

these people were wanted on these charges. So this is not just a national security problem, but it is also a personal security problem when we are not regulating the people coming into this country, when we are allowing anyone with any record or with any intent to come into this country.

Again, that is the right of every country to do: to make sure our citizens are safe, and we have a way to accomplish that. I think this fence bill will be a step in the right direction.

Other ways in which people in this country are violating Americans, not just through potential terrorist activity and criminal activity, but another criminal activity that we are seeing more and more of—and we heard some cases during the debate—is identity theft.

A woman came to my attention. A constituent contacted us by the name of Laurie Beers who had her Social Security number stolen by an illegal immigrant. She is a nurse who, as part of her job, is constantly traveling. She learned her information had been stolen and misused. She did everything she was supposed to do: contacted the FTC, reported it to the identity theft hotline, contacted the credit bureaus, on and on—obviously, contacted the FBI.

In response she found out, yes, she was a victim of identity theft. She contacted the IRS. She was told that the man using her Social Security number is an illegal immigrant. After talking to the FBI and Secret Service, they confirmed the person is an illegal immigrant who has been working for an employer in New York City and has been filing income tax returns under her Social Security number.

Obviously, she was upset that a man working in New York was using her Social Security number to file income taxes for 3 years. She contacted the employer of that man who has been anything but cooperative in resolving this situation. In fact, she has reported they have been downright nasty.

She is lucky her credit hasn't been destroyed. But this man has, unfortunately, with her Social Security number passed some bad checks, and now she can't use checks at Wal-Mart and other stores because of her Social Security number being linked to the passage of bad checks.

That is just one example. Is it a big deal in the security of America? No, but it is a big deal if you are the person who is a victim of identify theft. So we see this as one "small example," but big in her life, as well as thousands of other Americans who have been affected by the stealing of Social Security numbers.

This is an issue we need to address. We need to get this bill done this year. We need to step away from the bad provisions that the Senate passed, which I can go into in great detail, but they have been discussed over and over, everything, again, from legalizing people who committed illegal activity by first

stepping into this country, to the Social Security issue, and a lot of others.

My time has expired. I thank, again, the leadership, BILL FRIST, for moving and pushing this bill. Let's hope for Senate passage today and a start to dealing with the issue of illegal immigration.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe I have 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

AGRICULTURAL WORKERS

Mrs. FEINSTEIN. Mr. President, we have an opportunity today with the border fence bill and with the concurrence of Members of this body to help an industry that right now is in deep trouble, and that industry is American agriculture.

The reason it is in deep trouble is because it does not have the workforce to harvest the crops. This is true whether it is Florida, the State of Washington, Iowa, Idaho, California, Arizona, or any other agricultural State. The reason for the shortage of workers is because agriculture dominantly depends on what is an undocumented or illegal workforce. The reason that is the case is because it has been found over the years that American workers simply will not do this work. Therefore, agriculture, the huge industry that we have in America, has come to depend on an undocumented workforce.

Just to give one example—and I wish I had a big chart—but this is the pear crop in Lake County, a farm owned by Toni Scully, and these mounds are rotting pears on the field because they cannot be harvested in time.

California is the largest agricultural State in the Nation. It is a \$34 billion industry. It has 76,500 farms. California produces one-half of all of the Nation's fruits, vegetables, and nuts from only 3 percent of the Nation's farmland. If these products cannot be harvested—and it is late in the harvest season today—the price of fresh produce all over this Nation is going to rise.

We have an opportunity to do something about it. I am joined on the floor by Senator Larry Craig of the State of Idaho who is the main author of the AgJOBS Program. In the Judiciary Committee in the immigration bill, we revised AgJOBS and it was part of the Senate-passed immigration bill. Along with AgJOBS, we have reformed the agricultural guest worker program called H-2A. These two programs combine to give the farmers of America the certitude they need that there will, in fact, be a workforce able to harvest their crops, plant their crops, prune, cut, pack, and sort crops in this great country.

In my State we have roughly 350 different crops: lemons, tomatoes, raisins, lettuce, prunes, onions, cotton, and many others that are grown all across the State. Growers are reporting that

their harvest crews are 10 to 20 percent of what they were previously. It is a disaster, and it will be a very costly disaster for the farm community as well as for the consumers of America. And it can be solved. We could move today to put the AgJOBS bill on the border fence bill. We all recognize it isn't germane postcloture, but the body could agree to include it because of the emergency circumstances that exist in agriculture States throughout the Nation today.

