

security of our courts and our judges. An effort is being made to provide authorization for additional court security in the Department of Defense authorization bill. The brutal murder of a father and mother of a Federal judge in Chicago showed us the urgent need for better security.

The Transportation-Treasury appropriations bill, as passed by the House and Senate committees, included sizable increases for that court security. We are not talking about an authorization; we are talking about cold, hard cash that will go out to better protect our judges. But you know what. That money can't go out until our appropriations bill is signed into law, and that can't happen if the Senate Republican leadership slows this appropriations process to a crawl.

Finally, I want to talk about the critical need for improved safety on our highways. One month ago, our Nation received a wake-up call from the National Highway Traffic Safety Administration.

For many years, our country was making steady progress in reducing the overall fatality rate. But last month, the fatality rate on our highways started to move back up. Deaths from motor vehicle crashes jumped up 1.4 percent over the level in 2004. We had 43,443 deaths on America's highways in 2005. That is the highest number since 1990.

We also have begun to see a number of road fatalities involving large trucks head back up. We made progress between 1998 and 2002, but since that time, the number of large truck fatalities is moving in the wrong direction.

More and more people are dying on our highways, and Congress is working to respond. There are increased levels of funding, consistent with the SAFETEA-LU authorization law—both for highway safety and motor carrier safety in both the House and Senate appropriations bills. But those additional resources that save lives on our highways have to wait. Why? Because the Senate Republican leadership didn't want to debate this Transportation appropriations bill before this election.

These decisions by the Senate Republican leadership to stall the appropriations process can and are having very real consequences.

I want to state today my deep disappointment that the Senate Republican leadership has done such an abysmal job in fulfilling its most basic responsibility to fund our Government.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. I ask for 1 additional minute.

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

Mrs. MURRAY. Mr. President, it doesn't have to be this way. Rather than spending the month of July and September debating bills for political reasons, we could have been debating these appropriations bills that are

critically needed for the Nation's safety and security. We could have been fighting for the people we represent. We could have been meeting their basic needs, protecting their livelihoods, and ensuring their safety. But our leadership said no, and now our families are paying a price.

I think the Senate deserves better, but more importantly, the people we represent deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the period for the transaction of morning business be extended until 3:30 p.m. today, with time equally divided in the usual form, and the order of speakers remain in place.

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

AGJOBS

Mr. CRAIG. Mr. President, I will be brief because I have already spoken on the issue with Senator FEINSTEIN of California earlier before the noon hour. I did want to come back and conclude my concerns.

My original cosponsor, Senator KENNEDY, is in the Chamber. He and I worked collectively on the issue of a guest worker program for this country that would create a legality, a transparency, and a reasonableness to the management of it in a reformed H-2A worker program that he and I worked on and shaped and which became known as AgJOBS, along with how we dealt with the issue of those in the country today who are illegal and who remain a critical part of the American workforce, and especially with agriculture, an industry that has become increasingly dependent upon migrant workers, guest workers and, in this instance, tragically enough, illegal workers. Let me cite a couple of examples because I, like Senator FEINSTEIN and others, Senator BOXER; the State of California, the State of Idaho, the State of Oregon, the State of Washington; in fact, the State of the Nation where agriculture exists today—the Presiding Officer, Senator MARTINEZ, has just gone through a situation in the State of Florida where literally millions and millions of dollars' worth of oranges have rotted simply because they couldn't find the hands to pick them to put them through the process of packing and distribution.

America's agriculture is dependent on hand labor. When we think of agriculture in the Midwest, we think of large machines doing all the work. It is simply not true. In the fruits and vegetables and nuts areas and many of the varieties of fruits we find abundant upon the supermarket shelves of America, we are dependent on hand labor,

and that hand labor over the last many decades has become predominantly foreign labor and, tragically enough, it has become illegal foreign labor. But because of a failure of government—and it is important I say this: It is not American agriculture's fault. It is a failure of government to appropriately and necessarily police our borders and devise and cause to work a reasonable, flexible, transparent guest worker program that brings us to the crisis American agriculture is beginning to experience as we speak.

