Chalmers Carr, a peach grower in the State of South Carolina, helped 200 workers adjust in 1986 pursuant to the special agricultural worker education program. After 2 years, 75 percent of those workers had left his farm, and after 5 years, the last adjusted worker left agriculture.

Similarly, Bill Brim, a Georgia fruit and vegetable grower, assisted 130 workers adjust status pursuant to the Special Agricultural Worker Program. Not one single one of the 130 workers stayed on his farm for more than 6 months after they adjusted their status.

Recognizing that these agricultural workers who are able to adjust their status will not be in agriculture forever, the Senate should be able to agree that we need a viable H–2A program to address the labor needs of agriculture in the future. Unfortunately, the agricultural provision of the Judiciary Committee's bill simply does not meet the needs of our Nation's agribusiness.

It is ironic to me that those who admittedly do not use the H–2A program in their States purport to know the modifications necessary for improvement of the program. In reality, the language contained in the Judiciary Committee's proposal provides every advantage to those agricultural employers who have been utilizing an illegal workforce and cripples those employers who have utilized the legal H–2A program.

For instance, the Judiciary Committee's agricultural proposal treats all those currently illegal aliens who qualify for a blue card as U.S. workers for purposes of recruiting workers. This means an agricultural employer who has been utilizing the H–2A program for years and following the rule of law already on the books will be forced to hire an illegal alien with a blue card before that farmer can petition to bring in the same people who had been working and returning in a legal manner for him in the H–2A program for years.

Further, in the case of an agricultural employer who properly applies for and brings H–2A workers to work on his farm, that employer will be forced to replace that H–2A worker for whom he has paid transportation costs to the worksite with a blue card worker who arrives at the worksite at any point during the first 50 percent of the work period seeking an agricultural job to fill his or her yearly hourly requirement to maintain their blue card status.

Once again, we are going to be giving folks who are here illegally preferential treatment over those folks who are here legally. There is no common sense whatsoever to that proposal.

That yearly requirement, in many cases, may not encompass the employer's entire season or period of desired employment, leaving the employer, again, without an adequate, reliable workforce. This disadvantages those who have been playing by the rules.

The framework of the Judiciary Committee's proposal which provides that only 575 hours of agricultural labor per year are required to transition from blue card status to that of a legal permanent resident will likely have a destabilizing effect on the agricultural workforce.

Madam President, 575 hours per year equates to a little less than 72 days per year based on an 8-hour workday. I don't know about farms in California or Idaho, but in Georgia, our farmworkers generally work around 11 or 12 hours per day during peak season. Using a 12-hour workday, a blue card worker will work just under 48 days to meet the yearly minimum hour requirement.

If these blue card workers are allowed to work in industries other than agriculture and are only required to work 575 agricultural hours to qualify for legal permanent resident status, my guess is they will not work in agriculture one hour more than necessary. This is not going to provide our agricultural employers with the stable workforce they are being promised.

I close with a comment relative to a very current issue that is very important as we debate this bill on the floor today, and that is the fact that our President today is in Cancun, Mexico, meeting with the leadership of our two best trading partners and our two border partners in the United States, that being the leadership of Mexico and the leadership of Canada.

As he meets with those leaders, I hope he will strongly emphasize, particularly to the leadership in Mexico, to change their position on border security. It is almost unfathomable to me that the leader of a country would say to his citizens that he is encouraging a border country to grant amnesty to anyone who has left his country to go into a border country. But that is exactly what is happening on the part of President Fox.

I hope President Bush emphasizes to the leadership over this week that they must be a partner with us in helping secure their border and our border which we have in common. If they will work with us, we can secure the border, and if this body acts in an appropriate way over the next several days, we can come up with an accommodation to those workers who are here for the right reason and, at the same time, we can ensure that those people who have crossed into our country illegally return to their home country, again, in the right way.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I want to say a few words about immigration. May I inquire first how much time is left on our side?

The PRESIDING OFFICER. There is 15 minutes remaining.

CONGRATULATIONS TO LYNDEN AND MEREDITH MELMED

Mr. CORNYN. Madam President, I wish to say a few words about immigration reform, but before I do, I want to recognize a blessed occasion of the birth of Caroline Brown Melmed 2 days ago on March 28, 2006, at 3:58 in the afternoon.

Caroline's proud father, Lynden Melmed, has been an integral part of my Judiciary Committee staff. He is on detail from the Department of Homeland Security, and he is an expert in immigration law. One can imagine how important he has been in my ability to be effective and advance the debate on this important topic.

