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. Ivicevich, 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. Ivicevich 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. Ivicevich 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 May 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 BURR