George, do you have to do this on weekends?

He did not know you milk cows 7 days a week, twice a day. He did not know that. There would have been no reason to know that milk comes from anywhere but a carton, unless you go to a farm that is milking cows and see what kind of work it is.

So it seems to me there is much to be said about the value system, in talking about family farming.

Now, I wish to make one other point. Some talk about agriculture. I prefer to talk about family farming. If this is not about family farms, we do not need the bill. We would have probably separate pieces of legislation dealing with nutrition and so on, food stamps.

But it seems to me the question of a safety net is almost exclusively the question: Do we want to try to help family farmers through tough times? The big corporate agrifactories, they can make it through tough times. If you have a real tough time, price depressions and other things, the big corporate agrifactories, they can make it through there, but the family farms get washed away. So we developed instead a safety net. That safety net is rooted in the legislation before us, which incidentally I think improves the safety net.

That is why I like this bill. It also includes a disaster title. That is why I like this bill. I think it was important to do. I had included a separate piece of legislation calling for a disaster title. I am very pleased this bill contains a disaster title.

Now, my colleague from Iowa indicated he felt there should be some additional reform, as do I, so we will offer, perhaps tomorrow or perhaps a day later, a piece of legislation that will provide some further limitations on payments.

Why would we do that? Because I worry what is going to happen is we are going to erode the support for the farm program if we do not provide the reforms and changes that are necessary. One of those reforms, and part of that change is payment limitations, so that we are structuring this to try to provide the most help to family-sized farms.

I do not have anything against big corporate agrifactories. If they want to farm two or three counties, God bless them. But I do not think the Federal Government has a responsibility to be their banker. They are big enough to be a big corporate agrifactory, and they have got the financial strength to get through tough times.

We ought to provide a safety net to help those families through tough times to stay on the land. So the proposal we offer is a proposal that does say a couple of important things: One, there is a payment limitation of $250,000, a hard cap.

I will admit the piece of legislation that has come to the floor of the Senate includes some significant improvements. It eliminates the three entity rule, which is a significant reform. It has an adjusted gross income requirement, of sorts. So it does make some progress in a couple of areas. But it does not, for example, cap payments for all of the payments. It has been said that the committee bill caps payments at $200,000.

But it leaves out the LDP, the marketing loan, or loan deficiency payment. Because it exempts marketing loans and makes them unlimited, every single bushel of commodity in America has effectively an unlimited price support.

Well, there needs to be a limitation on that, on the direct payment, the countercyclical payment, and the marketing loan, which produces an LDP. There ought to be a limitation.

Second, it seems to me reasonable that we would limit farm program payments to those who are actively involved in farming. That ought not be radical. An arts patron from San Francisco, I will not use her name, but a patron of the arts in San Francisco gets $1.2 million in support payments over three years. An arts patron who has nothing to do with farming, her grandfather had something to do with farming, but she does not, she collects $1.2 million from the farm program.

Is that sort of thing going to ruin the reputation of the farm program at some point? I think it will. Another related problem is what they call cowboy starter kits. They have a situation in rice country where, going back to 1985, if you grew rice on the land, you now own that land, and it is still rural land, you do not have to produce rice for a quarter century, you get a farm program payment. You do not have to be a farmer to get the payment.

In Texas, north of Houston, they were selling cowboy starter kits. Ten acres of land, put a house on 1 acre, run a horse on 9 acres. You have never farmed, you do not have to farm, and you have 9 acres you can get farm program price supports because they grew rice on it 20 years ago. That is not justifiable.

One of the ways to shut that done, of course, very simply and very effectively, is to say: If you are going to get benefits, you have to have some real tangible connection to farming.

So my colleague, Senator GRASSLEY, and I will offer an amendment that is very simple. It is not at amendment that is attempting to undo this important piece of legislation, it is an attempt to improve it and improve it in a way that will give it even more credibility.

A payment limitation of $250,000 and a requirement that you have active involvement in farming if you are going to get a farm program benefit. So that is what we would intend to do. My hope is that working with Senator HARKIN and Senator CHAMBLISS, we will be able to offer that, perhaps tomorrow.

I would be willing to come in the morning, and with my colleague, if he is available, I see he is still on the floor, and perhaps we can reach agreement, offer an amendment, and have that debate.

