

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