In my State we employ at least 450,000 people in the peak of the harvest, with farm workers progressing from one crop to the next, stringing together as much as 7 months of work. The estimate is that the season is falling short by 70,000 workers.

It is a very serious situation. Fields in Pajaro Valley in Santa Cruz County are being abandoned. Farmers can't find workers to harvest strawberry, raspberry, and vegetable crops. In the Pajaro Valley, one farmer reports he has been forced to tear out 30 acres of vegetables. He has about 100 acres compromised by weeds because there is nobody to weed the field. He estimates his loss so far to be \$200,000. California and Arizona farmers say they need 77,000 workers during December to May to harvest vegetables, and they estimate the shortage will be 35,000 workers.

It is amazing to me that we can't do something about this by passing a bill that has been heard in the Judiciary Committee, that has been amended, that has been discussed over a period of years.

I would ask, if I might, the Senator from Idaho a series of questions, through the Chair. The first question is how long the Senator from Idaho has been working on the AgJOBS bill?

Mr. CRAIG. Mr. President, I appreciate the Senator asking the question. I began to work with American agriculture and specifically western growers in the Pacific Northwest and in the Senator's State of California starting in about 1999 when they came to me and recognized, as they now clearly know, that they were beginning to rely on an illegal workforce of undocumented workers who were coming in because the law that exists, the H-2A, was so complicated and so bureaucratic, it was simply failing them. So it has been now at least 7 years that we have worked to comprise and build the AgJOBS legislation.

Mrs. FEINSTEIN. Mr. President, if I may, through the Chair, is there a crisis in the State of Idaho?

Mr. CRAIG. There is a growing crisis in the State of Idaho. I would like, if the Senator from California doesn't mind, to submit for the RECORD a "Dear Colleague" letter that the Senator from California and I sent out late this month. It speaks of California and Idaho and Washington and Oregon. I ask unanimous consent that it be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 22, 2006.

DEAR COLLEAGUE: Earlier this week, we went to the floor to highlight the desperate need for agricultural workers. In our colloquy, we discussed how American farmers are suffering, not because they don't have the crops and inventory, but because they don't have the workers to bring their crops to the market.

In fact, just this morning, a New York Times front page story proclaimed "Pickers Are Few, and Growers Blame Congress." (copy attached) To be honest, we agree with their sentiment.

Farmers across this country have every reason to be angry and frustrated. There is simply no reason AgJOBS has not been enacted, and no reason it could not be passed now. The New York Times article is just one of dozens that have been written this summer highlighting the plight our farmers are facing.

California is the single largest agriculture state in the nation with over \$34 billion in annual revenue and approximately 76,500 farms. And this year, growers in California are reporting that their harvesting crews are 10 to 20 percent of what they were previously. As the Times reported, "California farms employ at least 450,000 people at the peak of the harvest, with farm workers progressing from one crop to the next, stringing together as much as seven months of work. Growers estimate the state fell short this harvest season by 70,000 workers." The impact is devastating "fields go untended, and acres have to be torn up because there is no one to harvest them." (San Jose Mercury News 8/9/06)

Agricultural labor shortages affect not just California; in fact, they are impacting farms across the country, including harvesting of citrus in Florida, apples in New Hampshire, strawberries in Washington, and cherries in Oregon. In Wyoming, it has been reported that the labor shortage played a central role in the imminent closure of the \$8 million Wind River Mushroom farm. The Idaho Department of Commerce and Labor reports that the number of farm workers in Idaho is down by 18 percent, and the Potato Growers of Idaho believes "appropriate legislation, such as AgJOBS, is needed to keep the industry growing." (PGI news release, 9/12/06)

According to Cox News Service, "One farmer in Cowlitz County in Washington state reported one-third of his blueberry crop rotted in the field for want of enough pickers," and a farmer in Oregon complained "farmworkers should have been harvesting 25 tons of fruit per day from his Polk County cherry orchard. Instead, he could only hire enough temporary farmworkers to pick 6 tons."