At any rate, it is my hope to be helpful to both the chairman and ranking member to move this legislation. We are going to have a couple of these discussions where there will be disagreement, we will have a vote, we will see what the view of the Senate is. But I want this piece of legislation to be done. I would like to improve it some. But I give this bill good marks. I am going to be a supporter on the floor of the Senate, working to try to get this through the Senate, get it passed, get it to conference so we can tell family farmers: Here is what we are going to do. Here are the rules.

I might say, finally, I hope when we have completed our work, I hope the President will be supportive as well. That is another part of this process. I know many are working with the President for that support.

As I have indicated earlier, I know there are thousands, tens of thousands, hundreds of thousands of farmers out around the country waiting for an answer. What will the farm program be as they begin to think about getting into the fields next spring? They can hardly wait. That is the nature of being a farmer.

I mean they want to get on a tractor, they want to get moving, they want to plant some seeds, they want to buy some cattle. That is the way it is because they live on hope.

My expectation is we can give them much greater hope if we pass a piece of legislation that says to them: This country wants to invest in your future. If you are a farmer living out there alone, trying to raise a crop and a family and you run through a tough patch, you run through some tough times, we want to help you.

The farm bill says to those farmers: You are not alone. This country believes in the merit and value of having a network of family farms populating this country, producing food for a hungry country.

Having said all that, let me again thank my colleagues for the bill they have produced. I look forward to being here tomorrow with my colleague, Senator GRASSLEY, and offering an amendment. Then further, working this week, perhaps by the end of this week or at least into next week, to get this piece of legislation through and get a final vote on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

IMMIGRATION REFORM

Mr. GRASSLEY. Mr. President, earlier this year, the Senate tried to solve the very complex and emotional issue

of immigration reform. The immigration bill we considered included border security, interior enforcement, and amnesty.

It also included many needed reforms to our legal immigration process. I said throughout the debate that Congress needs a long-term solution to the immigration issue. We cannot pass a bandaid approach that includes a path to citizenship for law breakers; rather, Congress needs to improve our legal immigration channels.

I firmly believe companies want to hire legal workers, and people want to enter the United States legally. If we fix our visa policies, we can restore integrity to our immigration system, and all parties can benefit. But if we cannot pass a comprehensive bill—and I think as time goes on it is going to look more difficult as we go into an election year—if we cannot pass such a comprehensive bill, I think that we should consider passing legislation we can agree on.

I am taking the floor at this time to talk about the H–1B visa provisions that were included in the immigration bill and ask my colleagues to take a second look at these needed reforms.

Many companies use H–1B programs. It has served a valuable purpose. But we need to reevaluate how this program operates and work to make it more effective. The H–1B program was officially created in 1990, although we have brought foreign workers legally into our country for over 30 years.

It was brought into existence to serve American employers that needed high-tech workers. It was created to file a void in the U.S. labor force. The visa holders were intended to file jobs for a temporary amount of time, while the country invested in American workers to pick up the skills our economy needed.

We attached fees to the visas that now bring in millions of dollars. These fees and the dollars that come with it are invested in training grants to educate our own workforce. We use the funds to put kids through school for science, technology, engineering, and math skills. We provide students with scholarships with the hope that they will replace imported foreign workers.

Unfortunately, the H–1B program is so popular, it is now replacing the U.S. labor force rather than supplementing it. The high-tech and business community is begging Congress to raise or eliminate the annual cap that currently stands at 85,000 visas each year. These numbers do not include and account for those who are exempt from the cap. For instance, we don't count employees at institutions of higher education or nonprofit research organizations. We don't count those who change jobs or renew their H–1B visa. My point is, we have many more than 85,000 H–1B visas distributed each year. I am here to tell my colleagues that increasing the visa supply is not the only solution to the so-called shortage of high-tech workers.

Since March of this year, the Senator from Illinois, Mr. DURBIN, and I have taken a good look at the H–1B visa program. We have raised issues with the Citizenship and Immigration Service as well as the Department of Labor. We have asked questions of companies that use the H–1B visa, and I have raised issues with attorneys who advise their clients on how to get around the permanent employment regulations. I would like to share what I have learned. I want to give some fraud and abuse examples. Unfortunately, there are some bad apples in the H–1B visa program.

