

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