Most shocking, the American Farm Bureau has found "that if Congress enacts legislation that deals only with border security and enforcement, the impact on fruit and vegetable farmers nationwide would be between \$5 billion and \$9 billion annually. Net farm income in the rest of the agricultural sectors would decline between \$1.5 billion and \$5 billion a year."

Yet this is a problem we know how to solve, and can solve with your help. We have both introduced the AgJOBS bill as an amendment to the border fence bill now before the Senate. The AgJOBS program, previously passed by the Senate, is a bipartisan solution that would create a pilot program to allow certain longtime, trusted agricultural workers to legalize their immigration status in the United States while at the same time fixing the H2A visa program so

farmers needing new temporary workers can bring them into this country through legal channels.

The time is long overdue to help American farmers get the labor they need. The opportunity is before us, and we must not turn our backs on this real problem that could be fixed with the enactment of the AgJOBS legislation. We urge you to support our efforts to get AgJOBS added to the border fence legislation and help American farmers get the assistance they need to bring their crops to market.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.
LARRY CRAIG,
U.S. Senator.

[From the New York Times, Sept. 22, 2006]

PICKERS ARE FEW, AND GROWERS BLAME
CONGRESS

(By Julia Preston)

Lakeport, CA—The pear growers here in Lake County waited decades for a crop of shapely fruit like the one that adorned their orchards last month.

"I felt like I went to heaven," said Nick Ivicovich, recalling the perfection of his most abundant crop in 45 years of tending trees.

Now harvest time has passed and tons of pears have ripened to mush on their branches, while the ground of Mr. Ivicovich's orchard reeks with rotting fruit. He and other growers in Lake County, about 90 miles north of San Francisco, could not find enough pickers.

Stepped-up border enforcement kept many illegal Mexican migrant workers out of California this year, farmers and labor contractors said, putting new strains on the state's shrinking seasonal farm labor force.

Labor shortages have also been reported by apple growers in Washington and upstate New York. Growers have gone from frustrated to furious with Congress, which has all but given up on passing legislation this year to create an agricultural guest-worker program.

Last week, 300 growers representing every major agricultural state rallied on the front lawn of the Capitol carrying baskets of fruit to express their ire.

This year's shortages are compounding a flight from the fields by Mexican workers already in the United States. As it has become harder to get into this country, many illegal immigrants have been reluctant to return to Mexico in the off-season. Remaining here year-round, they have gravitated toward more stable jobs.

"When you're having to pay housing costs, it's very difficult to survive and wait for the next agricultural season to come around," said Jack King, head of national affairs for the California Farm Bureau Federation.

California farms employ at least 450,000 people at the peak of the harvest, with farm workers progressing from one crop to the next, stringing together as much as seven months of work. Growers estimate the state fell short this harvest season by 70,000 workers. Joe Bautista, a labor contractor from Stockton who brings crews to Lake County, said about one-third of his regular workers stayed home in Mexico this year, while others were caught by the Border Patrol trying to enter the United States.

With fewer workers, Mr. Bautista fell behind in harvests near Sacramento and arrived weeks late in Lake County. "There was a lot of pressure on the contractors," he said. "But there is only so much we can do. There wasn't enough labor."

For years, economists say, California farmers have been losing their pickers to less

strenuous, more stable and sometimes higher-paying jobs in construction, landscaping and tourism.

"If you want another low-wage job, you can work in a hotel and not die in the heat," said Marc Grossman, the spokesman for the United Farm Workers of America. The union calculates that up to 15 percent of California's farm labor force leaves agriculture each year.

As they sum up this season's losses, estimated to be at least \$10 million for California pear farmers alone, growers in the state mainly blame Republican lawmakers in Washington for stalling immigration legislation that would have addressed the shortage by authorizing a guest-worker program for agriculture. Many growers, a dependably Republican group, said they felt betrayed.

"After a while, you get done being sad and start being really angry," said Toni Scully, a lifelong Republican whose family owns a pear-packing operation in Lake County. "The Republicans have given us a lot of lip service, and our crops are hanging on the trees rotting."

Tons more pears that were harvested were rejected by Mrs. Scully's packing plant because they were picked too late. The rejects were dumped in a farm lot, mounds of pungent fruit swarming with bees, left to be eaten by deer. "The anthem about the fruited plain," Mrs. Scully said sadly, "I don't think this is what they had in mind."