In 2005, a man was charged with fraud and misuse of visas, money laundering, and mail fraud for his participation in a multistate scam to smuggle Indian and Pakistani nationals into the United States with fraudulently obtained H–1B visas. The man created fictitious companies, often renting only a cubicle simply to have a mailing address. He fabricated tax returns and submitted over 1,000 false visa petitions.

Another man pled guilty last August to charges of fraud and conspiracy. This man and an attorney charged foreign nationals thousands of dollars to fraudulently obtain H–1B visas. He provided false documents to substantiate their H–1B petitions. The Programmer's Guild, a group representing U.S. worker interests, filed over 300 discrimination complaints in the first half of 2006 against companies that posted ''H–1B visa holder only'' ads on job boards. Anyone can go on the Internet and find jobs that target H–1B visa holders.

There are more than just national anecdotes, however. Everyday Americans are affected. Since looking into the H–1B visa program, some of my constituents have come to me and spoken out against abuses they see. One of my constituents has shared copies of e-mails showing how he is often bombarded with requests by companies that want to lease their H–1B workers to that Iowan. There are companies with H–1B workers who are so-called ''on the bench,'' meaning they are ready to be deployed to a project. Hundreds of foreign workers are standing by waiting for work. Some call these H–1B ''factory firms.'' This Iowan even said one company went so far as to require him to sign a memorandum of understanding that helps the H–1B factory firm justify to the Federal Government that they have adequate business opportunity that requires additional visa holders. It is a complete falsification of the market justification for additional H–1B workers.

These firms are making a commodity out of H–1B workers. They have visa holders but are looking for work. It is supposed to be the other way around. There should be a shortage or a need, first and foremost. Then and only then do we allow foreign workers to fill these jobs temporarily.

Another constituent sent me a letter saying that he saw firsthand how foreign workers were brought in while Iowans with similar qualifications were let go. He tells me he is a computer professional with over 20 years experience. He was laid off and has yet to find a job. He states:

> I believe [my employer] has a history of hiring H–1B computer personnel at the expense of qualified American citizens.

Another Iowan from Cedar Falls wrote in support of our review of the H–1B program. He is a computer programmer with a master's degree and over 20 years of work experience in that field. He says:

> Despite all of my qualifications, in the last four years I have applied to over 3,700 positions and have received no job offers.

He believes he is in constant competition with H–1B visa holders.

I received a letter from a man in Arizona who works for a company that employs dozens of H–1B workers. When he asked his supervisor why so many foreign nationals were being hired, the head of human resources said:

> If the company has an American and a person from India, both with the same skill set, the company will hire the person from India because they can pay them less.

These are firsthand stories from U.S. workers. I ask those begging for an increase in foreign workers to explain these cases to me. Why are Americans struggling to get jobs as software developers, data processors, and program analysts?

Senator DURBIN and I inquired with several foreign-based companies that use the H–1B program. Rather than sending a letter to all companies that use the program, which would be over 200 companies, we decided to start our investigation with foreign-based entities. Our intention was to learn how foreign companies are using our visas. We learned that the top nine foreign-based companies used 20,000 visas in 2006. Think of what a high percentage that is of the 85,000, just nine foreign-based companies, 20,000 visas in the year 2006. I say that twice for emphasis. It just so happens that Indian companies are using one-third of the available visas we allocate each year, but there is more to learn. We are not done asking questions. We, meaning Senator DURBIN and I, continue to talk to U.S.-based companies and companies in our own States that use the program.

The Citizenship and Immigration Service also has concerns. Our review has prompted discussion among the executive branch, businesses, labor unions, and workers, and workers are the ones we are concerned about. So we are not the only ones asking questions. The U.S. Citizenship and Immigration Service is also worried about fraud in the program. This agency's investigative arm, that subdivision called the Fraud Detection and National Security unit, is doing a fraud assessment of the H–1B and L visa programs. I asked the unit to brief my staff on their work, and they reported they are not finished with analyzing the data. Senator COLLINS of Maine and I put the agency on

notice that we are anxiously awaiting this report so we may continue our quest to reform the program appropriately. In the meantime, the bill Senator DURBIN and I introduced includes measures to rein in the abuse. It goes a long ways to close some loopholes to protect American workers. It is our hope that these measures will bring the program back to its original mission; that is, to help U.S.-based companies find highly skilled workers to fill the shortage for a temporary period of time. That is what the H–1B visa program is all about.