The Senator from California spoke earlier of the literally billions of dollars' worth of crops that are going to be left in the fields of the greater San Joaquin Valley of California this year because there is no one to pick them.

I am always frustrated when it happens in my State that some of my citizens say: LARRY, we have all these people on welfare. Get them out and get them to work. Well, we reformed the welfare program dramatically, and literally millions of people who were once on welfare are working. We are at full employment in our country today. That means those who can and will are working. In my State of Idaho, we are almost beyond full employment. Finally, finally, after fairly heavy criticism for what I was doing to lead an area of immigration reform that was critical to my State, and much of that criticism came from my State, now Idaho agriculture is beginning to step up and say: My goodness, where are these workers we have grown to depend on?

We believe we are 18 to 20 percent underemployed in the State of Idaho. That means our packing sheds this fall and some of our produce, our fruits, and our vegetables have not and will not get harvested. Our potato industry is beginning to feel the impact of fewer people there to help them, and as a result their timely harvest and their timely packing simply will not occur.

So whether it is Idaho or California or Florida or anywhere else in the Nation, American agriculture exists. Whether it is with the nursery industry or the landscaping industry, they too are now experiencing the great difficulty of this country doing what it should have done a long time ago; that is, control its borders.

The shortages today are a result of our southern border beginning to close. We have made a commitment to the American people that we will secure that border. Part of the debate which will occur this afternoon when we get back on the fence bill will be that kind of debate: how we can further secure our borders. But if you only secure your borders and you do not create a legal and transparent program by which foreign nationals can enter our country to enter our workforce legally, then we will create an economic schism in this country that is, without question, real. It is showing up in agriculture today because agriculture has historically been a threshold economy

for a foreign worker. They come here, they work in agriculture for a couple years, they move out, and they move on to the service industry, the construction industry, the homebuilding industry.

In part, with our borders now tightening and the nearly \$2 billion a year we are spending on that security and that increasing security, they have moved out of agriculture and there is no one to move in. Also, the displacement occurred after Katrina when many of that level of worker left the fields of agriculture and went south into Mississippi and Louisiana to help with the cleanup down there. In fact, many Mississippians and Louisianans will tell you that if it hadn't been for migrant workers and, in this instance, illegal workers, we wouldn't be as far along with the cleanup and the beginning of the rehabilitation of what has gone on in the tragic area affected by Katrina.

Mr. President, when we proceed to the fence bill, I am going to attempt to bring up AgJOBS. I am going to ask unanimous consent that the Senate allow us to do that. I don't know that it will happen. It probably won't. But I think it is important for America and agriculture to see we are trying. Because one of the quotes I handed in earlier when I asked unanimous consent for some material to go into the RECORD, along with the letter Senator FEINSTEIN and I sent out to our colleagues, was, I thought, a necessary and appropriate headline from an article that talks about the impact of what is going on across agricultural America. It says: "Pickers are Few, and Growers Blame Congress." And the growers ought to blame Congress. They ought to blame a government that has been dysfunctional in the area of immigration for decades.

That is why I began to work on this issue back in 1999 when American agriculture came to me and said: Senator, we have a problem, and we know it is a problem. We don't like it. We want to be legal. We want our workers to be legal, and we want to treat them justly. But the workers, by their effort to get here, are being treated unjustly. We know they are not legal, and yet we are nearly wholly dependent upon them.

I had hopes that we could keep the cart and the horse connected appropriately. There is now a very real disconnect occurring—a disconnect between the security of the border, which is critical and necessary, and a legal process by which those workers can move through that secured border to the farms and fields of American agriculture. I don't know what it is going to end up like at the end of the harvest season across America, but my guess is—and it is now being predicted—we could lose \$4 billion or \$5 billion or \$6 billion at the farm gate, and of course there is the multiplier then beyond the farm gate to the processing, to the distribution, and to the supermarket. We

all know what happens when it gets to the supermarket and there is less of it: the American consumer is going to pay double the price for that produce that simply was left in the fields to rot.