Some economists and advocates for farm workers say the labor shortages would ease if farmers would pay more. Lake County growers said that pickers' pay was not low—up to \$150 a day—and that they had been ready to pay even more to save their crops. "I would have raised my wages," said Steve Winant, a pear grower whose 14-acre orchard is still laden with overripe fruit. "But there weren't any people to pay."

The tightening of the border with Mexico, begun more than a decade ago but reinforced since May with the deployment of 6,000 National Guard troops, has forced California growers to acknowledge that most of their workers are illegal Mexican migrants. The U.F.W. estimates that more than 90 percent of the state's farm workers are illegal.

Most California growers gave up years ago on recruiting workers through the seasonal guest-worker program currently in place. Known as H-2A, the program requires employers to prove they tried to find American workers and to apply well in advance for relatively small contingents of foreign workers for fixed time periods.

"Our experience with the current H-2A program has been a nightmare," said Luawanna Hallstrom, general manager of Harry Singh & Sons, a vine-ripe tomato grower based in Oceanside, near San Diego.

Ms. Hallstrom said her company tried to use the program in the months after the Sept. 11 attacks, when security checks forced it to fire illegal migrant employees who were working in tomato fields on a military base. Her company lost \$2.5 million on that 2001 crop, she said.

Over the years, occasional programs to draw American workers to the harvests have failed. "Americans do not raise their children to be farm workers," Ms. Hallstrom said.

The failure of Congress to approve a new guest-worker program surprised California growers because a proposal that the Senate passed stemmed from a rare agreement between growers' organizations, the U.F.W. and other advocates for farm workers, and legislators ranging from conservative Republicans to liberal Democrats.

Known as AgJobs, the proposal would create a new temporary-resident status for seasonal farm workers and give them the

chance to become permanent residents if they work intensively in agriculture for at least three years. It was included in a bill that passed the Senate in May. The House has passed several bills focused on border security, and has avoided negotiations with the Senate on a broader immigration overhaul. [Three of the House bills were passed Thursday.]

Mr. Ivceovich, a 69-year-old family farmer, is not given to displays of emotion. But he paused for a moment, overwhelmed, as he stood among trees sagging with pears that oozed when he squeezed them. His nighttime sleep, in his cottage among his 122 acres of orchards, is disrupted by the thud of dropping fruit and the cracking of branches.

For decades, Mr. Ivceovich said, migrant pickers would knock on his door asking for work climbing his picking ladders. Then about five years ago they stopped knocking, and he turned to a labor contractor to muster harvest crews. This year, elated, he called the contractor in early August. Pears must be picked green and quickly packed and chilled, or they go soft in shipping.

"Then I called and I called and I called," Mr. Ivceovich said.

The picking crew, which he needed on Aug. 12, arrived two weeks late and 15 workers short. He lost about 1.8 million pounds of pears.

His neighbor, Mr. Winant, standing in his drooping orchard with his hands sunk in his jeans pockets, said he would rather bulldoze the pear trees than start preparing them for a new season.

"It's like a death, like a son died," said Mr. Winant, 45, who cares for the small orchard himself during the winter. "You work all year and then see your work go to ground. I want to pull them out because of the agony. It's just too hard to take."

Mr. CRAIG. Mr. President, clearly what is happening—and the Senator has said it so well—is this a failure of American agriculture or is this a failure of Congress? It is clearly a failure of Congress and the Government.

We have known our borders are porous for a long time, and we are closing them now, and we should close them. There is nothing wrong with doing that. In fact, for national security and to build an orderly process in immigration, it is critical that we do close them or control them. But we also knew that immediately attached to it had to be the creation of a legal guest worker program. That is where Congress is failing. We believe and in the letter we submitted the losses by the end of the harvest season could go anywhere from \$1 billion—and they are well beyond that now—to \$5 billion or \$6 billion at farm gate, meaning as it leaves the farm, which means to the consumer in the supermarkets of America, it will be a much higher price to pay.

I thank the Senator for asking the question.

Mrs. FEINSTEIN. Mr. President, I thank the Senator for his response.

The fact is we have a pilot program that is part of the immigration bill that would provide over a 5-year period 1.5 million undocumented workers the opportunity to become documented, and provided they do agricultural work for a period of time, over time, to earn a green card. In discussing this with some Members they said they would

agree if it were a temporary program. Well, it is a temporary program, because it sunsets in 5 years. I believe, and the Senator from Idaho will correct me if I am wrong, we would be prepared to change that sunset from 5 years to 2 years, or a time that would bring about concurrence from the Members.

