

returned to this country, this country would care for them. Unless the Republican majority considers proposals that fully meet the needs of veterans, as my colleagues and I have tried to do, they are breaking that covenant.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### CONFIRMATION OF JUDICIAL NOMINEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, I point out to the body and the American people that the President had made an excellent nomination in the name of Miguel Estrada. And for 28 months Mr. Estrada was held in limbo while we waited for the Constitution to be upheld in the other body. And that would be the advise and consent clause of the Constitution that establishes that the Senate shall confirm the President's nominees.

Now that 28 months and 5 days have passed, Mr. Estrada determined he needed to move on with his life. But the rules in the other body that establish a 60 percent vote to end a filibuster, have effectively established that standard as a requirement for a confirmation of a justice.

And now today, and as I read some of the publications that are out, I am heartened to learn that through the newspapers that the other body is planning to debate judicial nominations starting on Wednesday evening of this week. They pledge to debate the issue all night to get their message to the American people. I applaud them in their endeavor, and I will do all I can to support their efforts.

The blockage of judicial nominations by a determined minority is one of the most important issues before our Nation. Nothing less than our Constitution is at stake. I believe the Constitution is clear: a minority cannot impose a supermajority requirement for confirmation of a judicial nominee. The President is entitled to confirmation of his nominees if they garner a simple majority.

The advise and consent clause, which is article II, section 2 of the United States Constitution requires a simple majority of 51 votes for confirmation of a judicial nominee. Many nominees have 51 such votes. And that standard is the standard that has existed since the ratification of our Constitution in 1789, well over 200 years. But there is a new standard now, brought about by the minority. I firmly believe that it is

unconstitutional to require a higher standard.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to avoid improper references to Senate proceedings, including confirmation of judicial proceedings.

Mr. KING of Iowa. Mr. Speaker, I firmly believe that it is unconstitutional to require a higher standard for nominees than the simple majority specified in our Constitution. Janice Rogers Brown, Carolyn Kuhl, Charles Pickering, William Pryor, and Priscilla Owen, who are all waiting to be confirmed, deserve an up-or-down vote.

Mr. Speaker, I would like to bring attention to the House of a few of these well-qualified nominees. Janice Rogers Brown.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. If the gentleman will suspend. The Chair will again remind Members of the House to avoid improper references to Senate proceedings, including using Senate action on particular nominees.

The gentleman may continue.

Mr. KING of Iowa. Mr. Speaker, I will adhere to that directive. I will say these are reliable people. And in the case of Janice Rogers Brown, she is a classic American success story. She is a daughter of an Alabama sharecropper who became a member of the California Supreme Court. She was reelected to the Supreme Court by 76 percent, which was the largest margin of any justice running that year. More importantly, she is a well-qualified and excellent judge. She applies the law without bias and with an even hand.

William Pryor, another nominee, has a model judicial temperament. As attorney general, Pryor has demonstrated an ability to make decisions in full compliance with the letter of existing law, despite his own personal beliefs or preference. Even while Pryor personally opposed abortion, he has faithfully applied the Supreme Court's rulings on partial birth abortion and instructed Alabama officials not to enforce the State's partial birth abortion ban in a way that would violate the case law. It is clear that William Pryor would interpret the law, not make the law from the bench.

Mr. Speaker, I hope the American people will support this endeavor.

I hope the American people will listen next week when the qualifications of nominees such as William Pryor, Janice Rogers Brown and others are debated by the other body. At issue is one of the most important Constitutional questions of our time. Will the Constitution be upheld? Or will a determined minority be allowed to thwart the clear text of the Constitution and the will of the American people?

#### TAXING THE DISABLED VETERAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, November 11, Veterans' Day, more than 130,000 of our troops are in Iraq and at risk, thousands more in Afghanistan and elsewhere and around the world; and here at home we have 25.3 million veterans, 376,000 in my State.

What are we doing in celebration of Veterans' Day? Well, unfortunately, the Congress has done little. In fact, I would say this is the most antiveteran Congress under the most antiveteran administration in recent history.

Mr. Speaker, 150,000 veterans have waited 6 months or longer for basic health care appointments; 14,000 veterans have been waiting 15 months or longer for their expedited disability claims; 560,000 disabled veterans are subject to the disabled veterans tax. Yes, that is right. They are taxed because they are disabled veterans. It is a special tax levied on them.

The President refused to spend \$275 million in emergency money, but they have figured out a way to cut down the waiting list for health care. We can thank President Bush for that. His administration actually cut off 164,000 veterans from eligibility for health care this year, those who do not have service-connected disabilities but make as little as \$25,000 a year. He did find a way to reduce the waiting list by eliminating the eligibility of yet another group of veterans. Not the first time this administration has done that, not the last.

They proposed to double the drug co-payment for veterans from \$7 to \$15. That was the President's and the Republican majority's proposal in this House. Luckily, it has not gone forward.

Finally, the House majority Republicans in their budget resolution cut \$14 billion over the next 10 years from veterans programs.

Now, to focus particularly on the disabled veterans tax, it is odd in a Congress that can borrow money, which is what we are doing because we are running deficits, that can borrow money to give each millionaire an average tax cut of \$93,000, that can borrow money to relieve the horrible burden from people who invest for a living, do not work for wages, but invest for a living, of paying taxes on the dividends on their dividend-paying stocks. Not too many of these vets that are disqualified have dividend-paying stocks. In fact, most Americans do not have dividend-paying stocks. But that investor class, they are going to get exempted from paying that horrible burden. The millionaires, \$93,000. We are going to borrow the money to give them that benefit. But somehow we cannot repeal a tax on disabled veterans which says that they will be offset dollar for dollar their veterans disability benefit which they earned against their military retirement pay. These are people who gave a career, a lifetime in service for their country, and somehow we cannot do that.