Now, that is what is going on now. When we get back in November, we will have accurate figures—this Congress isn't going to deal with it—and we will know whether it was \$3 billion or \$4 billion or \$5 billion or \$6 billion, and shame on us, because the Senator from California is right. We could deal with it today. The bill has been well heard. The bill has been appropriately vetted. It has been around a long time. It has been accepted by 60 Members of this body. But we are now politically bound up until after the American people speak in the election, and then we will find out how much further we can move on this issue.

So we will know in November about the harvest of September and October. What about the winter months? What about the farmer who is now going to go out into the field in January to plant for a February or March fresh vegetable crop across Florida, parts of the South, certainly Arizona, the Imperial Valley of California, where last year we left over \$1 billion of fresh green vegetables in the field? I will tell my colleagues what the farmers are telling me, and it is a tragedy if it happens, but it probably is going to happen. Senator, they say, if we can't plant that fresh vegetable crop that requires hand labor, we will plant winter grain. We will simply go to the fields and plant a crop of phenomenally less value to the American agricultural market, in the intensive sense, because we know it isn't going to require hand labor. One farmer told me: If I can't have the labor come to me, I will go where the labor is. So he is moving his operations out of California. He is headed to Brazil. He is headed to Argentina. There goes that economy, there go those jobs, because this Congress could not understand and function in an appropriate fashion.

So be it. That is the tragedy of it. I had hoped we could think differently. We need a legal workforce. We need a reformed H-2A program. We need a guest worker program. We worked out those differences amongst ourselves. Some have agreed, some have not agreed, but we have attempted to resolve the problem.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. Mr. President, in closing, I am going to give the Senate one more opportunity to say no because it is important that the RECORD show where we are because history and this month will dictate where we need to go in November.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

BIOTERRORISM

Mr. KENNEDY. Mr. President, a short while ago on the floor of the U.S.

Senate, my friends and colleagues on the Health, Education, Labor and Pensions Committee, our chairman, Senator ENZI, and Senator BURR brought to the Senate's attention what we call the bioterrorism BARDA legislation, S. 3678. I am a strong supporter of that legislation. I believe that legislation provides a rather unique process by which outstanding opportunities for breakthroughs in vaccines and other medical technologies can be developed and furthered. This can be enormously valuable and helpful against any bioterrorist threats, pandemic flu, or other kinds of diseases or pandemics we might face in the future.

There are several of our colleagues who want to have an opportunity to improve and strengthen that legislation. Obviously, they are entitled to do so. But I want to underscore the strong work that has been done to date by our chairman, Senator ENZI and also by Senator BURR in developing this legislation. The BARDA concept is very close to what was done a number of years ago with DARPA, the Department of Defense's advanced research program, which has demonstrated enormous success in finding new technologies that are used by the military. It is a very commendable concept and offers us great hope down the line.

This legislation also recognizes that we are going to develop capacity to contain whatever danger there may be in local communities by strengthening support for hospitals, containment, and the public health infrastructure. Prevention, detection, containment, and support for the health facilities, are all interrelated—they are enormously important.

So I hope that as soon as we return in the lame duck session, this will be a first order of business. I have talked with our leader about this issue. I look forward to, in the course of these next few weeks, talking to some of our colleagues who have offered amendments to see how we might be able to proceed, even in this limited amount of time, to ensure that we have effective legislation.

SECURE FENCE ACT

Mr. KENNEDY. Mr. President, on a second matter, the issue which is currently before the Senate—I know we are in a period of morning business, but the underlying issue is the Secure Fence Act of 2006.

I listened to my friend and colleague from Idaho speak very eloquently about the AgJOBS bill. I enjoyed the opportunity to work with him in helping to fashion that legislation. We worked very closely together and were able to convince our colleagues on the Democratic and Republican side of the value of this legislation.

It demonstrates very clearly a problem we are facing with the underlying bill, which is called the Secure Fence Act of 2006. Rather than focusing on comprehensive legislation to deal with