominee was confirmed. It also took more than three years from when the Republicans gained control of the Senate majority in 1995 to confirm 150 judges for President Clinton.

Moreover, this President's nominees have been considered more expeditiously than were his father's or President Reagan's. It took President Reagan, during his first term, almost to the end of his fourth year to get 150 of his judicial nominees confirmed, and that was with a Senate that was controlled by the same party. President Reagan's 150th judicial nominee was not confirmed until September 17, 1984. It also took President George H.W. Bush well into his fourth year to get 150 of his judicial nominees confirmed. His 150th judicial nominee was not confirmed until April 8, 1992.

In contrast with the shifts in Senate control, it has effectively taken just 2 years of rapid Senate action to confirm 150 judicial nominees for this President. The fast and fair pace at which this Senate has considered this President's nominees is also demonstrated by how many circuit court nominees have been confirmed. We have now confirmed 28 circuit court nominees for President Bush since July of 2001, which is more than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

In contrast to how President Clinton's nominees were treated, the confirmation process for these 5 district court nominees has been expeditious and smooth. The 4 New York nominees come to us with broad bipartisan support, including the support of their two home-state Senators. Their confirmations today show how cooperation can work to fill vacancies on the Federal bench with qualified, experienced and diverse candidates.

All four New York nominees were given hearings at the end of July under an agreement that allowed them to be on a hearing on an expedited basis. This was an example of how the Democratic members of the Judiciary Committee cooperated with the President and with the Committee's Republican

majority. Given the nominees' bipartisan support, I expect them to be unanimously confirmed today.

New York is an example of how a bipartisan process can work right to equip the Federal bench with excellent and moderate judges. All 4 of these nominees have impressive legal careers, and received the highest rating from the American Bar Association.

Justice Feuerstein, nominated to the Eastern District of New York, currently serves as a justice in the New York State Appellate Division and has served as a judge in the New York State court system for approximately 15 years. Justice Feuerstein also has a distinguished record of service as a judge beyond her work on the bench, including serving as director of the Nassau County Bar Association and as president of the Women's Bar Association of the State of New York.

Mr. Castel, Mr. Holwell, and Mr. Robinson, nominated to the U.S. District Court for the Southern District of New York, all have significant litigation experience as well as commendable records of providing legal services to disadvantaged persons. Peter Castel is currently a partner at Cahill Gordon & Reindel and has litigated there for over 20 years. Among other civic activities, Mr. Castel has served on the board of directors for the Legal Aid Society.

Richard Holwell has been practicing for over 31 years as a litigation attorney with White and Case in New York, where he has served as executive partner of the global litigation practice and a member of the firm's management board. He has dedicated hundreds of hours to pro bono activities every year, and received a Pro Bono Award from the NAACP Legal Defense and Education Fund for his services.

Stephen Robinson has significant experience in litigation and investigations. He served as the first African-American U.S. Attorney for Connecticut, appointed by former President Clinton, from 1998 to 2001. Prior to that, he had served as a litigator in private practice, as an Assistant U.S. Attorney in the Southern District of New York, and as a counsel and special assistant to the Director of the FBI. Mr. Robinson has also served as secretary and a member of the board of directors of MFY Legal Services, an organization that provides legal services to the poor.

David Proctor is nominated to the U.S. District Court for the Northern District of Alabama, and comes to us with experience as a private practice attorney and the support of both of his home-state Senators. Mr. Proctor is filling a new position that was just created on July 15, 2003.

Finally, I would like to point out that there are now more active George W. Bush appointees on the bench than there are active George Herbert Walker Bush appointees. The President's father served 4 full years. This President has served less than 3 and already has made as much impact on the Federal courts across the country.

We are glad that the Republican leadership has now agreed to confirm these consensus nominees. We have and will continue to work with the Republican leadership and Administration. We would like to be more helpful in the President's identification of nominees and advising him on the selection of consensus nominees so that we can join together in adding those confirmations to the 151 achieved as of today.

#### ADDITIONAL STATEMENTS

##### LITTLE COUNTRY THEATER TRIBUTE

• Mr. DORGAN. Mr. President, 90 years ago students at a small school then known as the North Dakota Agricultural College created a drama facility called the Little Country Theater. This was surprising—the school was, after all, largely focused on agricultural science and professional training for specialties like pharmacy and chemistry. But the college had one of those rare phenomena that every institution lusts after—a dynamic, driven professor who was both dreamer and doer.

For the next four decades, Alfred Arvold was the guiding force of the Little Country Theater and the theater itself was the school's intellectual and artistic heart. Arvold and his students took an unused chapel and turned it into a home for drama; rebuilt an attic garret into a faux log cabin that became the college's premier meeting spot, one which hosted luminaries like Marian Anderson, Charles Laughton, Yehudi Menuhin, Ethel Barrymore, Eugene Ormandy, Charles Lindberg, Paul Robeson and Carl Sandburg; and produced a flurry of productions, many written by the students themselves.

The focus of Arvold's philosophy was to bring theater to the public and he provided instructions and guidance for rural communities on how to produce plays at low cost and in the most modest of facilities, in cow pastures and haylofts, lit by lanterns and with planks for seating. Drama was to be used, he said, "as a force in getting people together and acquainted. Instead of making the drama a luxury for the classes, its aim was to make it an instrument for the enlightenment and enjoyment of the masses."

To do that, the Little Country Theater toured regularly, sometimes traveling by special train and often producing sweeping outdoor epics—one pageant mobilized 1,500 performers—that attracted huge crowds, including one of 30,000 spectators.

After Arvold retired, Dr. Frederick Walsh and then Dr. Tal Russell took the reins and the theater moved in 1968 from its old quarters into a few facility built with significant help by friends of the school, Reuben and Hilda Askanase. By that time, the college had switched its name to North Dakota State University.

Despite those changes, the legacy of the Little Country Theater continued.

There was still the outreach. For a number of summers a troupe of actors known as the Prairie Stage toured the state, moving by semi-truck and performing in a circus-like tent. An outdoor drama, "Old Four Eyes," a saga of Teddy Roosevelt's adventures in the North Dakota Badlands, was written by Walsh and performed right in the Badlands. "Trails West," the story of Custer's last days, was also performed at Fort Lincoln, his last post.

During its 90 years, the Little Country Theater has produced 600 plays, turned out a number of performers who went on to professional careers, entertained audiences, and, most critically of all, educated generations of students. It's a proud, vital, and continuing legacy that I'm proud to acknowledge and, more importantly, honor today in the Senate. •

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on September 20, 2002 (67 FR 59447).