Under current law, companies can bring in foreign workers on an H–1B visa without first attempting to hire an American. Our bill would require every employer to attest that it is not displacing a U.S. worker by hiring an H–1B visa holder and that the employer has taken good-faith steps to recruit U.S. workers for the jobs in which an H–1B visa holder is being sought. Why would anyone oppose this measure? Our bill also gives more oversight and investigative authority to the Department of Labor. Right now the Department may only review labor certification for ''clear indication of fraud and misrepresentation.'' The Secretary of Labor is unable to review applications for anything but what the law calls incompleteness and cannot initiate an investigation unless requested. This means the Labor Department in effect is required to turn a blind eye to information that is suspicious.

To remedy this problem, our bill provides the Department of Labor the ability to initiate an investigation on its own and gives the Department of Labor more time to review applications. The Department could also do random audits of any company that uses the program. Aside from these measures, our bill would prohibit employers to only advertise available jobs to H–1B visa holders. It would encourage information sharing between the Department of Labor and the Department of Homeland Security. It would double the penalties for employer noncompliance with the H–1B program requirements.

I am happy to report that most of these commonsense solutions were included in the immigration bill. I challenge any of my colleagues to oppose these needed reforms before we talk about increasing the number of H–1B visas or at the very least in conjunction with that process.

Today I take the floor to tell my colleagues that I am willing to work on this issue before the end of the year. I know businesses want more visas. I know groups that represent workers and visa holders want reforms. I know the American people want a sensible system in place that gives their children a chance at these highly skilled jobs. Some of my colleagues think the solution is increasing the annual cap on H–1B visas and doing nothing else. Before we agree to import more foreign workers, let's restore integrity in this H–1B program. The system needs a makeover. I am willing to consider an increase in the H–1B visa supply, but only if reforms are included. We must fix the loopholes before we just allow more foreign workers to come in and take jobs that Americans want to do. I would think my colleagues would want this program to work as it was intended by its original authors. My colleagues should want to protect the jobs of our various constituencies and help our businesses find the workers they truly need.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 15 minutes each.

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

The Senator from Rhode Island.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 2305 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 307 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation, including one or more bills and amendments, that reauthorizes the 2002 farm bill or similar or related programs, provides for revenue changes, or any combination thereof. Section 307 authorizes the revisions provided that certain conditions are met, including that amounts provided in the legislation for the above purposes not exceed $20 billion over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

The Senate is considering an amendment in the nature of a substitute to H.R. 2419 that consolidates the following: S. 2302, the Food and Energy Security Act of 2007, which was reported by the Senate Committee on Agriculture, Nutrition, and Forestry on November 2, 2007; S. 2242, the Heartland, Habitat, Harvest, and Horticulture Act of 2007, which was reported by the Senate Committee on Finance on October 25, 2007; and a number of technical and other corrections made to both bills. I find that the consolidated legislation satisfies the conditions of the deficit-neutral reserve fund for the farm bill. I am pleased to report to the Senate that this legislation is fully paid for over both the 2007 through 2012 time period and the 2007 through 2017 time period. Therefore, pursuant to section 307, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Committee on Agriculture, Nutrition, and Forestry.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,024.835
FY 2009	2,121.607
FY 2010	2,176.229
FY 2011	2,357.094
FY 2012	2,498.971
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−25.961
FY 2009	14.681
FY 2010	12.508
FY 2011	−37.456
FY 2012	−98.125
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,508.833
FY 2009	2,526.124
FY 2010	2,581.369
FY 2011	2,696.797
FY 2012	2,737.578
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.548
FY 2009	2,573.005
FY 2010	2,609.873
FY 2011	2,702.839
FY 2012	2,716.392

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL

[In millions of dollars]

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	13,464
FY 2008 Outlays	12,939
FY 2008–2012 Budget Authority	67,878
FY 2008–2012 Outlays	65,557
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	3,624
FY 2008 Outlays	1,690
FY 2008–2012 Budget Authority	9,003
FY 2008–2012 Outlays	5,492
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049