Now, there is a bill pending that would actually repeal the entire tax.

We tried to do this last year. The President threatened to veto the bill. He said we cannot simply afford to take care of those veterans. We can afford as much or more per year to exempt people who earn dividends on stock. We can afford as much or more per year to give millionaires an average of \$93,000 each in tax relief, but somehow we cannot afford that for our disabled veterans.

In fact, for the lifetime of these veterans, it would cost \$40 billion. Now, that is still a lot of money here. That is almost half as much money as the Congress borrowed just the other day to send to Iraq. That is a lot of money. But somehow the President says we cannot afford \$40 billion to deliver on our promises to these veterans for their lifetime for their disabilities.

There are, in fact, in the House 373 cosponsors of the bill. Then what is the problem? That is almost the entire House of Representatives on the bill. Well, the Republican leadership is the problem. They will not let the bill come up. And, of course, the President is a problem because he is threatening to veto the bill because we cannot afford to take care of these disabled veterans.

Now, there is a way to bring a bill to the floor when the Republican leaders refuse to bring a bill to do away with the disability tax on veterans. It is called a discharge petition. Need 218 people to sign it. Force the bill to the floor of the House over the objections of the Republican leadership. 203 people have signed it. Only two of those are Republicans. There are 158 Republicans who put their name on this bill, go home and tell their disabled veterans they want to help them, but they will not sign the discharge petition. They will not force the bill to the floor of the House.

Now, that would be a wonderful gift for our veterans for Veterans' Day if just another 15 Republicans who are cosponsors of the bill, claiming credit for it, have the guts to come down here and sign the petition, which is right behind me, to recognize our veterans properly for their service to our Nation. Now that would be a real Veterans' Day celebration.

#### THE CRISIS OF THE VA HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I would like to talk about the trend that we are seeing from this administration when it comes to protecting our troops and caring for our veterans. As more and more Americans are coming to understand, the VA health care system is in a crisis. Veterans are waiting months for appointments, and some are being turned away when they go to enroll in the system.

The bottom line here is funding, obviously. If we want the VA to provide

the veterans with quality care, then we need to recognize and address this funding problem.

There are two things that we can do. We can appropriate the money that is needed, or we can refuse to put the needed funds into the system and instead throw the burden on the backs of the veterans themselves.

Sadly, the second option is what this administration has chosen to do over the last 2½ years. I would like to describe a pattern of behavior that is coming from this administration. In February of 2002, this administration, through the VA, increased the veterans prescription drug copayment from \$2 to \$7 a prescription. Now, for veterans who are living on fixed incomes, many who take 8 or 10 or more prescriptions in a month, this is a tremendous financial burden. That was in February of 2002.

In July of 2002, this administration, through its VA, issued a gag order. The VA deputy secretary issued a memo that instructed all VA network directors to halt outreach activities aimed at encouraging new veterans to come in for services. Instead, providing the resources necessary, the VA says to their doctors, their social workers, their nurses, you can no longer actively inform veterans of what they are entitled to receive. They even went so far as to tell these doctors they could not participate in a community health fair. That was in July of 2002.

Well, in January of 2003, the VA decided they were going to create a new category of veterans. They called them Priority 8 veterans. These are veterans who served honorably. Many of them are combat-decorated veterans.

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And the VA is saying to this group, you are out of here. Do not come to us. You can no longer enroll in the VA health care system because you make too much money.

Well, the American people need to know that those of us who serve in this Chamber make about \$155,000 a year and a combat-decorated veteran can make as little as \$24,000 a year, and the VA is saying to you, you can no longer participate in VA health care. Think about that. We make \$155,000, a veteran who served honorably, perhaps even in combat, can make as little as \$24,000 a year and this administration says they are high income, so you cannot participate. I think that is shameful, quite frankly. Shameful.

Well, that was in January of 2003. You see the pattern? Episode after episode of the VA doing things that are harmful to the veteran.

Well, then in January 2003, the President sent his budget request to us. And in the President's budget request, he suggested that we not charge a veteran \$7 for each prescription but that that be increased to \$15 a prescription.

Now, think about that. At a time when we are preparing to send our young men and women into battle, the

President rewards our veterans by asking that their prescription drug costs be increased from \$7 to \$15 a prescription. It gets worse. In that same budget request coming from the President, he asked that there be a new annual enrollment fee imposed upon Category 7 and 8 veterans of \$250 a year. I just think this is outrageous. The veterans of this country are coming to understand who their friends are. And how can this administration claim to be a friend of the veteran and at the same time put these increasingly onerous financial burdens upon them.

Well, I want to talk about one other issue this evening with the time I have left. A few months ago, I received a letter from a soldier in Iraq who was concerned that his troops had not been provided basic, modern bulletproof vests, but instead were issued Vietnam-era flak jackets. The flak jackets are designed to protect against slower moving shrapnel and are incapable of stopping high-velocity projectiles such as bullets from assault weapons, and we sent our soldiers into battle in Iraq without this most basic protection. Shame on us.

PERMISSION TO HAVE UNTIL 6 A.M. FRIDAY, NOVEMBER 7, 2003 TO FILE CONFERENCE REPORT ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until 6 a.m. Friday, November 7, 2003, to file a conference report on the bill, (H.R. 1588) to authorize appropriations for fiscal year 2004 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 Forces, and for other purposes.

The SPEAKER pro tempore (Mr. PEARCE). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### CARING FOR OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, others have spoken tonight on specific issues before Congress that affect our Nation's veterans. I rise to say how proud I am of the men and women now serving in our Nation's Armed Forces in Iraq.