

in the country. Although the project initially met with delays, California is now on track to compliance by September 2006.

However, rather than reducing the penalties as California makes progress towards its goal, the Federal penalties actually continue to grow, because the penalties are based on the amount the State invests in child support programs for the previous year. Effectively, we are hurting the very children that the program is trying to help by punishing States for doing their best to get each child the support payments they are owed.

My bill, the Child Support Reinvestment Act, will lower the penalties and allow the money levied in penalty to be used for the benefit of the children instead of the Federal Government's general fund. This is smart regulation for the States.

BORDER PATROL AND ILLEGAL ALIENS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, multiple news reports claim that the U.S. Border Patrol has been ordered to stop arresting illegal aliens in Arizona where American citizens have been patrolling. And why have the agents been asked to stop these arrests? Because an increase in the arrest rate was proving the effectiveness of the Minuteman volunteers.

I hope our government has not told agents to stop making arrests. I hope that the efforts of concerned citizens were not in vain.

Our government has spent close to \$240 million to monitor the Mexican and Canadian borders with the latest technology. The problem? The equipment does not work. What is clear is that the Minutemen are working. Border agents credited the Minutemen with cutting the flow of illegal aliens with the number caught dropping from 500 a day to less than 15 per day. Madam Speaker, new solutions are needed; we cannot just throw money at our problems. It is clear that a group of concerned citizens are doing what \$240 million could not do, but we need a permanent fix.

Madam Speaker, illegal immigration is not simply going to go away. We know there is a problem, and we must take the initiative and address this problem now.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATION FALLS SHORT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, this Homeland Security appropriation falls short in many areas: port security, first responders, interoperable communications, and aviation.

In aviation, recent tests by the Inspector General and the GAO show that there are unacceptable, continuing vulnerabilities to our system of aviation, and their conclusion is simple: the performance of finding explosives and other threat objects will not improve until we give the screeners 21st-century technology to fight 21st-century threats. The junk they are working with was thrown out a decade ago because it was inadequate for the United States Capitol before 9/11, but we are still using it in our airports and demanding they find threat objects that the machines simply cannot find. The Subcommittee on Homeland Security of the Committee on Appropriations is failing the test too. They are failing to protect the American traveling public.

JUDICIAL NOMINATION OF PRISCILLA OWEN

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Madam Speaker, 2 years ago this month, I rose to express my outrage with Democrats over their treatment of my fellow Texan, Supreme Court Justice Priscilla Owen. Today, due to Democrats' continued obstruction, Justice Owen, a highly qualified nominee from the Fifth Circuit Court of Appeals, is still being denied a simple up-or-down vote in the Senate.

Madam Speaker, despite unanimously receiving the highest possible rating of the American Bar Association, despite the strong, bipartisan support of several former Texas Supreme Court Justices and 15 past presidents of the State Bar of Texas, Texas Supreme Court Justice Priscilla Owen has still not received a simple up-or-down vote for 4 years. For 4 years, Senate Democrats have worked to obstruct our Constitution.

When Republicans were in power during President Clinton's term, no judicial nominee was ever deprived of a vote due to a filibuster. Now, after 200 years of American history, Democrats want to unilaterally change the rules.

Madam Speaker, Justice Owen has a right to get a vote on her nomination. Basic fairness dictates it, as does our Constitution.

HONORING THE CONTRIBUTIONS OF VIETNAMESE AMERICANS

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Madam Speaker, I rise today to recognize an extraordinary group of people, our Vietnamese Americans.

This month, the gentleman from Virginia (Chairman TOM DAVIS) introduced, and the House passed, an important resolution honoring the contribu-

tions of the Vietnamese Americans over the past 3 decades, enriching our society with diversity, culture, and strength. Madam Speaker, I would like to thank the chairman for his work on this important issue.

Madam Speaker, 27,000 Vietnamese Americans live in my district of Washington State. One of the most remarkable experiences I have had as sheriff of King County in Washington, which I am now lucky enough to continue to represent as Congressman, is attending an annual event where South Vietnamese Police officers are recognized.

When the United States pulled out of Saigon, many were left behind. Some were executed, some sentenced to prison camps, some starved and beaten to death, all for being friends of the United States. And each year, these Vietnamese, who spent 15 to 20 years in prison camps, stand and salute our flag with tears in their eyes because they know what freedom is. They remind us of how great our country is, and I am privileged and proud to represent them.

JUSTICE OWEN: WELL QUALIFIED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, yesterday, The Wall Street Journal highlighted the extreme and politically charged use of the Senate Democratic filibuster.

Editors at The Wall Street Journal clearly articulated the audacity of the Democrats' radical claims against nominee Priscilla Owen of Texas. Justice Owen is a well-respected and accomplished nominee who enjoys significant bipartisan support and would be quickly confirmed if given an up-or-down vote. Unfortunately, Democrats are denying her this opportunity in a desperate attempt to hold on to Federal power and legislation through the judicial system. Their agenda is fueled by bitterness and is not in the best interests of the American people.

Majority Leader BILL FRIST is to be commended for maintaining the constitutional case for an up-or-down vote. Democrat obstructionism is a radical deviation from allowing Senators to vote for the nominees who are highly qualified to serve our country. I support Senator FRIST's efforts and urge Senate Democrats to give Justice Owen a fair vote.