But the point is there is a crisis out there. The point is we can solve that crisis now with this legislation. And the point is it is not new legislation. It has been authored, debated, discussed, heard now over a 6-year period. It has been refined. Both Senator CRAIG and I are convinced it will work. It was part of the immigration bill.

So what we are asking this body to do is essentially suspend the rule and allow this program to go into law at this time so the remainder of the harvest season and, more importantly, the planting season for winter vegetables and crops can be handled. If we do not do this, we will go well into next year without the agricultural labor present to sustain an agricultural industry in America in an adequate way, and the costs will be enormous.

I think somebody around here should begin to think of the consumer. I don't want to say to California families they are going to go in and buy heads of lettuce at \$4 a head or more or broccoli at \$5 a head or anything else because of a dramatic shortage, because farmers won't plant, because farmers can't pick, because farmers can't harvest, they can't sort, they can't pack, they can't can. That labor is needed, and year after year it has been documented that Americans will not do this kind of difficult, hot, stooped labor.

So this is an opportunity. It is an opportunity for us to respond to an industry of which we are all proud, and an industry which is in deep trouble at the present time.

Let me go on with a few other examples. I mentioned that California and Arizona farmers say they need 77,000 workers during the December to January to harvest, and they estimate they may be 35,000 workers short. The estimates from my State are that illegal immigrants make up at least one-fourth of the workforce and as high as 90 percent of the farm labor payroll. It is also estimated that for every agricultural job lost, we lose three to four other related jobs. I am told that in the Senator's State, farm workers are down 18 percent, and the potato growers of Idaho want AgJOBS passed to keep the industry growing.

In the State of Washington, in Cowlitz County, one-third of one farmer's blueberry crop rotted in the field because there were no pickers. Apple growers in the central part of the State were scrambling to find someone—anyone—to do the work of thinning the apple crop. Also in Washington, production at Bell Buoy Crab in Chinook, Pacific County is down 50 percent since April.

In Florida, Citrus Mutual notes: "There is very little doubt we will

leave a significant amount of fruit on the tree." Orange production in the State has been predicted to be the lowest since 1992 if the worst projections are realized. Six million boxes of oranges may well go unharvested in Florida this year because of a shortage of fruit pickers.

In Wyoming, they face the imminent closure of the \$8 million Wind River Mushroom farm.

And in Oregon, farm workers should be harvesting 25 tons of fruit per day from the Polk County cherry orchards.

This is some indication. We have a bill, and that bill would provide the opportunity for an undocumented worker who has worked in agriculture for a substantial period of time—there are two different formulas in the bill—to go in to register, to pay a fine, to show their tax returns, to agree to pay taxes in the future, to get a temporary work card called a blue card, which would be biometric so that that worker is identified; it would eliminate fraud, and it would enable that worker, if they continue to work in agriculture for a period of years, to then gain a green card. It is a sound program. It will give farmers certainty. They will know there is an agricultural workforce, and it will involve people already in this country who are skilled, who are professional at farm work.

I don't know what it takes to show that there is an emergency. I think next year we would be ready, willing, and able to do this, but we will have lost another agricultural season, we will have lost a spring season, a summer season. I hope that someone will listen, that the leadership of this body will allow us, and I will call up—well, I can't do it now, but at an appropriate time I will call up the amendment that is at the desk.

I thank the Chair.

Mr. DEMINT. Mr. President, I ask to speak for 7 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. DEMINT. I thank the Chair.

(The remarks of Mr. DEMINT related to the introduction of S. 3995 are printed in today's RECORD under "Statements On Introduced Bills and Joint Resolutions.")

PROTECTING THE PUBLIC HEALTH

Mr. ENZI. Mr. President, I am rising in support of the motion of my colleague from North Carolina to pass the bioterrorism and BARDA legislation. It is vital we pass this bill before we adjourn because our Nation's bio-preparedness should be strengthened now and not put off until some distant time in the future. I urge all Members to support this motion and the bipartisan bill.

As chairman of the Committee on Health, Education, Labor and Pensions, I know this issue has been a priority of both Democrats and Republicans on the committee. Senator BARR