The Niagara Movement was the forerunner to the National Association for the Advancement of Colored People. It was founded in 1905 by a group of black intellectuals, led by W.E.B. DuBois, John Hope, and William Monroe Trotter, who called for full civil liberties, an end to racial discrimination and recognition of human brotherhood.

In my home State of California, you will find many African American leaders who have contributed to the legacy set forth by the Niagara Movement. They are true humanitarians and epitomize the ideals of the civil rights movement.

I would first like to recognize Roy Willis, a resident of my hometown of San Francisco, for his 35 years of history-making contributions to California and over 45 years of service to our nation as a civil rights pioneer.

In 1958, Roy Willis ended racial segregation at the University of Virginia by becoming its first African American student. In 1967, he went on to Harvard Business School to earn his MBA. While at Harvard he organized and co-founded the Harvard Business School African American Student Union over strenuous opposition from the school’s administration. Despite their objections, the AASU was able to convince the administration that it needed to do much more to recruit African American students.

Thanks to the pioneering efforts of Mr. Willis, the Harvard Business School AASU has helped to graduate thousands of African American MBAs over the past 36 years. It has produced many of today’s brightest leaders, and continues to create the leaders of tomorrow.

Roy moved to northern California after earning his MBA in 1969. In the early 1970s he became one of the founding members of BAPAC, the Black American Political Action Committee in California, which has become one of California’s largest and most effective organizations in the areas of voter registration, homeownership and economic development.

He has enjoyed a successful career in real estate development, and dedicates himself to creating projects that enhance the community.

The next great Californian I would like to recognize is Bishop H. H. Brookins, better known as Bishop H. H. Brookins. He is truly a living legend. Bishop Brookins ascended to positions of international leadership as a champion of black political and economic empowerment, Third World liberation, business enterprise development, and church growth.

After graduating from the University of Kansas, Bishop Brookins was thrust into the civil rights arena in 1954 in the wake of hostile reactions by Wichita citizens to the historical Supreme Court decision, Brown vs. the Board of Education. Bishop Brookins organized and was elected President of a 200 member interracial ministerial alliance which was committed to the peaceful effective implementation of the desegregation decision. From Kansas, Bishop Brookins was appointed to the prestigious First AME Church of Los Angeles where he was a major force in quelling the Watts riots of 1965.

At the 1972 General Conference of the African Methodist Episcopal Church, he was elected 91st Bishop of the African Methodist Episcopal Church. His assignments have taken him to towns across the country and around the world.

One of his biggest accomplishments has been establishing the first modern day economic development program in the African Methodist Episcopal Church. Under his inspired leadership, church members have invested more than $1,000,000 in “The People’s Trust Fund,” which provides loans to black entrepreneurs who have been denied bank loans. The loans are made at reduced rates, provides scholarships to black theology students, and assists the elderly and indigent with emergency funds.

Outside the church, Bishop Brookins demonstrates his zealous concern for meaningful social action through his Chairmanship of the Board of Directors of the South Los Angeles Development Corporation, a 36 million state funded job training program which has successfully placed more than 4,000 black teenagers in jobs in the electronics and word processing fields. In addition, he is one of the founding members of Operation PUSH and has served as a national board member of TransAfrica, an organization that lobbies on behalf of African and Third World countries.

Bishop Brookins is a local hero in Los Angeles. Because of his passion for social justice and racial equality, African Americans in the City of Los Angeles move forward in the areas of housing, public education, health, and unemployment.

The story of struggles and triumphs of African Americans cannot be told without including the pastor of the First African Methodist Episcopal Church of Los Angeles, the Rev. Cecil L. “Chip” Murray.

In 1977 Dr. Murray was assigned to First AME Church, the oldest black church in Los Angeles. His new church family had 300 active members when he arrived, but under his leadership the congregation has multiplied to over 17,000 members.

Reverend Murray has helped First AME Church to develop a program called “Beyond the Walls,” which consists of close to 40 task forces that help deal with issues affecting the congregation and community as a whole. Each member joins a task force to help take the effort to every corner of the community.

Dr. Murray has exhorted his congregation to go beyond Bible studies and reach out to build 2,000 units of low-income housing, provide thousands of jobs, expand neighborhood food programs and educate young people through college scholarships and its own elementary schools.

Though Reverend Murray retired last year, ending his illustrious 27-year tenure as leader of First AME Church, he has left an indelible mark on the community.