He and his wife Meredith undoubtedly will be fantastic parents. As the father of two daughters myself, I would tell him it is the greatest blessing one could imagine. I wish them the best in the years to come.

IMMIGRATION REFORM

Mr. CORNYN. Madam President, I wish to talk about immigration reform and border security. In particular, since this debate will be continuing for this week and the next, I want to emphasize the importance of border security, and, obviously, enforcement begins at the border.

But before I talk about border security and enhanced enforcement, I want to address the issue of the 12 million immigrants who are already here who have come to this country in violation of our immigration laws.

We know why people come to America. It is the same reason they have always come: because too often they have no hope and no opportunity where they live. So we understand at a very human level why it is that people want to come to the United States. Yet I think we all acknowledge America cannot open its borders to anyone and everyone who wants to come here or we would literally be drowned in a wave of humanity.

We have to regain control of our broken immigration system, and that means to deal with enforcement at our borders, to deal with enforcement in the interior of our country, and to deal with verification of the eligibility of prospective employees to actually work legally in the United States. We cannot repeat the mistake this Nation made with the 1986 amnesty bill.

I remind my colleagues that in 1986, that legislation required illegal aliens to pay a fee, to learn English, to improve themselves by working in this country for a set time.

I also remind my colleagues that everyone agrees on two points when it comes to the 1986 experience with the amnesty bill.

No. 1, they agree it was amnesty. And No. 2, they agree it was a complete and total failure. I will continue to work with my colleagues on both sides of the aisle to find a solution to this great

crisis that confronts our country, but I won't accept a repetition of the mistake of 1986 when this country granted amnesty in the hopes of that being the end of it and in the hopes that there would be a reciprocal obligation on the part of the Federal Government to actually sanction employers who violate our immigration laws. I am afraid the numbers speak for themselves, with 3 million illegal immigrants who benefitted from the amnesty and now roughly 12 million who are here awaiting the next amnesty. Thus we can see what a magnet amnesty becomes and why it is so counterproductive.

I am proud to represent a border State, the great State of Texas, and I know from personal experience what problems the border States face. I know the strains that illegal immigration and our broken borders have placed on local taxpayers when it comes to education, when it comes to health care, and I know the anger and frustration that many people feel at the Federal Government's abject failure when it comes to enforcing our immigration laws.

I also know the nature of immigration across our borders is changing. There is more and more violence on the northern border of Mexico in cities such as Nuevo Laredo. I have listened to the concerns of my fellow Texans, including ranchers and those who are well accustomed to the movement of people across the border into the United States who want to work here and who then go back home with the savings and skills they have established. I have listened to the ranchers and the Good Samaritans who live and work along the border who were happy to lend a helping hand to the occasional traveling immigrant worker, to those seeking a better life. But I have to tell you, these people are now scared. They are terrified because drug smugglers and human traffickers are wreaking havoc along our Nation's borders.

Let's not delude ourselves. This debate isn't just about drugs, and it isn't just about violence, as horrible as those are. This debate is also—and I would say first and foremost—about our Nation's security. In a post-9/11 world, border security is national security. I say that again: In a post-9/11 world, border security is national security.

Make no mistake about it. Today we do confront a crisis that threatens our security. We all know that our immigration system is broken and has been for many years. And it is not getting any better on its own. So I applaud the majority leader and those who have worked so hard on both sides of the aisle to try to bring this debate to the Senate floor. This is the greatest deliberative body on the face of the planet, and I would hope that we could have a debate about this urgent need to fix our broken immigration system and to restore security to our border and do it in a way that is dignified and civil and worthy of this great institution and of this great democracy.

Senator JON KYL of Arizona and I have teamed up to work on this issue from top to bottom. We have worked closely together over several years to address this challenge in a comprehensive way. We have held numerous hearings, and we have heard testimony from a diverse array of experts across the political spectrum. We have also inspected our Nation's failed immigration system and its relationship with the terrible events of September 11. And we have examined why it is important for America's neighbors to raise living standards for their own citizens to help relieve some of the pressure on our border.

Senator KYL and I have sought to lay a foundation for a comprehensive solution to fix our broken borders, a comprehensive solution that would avert another crisis 5, 10, or 20 years down the road.