In conclusion, God bless our troops and we will never forget September 11.

UP-OR-DOWN VOTE FOR JUSTICE PRISCILLA OWEN

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, I too rise this morning, along with my fellow Texans, to recommend to the other body that they have an up-or-

down vote on Justice Priscilla Owen. Justice Owen has been elected by the people of Texas to the State Supreme Court two times, the second time in the year 2000 with an overwhelming popular majority. During her last election, Justice Owen was endorsed by every major newspaper in the State of Texas.

Mr. C. Boyden Gray, writing an article about this, said: "The members of the Texas legal community know Justice Owen to be a jurist of the highest integrity, one who is committed to following the law, no matter where it leads."

The Dallas Morning News editorialized after she was nominated 4 years ago that "Justice Owen's lifelong record is one of accomplishment and integrity. She is one of the few judicial nominees to receive the unanimous 'well-qualified' rating from the American Bar Association."

The chairman of the Texas Commission on Judicial Efficiency, Baylor University President Herbert Reynolds, said, "Based on my knowledge of Justice Owen for the past 30 years, I believe you simply cannot make a more solid choice for the 5th U.S. Circuit Court of Appeals."

I urge the other body to have an up-or-down vote.

RECOGNIZING THE 216TH ENGINEER BATTALION OF THE OHIO NATIONAL GUARD

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Madam Speaker, I rise today to recognize the 216th Engineer Battalion of the Ohio National Guard stationed in Chillicothe, Ohio, for their exceptional service during the war on terror.

The 216th completed more than 350 successful missions. They played a critical role in the construction of protective barriers to protect soldiers from enemy fire. And in preparation for Iraq's national election on January 30, the 216th placed concrete barriers at hundreds of voting sites to allow Iraqis to vote in a safe and secure environment. However, their service was not without tragedy. Twenty soldiers of the 216th were awarded Purple Hearts for wounds they received in combat, and three soldiers made the ultimate sacrifice.

In recognition of their exceptionally meritorious conduct, the 216th will be awarded the Meritorious Unit Commendation during their Freedom Salute Campaign celebration next month.

It is with great honor that I have the privilege of recognizing them today. The willingness to risk one's life in defense of the ideals our country was built upon and is the truest test of one's strength and character.

These men and women have excelled as patriots, and we are forever in their debt.

PROVIDING FOR CONSIDERATION OF H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 278 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 278

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with the colon on page 6, line 8, through "Office" on page 7, line 7; beginning with "of" on page 7, line 17, through the semicolon on line 23; beginning with the colon on page 8, line 19, through "108-541" on page 9, line 15; beginning with the colon on page 9, line 23, through "checkpoint" on page 10, line 3; beginning with the colon on page 10, line 9, through "Office" on page 11, line 6; beginning with the colon on page 11, line 24, through "Representatives" on page 12, line 7; beginning with the colon on page 17, line 2, through "intent" on line 11; page 17, lines 21 through 24; beginning with the colon on page 18, line 5, through "Act" on line 18; beginning with the colon on page 21, line 2, through "assets" on page 22, line 12; beginning with the comma on page 26, line 22, through "law" on line 23; beginning with the colon on page 27, line 2, through "funds" on page 27, line 13; page 27, line 19, through page 28, line 5; beginning with the colon on page 28, line 15, through "funds" on page 29, line 2; beginning with the colon on page 29, line 6, through "2005" on page 30, line 8; beginning with the comma on page 36, line 19, through "funds" on line 22; and sections 507, 512, 515, 517, 518, 522, 523, 524, 525, 527, 529, 530, 532, and 534. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1030

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman

from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, the rule before us today is a fair and completely open rule that provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member on the Committee on Appropriations.

It waives all points of order against consideration of the bill, and provides that under the rules of the House the bill shall be read for amendment by paragraph. It waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill except as specified in the resolution.

Finally, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides for one motion to recommit with or without instructions.

Madam Speaker, I rise today in strong support of this rule and the underlying legislation. This bill, sponsored by my friend, the gentleman from Kentucky (Mr. ROGERS), the chairman of the Appropriations Subcommittee on Homeland Security, funds an array of Federal programs aimed at securing the Nation against terrorist attacks, including Customs and border protection, transportation security, and Federal assistance to State and local first responders.

In addition, it funds some additional and vitally important missions of agencies that were included in the Democratic of Homeland Security when it was formed 2 years ago, such as disaster relief. This carefully considered legislation provides almost \$31 billion for operations and activities of the Department of Homeland Security, an increase of \$1.37 billion above fiscal year 2005 enacted levels, excluding \$2.5 billion in advance appropriations for BioShield and \$1.3 billion above the President's request.

It also provides \$1 billion in mandatory budget authority for programs in the Department. Some of the other initiatives that the gentleman from Kentucky (Mr. ROGERS), the chairman, and his subcommittee have funded through this bill on behalf of the American public include: \$7.5 billion to the Coast Guard, who are called today to defend our coast from the threat of terrorism;

\$6.9 billion for the Bureau of Customs and Border Protection, including \$4.9 billion for enforcement activities and assets; \$458 million for computer automated import and export tracking