Each of these leaders has made a profound impact which reaches far beyond their local communities. They are just a few of the many who have given their blood, sweat, and tears to make America a better place for themselves and for their children.

There have had many successes, but the struggle is not over. We can always do better, and these heroes fight every day to continue the legacy of the civil rights movement and to make America a more perfect union.

Mr. President, I am pleased to take the time today during Black History Month to honor these individuals and to emphasize the tremendous contributions that African Americans make every day to our society.

Mr. CRAIG. Mr. President, on February 10, I introduced S. 359, the Agricultural Job Opportunity, Benefits, and Security Act of 2005—AgJOBS. I ask that the material I am submitting in support of that bill be printed in the RECORD.

The material follows.

THE NEED FOR AGJOBS LEGISLATION—NOW, FEBRUARY 2005

Americans need and expect a stable, predictable, legal workforce in American agriculture. Willing American workers deserve a system that puts them first in line for available jobs with fair, market wages. All workers deserve decent treatment and protection of basic rights under the law. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve security, more jobs, a safer homeland, and a government that works. Yet we are being threatened on all these fronts, because of a growing shortage of legal workers in agriculture.

To address these critical needs, a bipartisan group of Members of Congress has introduced the Agricultural Job Opportunity, Benefits, and Security (AgJOBS) Act of 2005. This bipartisan effort builds upon years of discussion and suggestions among growers, farm worker advocates, Latino and immigration issue advocates, Members of both parties in both Houses of Congress and others. In all substantive essentials, this bill is the same as S. 1645/H.R. 3142 in the 108th Congress.

THE PROBLEMS

Of the USA’s 1.6 million agricultural workforce, more than half are made up of workers not legally authorized to work here—according to a conservative estimate by the Department of Labor, based, astounding, on self-disclosure in worker surveys. Reasonable private sector estimates run to 75 percent or more.

With stepped-up documentation enforcement by the Social Security Administration and the Bureau of Immigration and Customs Enforcement (the successor to the old INS), persons working here without legal documentation are not leaving, but just being scattered. The work force is being constantly and increasingly disrupted. Ag
employers want a legal work force and must have a stable work force to survive—but Federal law actually punishes “too much diligence” in checking worker documentation. Some employers have gone on strike, lacking workers to work their crops at critical times.

Undocumented workers are among the most versatile labor sources in our country. They know they must live in hiding, not attract attention at work, and move furtively. They cannot claim the most basic legal rights and protections. They are vulnerable to prosecution and exploitation. Many have paid “coyotes”—labor smugglers—thousands of dollars to be transported into and around this country, making them even more vulnerable to perilous conditions. Reports continue to mount of horrible deaths suffered by workers smuggled in enclosed truck trailers.

Meanwhile, the millions currently in place to respond to such needs, the H-2A legal guest worker program, is profoundly broken. The H-2A status quo is slow, bureaucratic, and inflexible. The program is complicated and legalistic. DOL’s compliance manual alone is over 300 pages. The current H-2A process is so expensive and hard to use, it principally benefits about 30,000-50,000 legal guest workers a year—2–3 percent of the total ag work force. A General Accounting Office (GAO) found DOL missing statutory deadlines for processing employer applications to participate in H-2A more than 40 percent of the time. Worker advocates have expressed concerns that enforcement is inadequate.

THE SOLUTION—AGJOBS REFORMS

AgJOBS legislation provides a two-step approach to a stable, legal, safe, ag work force: (1) Streamlining and expanding the H-2A legal guest worker program and making it more affordable and used more often as a long-term solution, which will take time to implement; (2) Outside the H-2A program, There are several current and alternative measures that may be helpful: one-time adjustment to legal status for experienced farm workers, already working here, who currently lack legal documentation—the bridge to allow American agriculture to adapt to the changing economy.

H-2A Reforms: Currently, when enough domestic farm workers are not available for upcoming work, employers are required to go through a lengthy, complicated, expensive, and uncertain process of demonstrating that fact to the satisfaction of the Federal government. This process is allowed to bar them from hiring legal, temporary, non-immigrant guest workers. These guest workers are registered with the U.S. government to work with employers in the United States for a year and return to their home countries when the work is done. Needed reforms would replace the current quagmire for qualifying employers and prospective workers with a streamlined “adjudication” process like the one now used for H-1B high-tech workers, speeding up certification of H-2A employers and the hiring of legal workers. Also needed is a definition of “hiring period” to ensure that the period used in checking worker documentation is not extended during the two-year waiting period that must elapse before a worker is certified. Work is such a major part of an immigrant’s life in the United States that it should not be counted for more than two years.

