labor market with foreign workers in these sectors, wages and working conditions have gone down drastically and made these jobs much less attractive to American workers; while making them much more attractive to alien workers.

As for stifling technological advances, according to a February 9, 2004, article appearing in National Review:

> the huge supply of low-wage illegal aliens encourages American farmers to lag technologically behind farmers in other countries.

The article continues:

> Raisin production in California still requires that grapes be cut off by hand and manually turned on the drying tray.
>
> In other countries, farmers use a labor-saving technique called drying on the vine.
>
> A cutoff of the illegal-alien flow would encourage American farmers to adopt many of these technological innovations, and come up with new ones.

Another, and possibly more important problem with S. 359, is the risk it poses to our homeland security. It has some of the same loopholes that the 1986 Immigration Reform and Control Act, IRCA, contained.

It also overwhelms the already burdened immigration system, not to mention that there are no criminal or terrorist records for these people. For example, an Egyptian illegal immigrant named Mahmud Abouhalima came to America on a tourist visa in 1985. The visa expired in 1986, but Abouhalima stayed here, working illegally as a cab driver.

Abouhalima received permanent residency, a green card, in 1988, after winning amnesty under the 1986 IRCA law. Although he had never worked in agriculture in the United States, Abouhalima acquired legal status through the special agricultural workers program—which is essentially what the AgJobs bill does. Once he had become legalized, Abouhalima was able to travel freely to Afghanistan. He received combat training during several trips there. Abouhalima used his amnesty/legalization and his terrorist training as a lead organizer of the 1993 plot to bomb the World Trade Center and other New York landmarks.

The special agricultural worker amnesty program enacted as part of the 1986 Amnesty saw many ineligible illegal aliens fraudulently apply for, and successfully receive, amnesty. Up to two-thirds of illegal aliens receiving amnesty under that program had submitted fraudulent applications, just like Abouhalima. We cannot afford to allow ourselves to be vulnerable to terrorists by allowing these people to stay in our country. I want to work with my colleague to address this problem of illegal immigration.

Over the last century, several Presidential and congressionally mandated Commissions including the 1907 Roosevelt Commission on Country Life to the 1990 Barbara Jordan Commission on Immigration Reform have been appointed to study immigration to the United States. These seven Commissions each possessing different mandates, membership makeup, studies and historical context in which their work was performed had some similar findings including: U.S. policy should actively discourage the dependence of any industry on foreign workers.

Dependence on a foreign agricultural labor force is especially problematic because of the seasonal nature of the work, which leads to high un- and under-employment and results in the inefficient use of labor.

Strict enforcement of immigration and labor laws is the key to a successful immigration policy that benefits the nation. Unfortunately, AgJOBS violates each of these principles.

It ensures the dependence of the agricultural industry on foreign workers by eliminating any possibility that wages and working conditions in agriculture will improve sufficiently to attract U.S. workers, whether citizens or lawful permanent residents.

AgJOBS actually reduces wages statutorily by freezing the required wage rate for new foreign workers, known as H–2A nonimmigrants, at its January 1, 2003, level for 3 years. In Oklahoma it is currently $7.89.

It also actually discourages agricultural employers from pursuing innovations, such as mechanization, that would reduce their reliance on seasonal labor.

AgJOBS guarantees employers an ''indentured'' labor force for at last the first 6 years after enactment. Employers can pay as little as minimum wage while the newly amnestied workers have no choice but to accept whatever the employer offers them since they are required to continue working in agriculture in order to get a green card.

Additionally, AgJOBS requires the American taxpayer to foot the bill for maintaining this large, seasonal workforce by allowing: Illegal aliens who apply for amnesty under AgJOBS to receive taxpayer-funded counsel from Legal Services Corporation to assist them with filling out their applications; the amnestied aliens to be eligible for unemployment insurance benefits if they are unable to find other unskilled work during the off-season, the amnestied aliens to use publicly funded services like education and emergency health care this is almost free since many of these aliens have artificially low wages thus making their tax contributions extremely low.

Finally, AgJOBS does not contain any provisions to tighten enforcement of U.S. immigration or labor laws. In fact, by rewarding illegal aliens with amnesty, AgJOBS will encourage even more illegal immigration.

By the time the amnestied aliens are released from ''indentured servitude'' under AgJOBS, agricultural employers will have access to a whole new population of illegal-alien workers and the cycle will be well on its way to repeating itself, just as it did after the ''one-time-only'' amnesty for agricultural workers in 1986.

I also believe both the REAL ID Act, sponsored by my colleague in the House, Congressman SENSENBRENNER, as well as a bill I supported in the last Congress, are sound ways to strengthen our immigration system. The REAL ID Act would make it more difficult for people who are violating our laws by being in our country illegally, as well as engaging in terrorist activities, to stay in the United States. Unfortunately, I was forced to vote against the intelligence bill in December because the provisions that are in the REAL ID Act were excluded from the intelligence bill.

One such provision in the current REAL ID Act has to do with a 3.5-mile gap in a border fence between San Diego and Tijuana. People are able to come and go as they please. This is where many illegal immigrants are coming through; some of them could even be terrorists.

Apparently, this gap has been left open because of a maritime succulent shrub, which is the environment in which two pairs of endangered birds live. These two pairs of birds, the vireo and the flycatcher, might be harassed—not killed—but harassed if the fence is completed.

I checked with the U.S. Geological Survey and found that there are an estimated 2,000 vireos and 1,000 flycatchers in existence today, and at the most, not building the fence prevents two pairs of birds from being harassed. Is it better to harass two pairs of birds or leave this 3.5-mile gap open for terrorists or other law-breakers to come through? I assume that not building the fence, leaving it open for aliens to trample on this environment, the home to these birds causes more harassment than actually building a fence.

Another provision in the REAL ID Act is the requirement for proof of lawful presence in the United States. This requirement applies to immigration law provisions passed in 1996, which I supported.

The temporary license requirement, including a requirement that the license term should expire on the same date as a visa or other temporary lawful presence-authorizing document, is in the REAL ID Act. This means if you are here on a document—such as a visa—and it expires, your driver's license should expire at the same time. Under current law, this is not the case

The REAL ID Act requires official identification to expire on the same date as a person's visa or other presence-authorizing document. Electronic confirmation by various State departments of motor vehicles to validate other States' driver's licenses is another important item in the REAL ID Act. Had Virginia officials referenced the Florida records of Mohammed Atta, one of the hijackers and masterminds behind 9/11, when he was stopped in Virginia, it is likely they would have discovered that his license was not current. The REAL ID Act will make it difficult for instances such as this to take place.