When we sat down to draft legislation, we were alarmed that many of the bills already introduced at that time simply called for more studies and more reports. One so-called comprehensive bill failed to contain a single provision on interior enforcement. This is not a time for more studies or more reports. This is a time for action. We need to act, and we need to act prudently and in America's best interests.

So our goal was to craft an immigration bill that would be comprehensive. We understood that any truly comprehensive bill must address both border security and enforcing the law in our Nation's interior. Over a dozen of the strong and sensible enforcement provisions we crafted made their way into the bill that is now before the Senate in the form of the Judiciary Committee bill. I want to talk about these enforcement measures and why they are a necessary precondition to everything else that we do when it comes to reforming our broken immigration system.

I repeat: National security and border security begin at the border. Congress can no longer ignore the realities on the ground. We can no longer afford to under-fund and under-man our borders. What we see in my State of Texas is that the mandates that the Federal Government issues when it comes to health care, when it comes to education, when it comes to law enforcement are foisted off on State, and most often, local taxpayers. It is considered a local problem when self-evidently, it should be a national mandate. When it comes to any of those issues, we have a national responsibility, and the Congress and the Federal Government must step up.

Let's look at the reason many Texans and others who live and work along the border are scared, people who are very much accustomed to immigrants moving back and forth across the border. It is because they know the face of illegal immigration across our border has changed. We have a chart, chart No. 1, that illustrates the changing nature of illegal immigration and the rise in the number of people coming from countries other than Mexico. You can see on this chart that the aliens who have been detained along the border are from special interest countries—countries with ties to international terror such as Syria, Iraq, Iran. Just 2 weeks ago, I talked to the Secretary of the Department of Homeland Security and he told me there were 39,000 Chinese who had been detained coming across our southern border and, unfortunately, once they were detained, China refused to accept any of them back.

So we have to use every diplomatic tool in our toolbox to make sure we not only detain people who come across our border illegally, but that we then, in an expeditious way, return them back to their country of origin.

Second, in the bill that Senator KYL and I proposed, we proposed a doubling in the number of Border Patrol agents. And while we have heard a lot of talk about additional Federal agents at the border, the Federal Government really hasn't stepped up yet. There is a lot of good and, I think, well-intentioned talk. But on 9/11, we saw that 9,788 Border Patrol agents were funded by the U.S. Government. Here we are today, and we have seen a small increase to a little over 11,000. But lest some people think that is a lot of Federal agents on the border, let me remind them we have a 2,000-mile border between the United States and Mexico—a 2,000-mile border—and now a little over 11,000 Federal agents, when the city of New York has somewhere on the order of 39,000 policemen. So if you compare a 2,000-mile border and 11,000 Border Patrol agents with the fact that the city of New York has 39,000 police officers, you can see why I suggest to my colleagues that we are both underfunded and undermanned when it comes to the sheer volume of people coming across the border.

Last year, about 1.2 million—that's 1.2 million—people were apprehended coming across the border. So how can we in good conscience say that we are doing everything within our power to enforce our borders and enforce our laws when we simply deny the Federal agents, who are doing a very good job, the number of people they need in order to be successful?

Then there is the issue of detention beds. Once you detain someone coming illegally across the border, they are entitled, ordinarily, to a deportation hearing, if they come from a country other than Mexico. People who come from Mexico are returned expeditiously—usually the same day. Of course, many of them try to come back and, after enough tries, they usually make it past the border. But we have had a flawed policy of catch and release. In other words, when we have apprehended people at the border who come in illegally from countries other than Mexico, we said: Please show up

in 30 days for your deportation hearing. Are we surprised that the vast majority of people don't show up but just merely melt into our landscape and become part of that 12 million people who come to our country in violation of our immigration laws? Well, it is because we only have 20,000 detention beds—20,000—with 1.2 million people coming across our borders just last year. That is the fundamental, root problem with the catch-and-release policy that the Department of Homeland Security has had for far too long.

Senator KYL and I would not only raise the number of detention beds to 50,000, but we would end the catch-and-release policy by improving and increasing and mandating the use of expedited removal across our borders.

This chart reflects that Border Patrol apprehensions of people from countries other than Mexico were 165,000 last year. Yet 114,000 of them were released under the catch-and-release program. As I say, most, if not all, of them melted into the landscape and became part of this shadow culture living in America today of people who have come to this country in violation of our immigration laws. We may assume we know why they have come here. We may assume that they are people in search of a better life and, indeed, many of them are. But the fact is, we can't assume in a post-9/11 world; we have to know who is coming into our country and why they are here because we know there are those who have evil intent toward America. We know there are common criminals. We know there are drug dealers and drug smugglers. We know there are arms dealers. We know there are international criminal syndicates who will do anything for a buck, whether it is smuggling drugs, guns, weapons of mass destruction, or smuggling terrorists across our borders.