New adjustments to the Adverse Effect Wage Rate program would be suspended during a 3-year period pending extensive study of its impact and alternatives. Other current H-2A labor protections for both H-2A and domestic workers would be continued. H-2A workers would have new rights to seek redress through mediation and Federal court enforcement of specific rights. Growers would be prohibited from claiming workers as temporary workers in any year while they were working without legal authorization, could earn adjustment to legal status. To qualify, an incumbent worker must have worked in the United States in agricultural work since January 1, 2005, for at least 100 days in a 12-month period over the last 18 months prior to the bill’s introduction. (The average migrant farm worker works 120 days during these years.) This would not spur new immigration, because adjustment would be limited to incumbent, trusted farm workers with a significant work history in U.S. agriculture. The adjusting worker would have non-immigrant, but legal, status. Adjustment would not be complete until a worker completes a substantial work requirement in agriculture (at least 360 days over the next 3–6 years, including 230 days in the first 3 years). Approximately 500,000 workers would be eligible to apply for worker adjustment. Their spouses and minor children would be given limited rights to stay in the U.S., protected from deportation. The worker would have to comply with the law and continue to report his or her work history to the government. Upon completion of adjustment, the worker would be eligible for green card status. During legalization, the worker would have to verify compliance with the legal immigration process at the same time.

AgJOBS would not create an amnesty program. Neither would it require anything unreasonably onerous of workers. Eligible workers who are already in the United States could continue to work in agriculture, but now could do so legally, and prospectively earn adjustment to legal status. Adjusting workers may also work in another industry, as long as the agriculture work requirement is satisfied.

AgJOBS is a win-win-win approach

Workers would be better off than under the status quo. Legal guest workers in the H-2A program need the assurance that government red tape won’t eliminate their jobs. For workers in the AgJOBS program, every farmworker who gains legal status finally will be able to assert legal protection which leads to higher wages, better working conditions, and safer travel. Growers and workers would get a stable, legal work force. Consumers would get better assurance of a safe, stable, American-grown, food supply—supported, in part, an increase on imported food. Law-abiding Americans want to make sure the legal right to stay in our country is earned, and that illegal behavior is not rewarded now or ever.”

Renter and homeland security would be improved by bringing workers out of the underground economy. They would be more secure in their jobs. They would be provided medical and social services, to improve their cultural status. They could learn more about our country.

Overall, AgJOBS takes a balanced approach, and would work to benefit everyone.


OVERVIEW

The Agricultural Job Opportunity, Benefits, and Security Act of 2005 is, in all substantive essentials, the same as S. 1645, which attracted 63 Senate cosponsors in the 108th Congress.

TITLE I—ADJUSTMENT OF AGRICULTURAL WORKERS TO TEMPORARY AND PERMANENT RESIDENT STATUS

Title I establishes a program whereby agricultural workers in the United States who lack authorized immigration status but who can demonstrate that they have been here in the United States in agricultural work since January 1, 2005, for at least 100 days in a 12-consecutive-month period during the 18-month period ending on December 31, 2004 can apply for adjustment of status to become permanent residents. Eligible applicants would be granted temporary resident status. If the farmworker performs at least 360 work days (no less than 2,060 hours) of agricultural employment during the six years following the date of enactment, including at least 210 work days (no less than 1,380 hours) during the first three years following adjustment, the temporary resident status the farmworker may apply for permanent resident status.

During the period of temporary resident status, the farmworker would be protected from frivolous claims, exorbitant conditions, and unauthorized employment. They are vulnerable to predatory employers who may not have knowledge of legal guest workers. They are then allowed to arrange for further work, growers are required to go through a lengthy, complicated, expensive, process is so expensive and hard to use, making it more affordable and used more often as a long-term solution, which will take time to implement; (2) Outside the H-2A program, a one-time adjustment to legal status for experienced farm workers, already working here, who currently lack legal documentation—the bridge to allow American agriculture to adapt to the changing economy.

The employer must provide housing at no cost, or a monetary housing allowance where
the Governor of a State has determined that there is sufficient migrant housing available, to workers whose place of residence is beyond normal commuting distance. The employer must also reimburse inbound and return transportation costs to workers who meet employment requirements and who travel more than 100 miles to come to work for the employer. They are subject to removal. H-2A foreign workers are admitted for the duration of the initial job, not to exceed 180 days, and may extend their stay if reimbursed. Employers must notify the Department of Homeland Security regarding criminal convictions or other information for immigration enforcement or labor enforcement purposes.

More language clarifications have been made to carry out the provisions of the Personal Responsibility and Work Opportunity (Welfare Reform) Act of 1996. H-2A workers have no advantage over other legal immigrants, with regard to the timing and eligibility of means-tested public benefits.

Technical clarifications have been made to assure at least the highest of the applicable statutory wage rates, and to put in place the prevailing wage rate system, which the H-2A program is to enforce. The prevailing wage rate system includes a process for filing, investigating and disposing of complaints, and may order back wages to workers who were underpaid or not paid, or whose place of residence is between the United States. H-2A workers would be indexed to changes in the consumer price index, capped at 4 percent per year, that was captured by the remarks that the archbishop gave in accepting the degree. He artfully wove us through three stories to demonstrate the importance of a Catholic university in the Jesuit tradition.

Everyone present at this event was captured by the remarks that the cardinal McCarrick, and because of the admiration I have for him, I ask that his acceptance speech at the award of his honorary degree from Georgetown University be printed in the Record.

The material follows:

REMARKS BY THEODORE CARDINAL MCCARRICK, D.D., PH.D., ARCHBISHOP OF WASHINGTON, ON THE OCCASION OF HIS RECEIVING AN HONORARY DEGREE, GEORGETOWN UNIVERSITY, DECEMBER 1, 2004

As Father Brian [McDermott] was reading those wonderful words and as the president repeated them, I thought of the wonderful Jesuit who introduced me to my God’s ears. I just hope the Lord doesn’t get mad that you said all those nice things about me. Dr. President, Dr. Villani, Chairman of the Board, members of the board, Your Excellency, The Apostolic Nuncio [Archbishop Gabriel Montalvo] and my brother bishops, my I guess I should say my Georgetown family now—and I say that with great joy.

I want to begin by telling you sincerely how honored I am in receiving this degree from Georgetown. I’ve long regarded this institution as one of the finest educational institutions in the United States. During my four years in Washington, I’ve always felt part of the community. To receive its degree now is a very special joy for me, and I want you all to know how much I do appreciate it.

I have tremendous respect for your president, Dr. DeGioia. I was privileged to be present at his inauguration, and to prophesy at that time that he would lead this institution to greater heights of excellence and to a continuing growth in the realization of its mission as a Catholic university in the Jesuit tradition. My prophecy is coming true every day.

My respect for the Society of Jesus goes back to my early years of high school when I found myself going to two of their high schools, not at the same time, but one after the other until I finally got it under control.

My own education in high school and college has been much enhanced by the excellence of the ratio studiorum and by its continuing to ensure that adjusting AgJOBS workers are admitted for the duration of the initial job, not to exceed 100 days, and may extend their stay if reimbursed. Employers must notify the Department of Homeland Security regarding criminal convictions or other information for immigration enforcement or labor enforcement purposes.

New language clarifies that the bill does not limit the use or release of information contained in files or records of the Department of Homeland Security regarding criminal convictions or other information for immigration enforcement or labor enforcement purposes.

The Secretary of Labor is required to provide a process for filing, investigating and disposing of complaints, and may order back wages to workers who were underpaid or not paid, or whose place of residence is between the United States.

The bill would be indexed to changes in the consumer price index, capped at 4 percent per year, which the H-2A program is to enforce. The prevailing wage rate system includes a process for filing, investigating and disposing of complaints, and may order back wages to workers who were underpaid or not paid, or whose place of residence is between the United States.

The bill would be indexed to changes in the consumer price index, capped at 4 percent per year, which the H-2A program is to enforce. The prevailing wage rate system includes a process for filing, investigating and disposing of complaints, and may order back wages to workers who were underpaid or not paid, or whose place of residence is between the United States.

The bill would be indexed to changes in the consumer price index, capped at 4 percent per year, which the H-2A program is to enforce. The prevailing wage rate system includes a process for filing, investigating and disposing of complaints, and may order back wages to workers who were underpaid or not paid, or whose place of residence is between the United States. H-2A workers would be indexed to changes in the consumer price index, capped at 4 percent per year, which the H-2A program is to enforce. The prevailing wage rate system includes a process for filing, investigating and disposing of complaints, and may order back wages to workers who were underpaid or not paid, or whose place of residence is between the United States.