In addition to the 10,000 more Border Patrol agents, I believe the solution to securing our borders is in the technology we have, our technological advantage. But we are not using technology along the border the way we should. We know the Department of Defense, our military, is the finest, most professional military the world has ever known, and in large part it is because of the technology they are able to use. We need to use ground sensors. We need to use unmanned aerial vehicles. We need to use technology to provide a secure border.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Madam President, I ask unanimous consent for 30 seconds to conclude my remarks.

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

Mr. CORNYN. Madam President, as I pointed out, border security is national security. I see the chairman of the Subcommittee for Homeland Security of the Appropriations Committee on the floor, and he has been a great champion of getting more money allocated for this important effort. But we are a far cry from where we need to be. We can do this if we have the national will and commitment. But our national security depends on border security, and we have to make a credible effort—indeed, more than an effort—we need to be successful in providing security to our borders in order to keep the American people safe.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SECURING AMERICA'S BORDERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand that the Senator from Georgia and the Senator from Louisiana wish to speak. I also wish to speak, and I see the Democratic floor leader is here. I spoke with the Senator from Massachusetts, and he said he wasn't speaking at this time. I was wondering if we could maybe get a time agreement so that we can get an order, if that is all right with the Democratic floor manager.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation now? I am just asking the question.

The PRESIDING OFFICER. Under the previous order, the time until 12 p.m. will be equally divided between the two leaders or their designees.

Mr. GREGG. Madam President, I would just suggest that since the Senator from Georgia is here and the Senator from Louisiana is here and I am here and I know the Senator from Vermont is here, since he is the floor leader, he would probably want to proceed. Do you have a statement you are proceeding with, I presume?

Mr. LEAHY. Madam President, I would tell my good friend from my neighboring State of New Hampshire, I do have a statement. It is not very long; it is probably 7 or 8 minutes. But I would like to say, just to frame the issue, the distinguished chairman of the committee, Senator SPECTER, and I spoke on the floor yesterday on this. This is a major issue. I will want to speak. I do not intend to hold the floor very long.

Mr. KENNEDY. Will the Senator be good enough to yield? I will be glad to wait for 45 minutes or an hour. I will seek recognition at that time. After the Senator from Vermont speaks, we have some other speakers, but I think we can wait.

Mr. GREGG. I ask unanimous consent that the Senator from Vermont be recognized for as much time as he may desire and then the Senator from Georgia be recognized for 15 minutes, the Senator from Louisiana for 15 minutes, and then I be recognized for 15 minutes, and that will get us to approximately the 45 minutes the Senator was talking about.

Mr. KENNEDY. Then would the Senator from Illinois be recognized for 15 minutes and I will follow the Senator from Illinois?

Mr. GREGG. That sounds reasonable to me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. I yield the floor. I thank the Senator from Vermont and the Senator from Massachusetts.

Mr. LEAHY. Madam President, I thank the Senator from New Hampshire. As usual, he found us a roadmap and it worked well.

Madam President, let me just briefly suggest the absence of a quorum. I am going to take us out of the quorum in about 1 minute.

I 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. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Madam President, we are going to have a major debate on immigration. That is a good thing, both for the country and for the Senate. I note, however, in the Judiciary Committee, we have had a major amount of debate and long markups. The distinguished chairman of the committee, Senator SPECTER, and I have tried to make sure we had full hearings.

The distinguished senior Senator from Massachusetts, Mr. KENNEDY, is on the floor. As I said last night, he has spent more time on this than any of the rest of us. He has been in the Senate longer. He has been a leader in the area of immigration.

When we began the debate, Chairman SPECTER and I followed the opening statement of the Republican leader with a discussion of how the Judiciary Committee, in a truly bipartisan manner, worked successfully to meet the deadline set by the Senate's Republican leadership. I understood that the majority leader had committed to turn to the committee bill if we were able to meet that deadline. I heard our chairman reiterate that same thing on the floor again yesterday. We did it, we completed that difficult task. We did it by working together, Republicans and Democrats, something that should be done more often around here.