

average cost per flying hour, total number of organic aircraft tails, available pallet capacity. And average age of the fleet. Taking these factors together, I personally conclude 201/111 is the sweet spot.

It is clear from his letter that General Schwartz and the members of TRANSCOM had given serious thought to the question of how many C-17s we should have.

More recently, in the fiscal year 2008 Defense Authorization Act, we required that the Department conduct a Study on Size and Mix of Airlift Force. That study was conducted by the Institute for Defense Analyses, IDA, and was completed in February, 2009. Among the questions that the study answered were the following:

What are the cost and other implications for stopping production of the C-17 line and then restarting it later, if needed?

Our assessment of the C-17 line shutdown and restart is that continued production, even at low rates, is expensive relative to restart costs. Moreover, under the scenarios and other assumptions considered in this study, additional C-17s were not needed to meet the MCS (Mobility Capability Study) moderate-acceptable-risk delivery rates used as a benchmark by the analyses conducted here. We also found that retiring C-5As to release funds to buy and operate more C-17s is not cost-effective.

Mr. President, the time has come to stop C-17 production at 213 C-17 aircraft. That is all we need to buy, that is all we can afford to buy, and that is all we should buy.

The money that would be freed up by the McCain amendment would be transferred to the operation and maintenance, O&M, accounts. The bill cut roughly \$2.4 billion from the budget request. I fear that this overall reduction could force the Department to make serious reductions in O&M activities, if not, in fact, forcing the Department to ask for another supplemental funding request. We should do all we can to avoid that possibility.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of H.R. 3326, the Departments of Defense Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$636.3 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$401.7 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$646 billion.

The Senate-reported bill is \$1 million below its section 302(b) allocation for budget authority and is \$28 million below its allocation for outlays.

The bill includes \$128.2 billion in budget authority designated as being for overseas deployments and other activities. Pursuant to section 401(c)(4) for the 2010 Budget Resolution, adjustments to the Appropriations Committee's section 302(a) allocation and to the 2010 discretionary spending limits were made for that amount and for the outlays flowing therefrom.

No budget points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 3326, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

(Spending comparisons—Senate-Reported Bill (in millions of dollars))

	Total
Senate-Reported Bill:	
Budget Authority	636,270
Outlays	646,043
Senate 302(b) Allocation:	
Budget Authority	636,271
Outlays	646,071
House-Passed Bill:	
Budget Authority	636,293
Outlays	647,932
President's Request:	
Budget Authority	640,137
Outlays	650,641
SENATE-REPORTED BILL COMPARED TO:	
Senate 302(b) allocation:	
Budget Authority	-1
Outlays	-28
House-Passed Bill:	
Budget Authority	-23
Outlays	-1,889
President's Request:	
Budget Authority	-3,867
Outlays	-4,598

NOTE: The table does not include 2010 outlays stemming from emergency budget authority (BA) provided in the 2009 Supplemental Appropriations Act (P.L. 111-32) but does include outlays from regular BA designated as being for overseas deployments and other activities. The 2010 BA total includes \$5 million in non-defense BA resulting from that Act. The remaining BA is classified as defense.

EXECUTIVE SESSION

NOMINATION OF JEFFREY L. VIKEN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider the following nomination, which the clerk will report.

The assistant bill clerk read the nomination of Jeffrey L. Viken, of South Dakota, to be United States District Judge for the District of South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, as you know, one of the duties granted to the Senate in the Constitution is the advice and consent of judges appointed by the President to the bench. The lifetime appointment of a judge is a very serious decision, one that has a lasting impact on our democracy.

Today the Senate takes up the nomination of Jeff Viken to be Federal district judge for South Dakota. It is this nomination that I wish to speak of today.

So far this Congress, under the new President, has confirmed two judges. One of those judges is Supreme Court Justice Sonia Sotomayor and the other is a Second Circuit judge. I am proud to have a South Dakotan as the third judge to be confirmed by the Senate. However, we are 9 months into this new administration, and we have only confirmed two judges.

I must say I think the process of nominating and confirming judges has become increasingly overpoliticized. While I believe a President should have some latitude in selecting judges, they should not be ideologues.

Jeff attended law school at my alma mater, the University of South Dakota, where our attendance overlapped. I received my law degree in 1975, and Jeff received his law degree in 1977. Jeff has served as an assistant U.S. attorney and acting U.S. attorney for South Dakota before going into private practice. His extraordinary reputation of skill and integrity during his years of public and private law practice will translate well and benefit this court. The same can be said of his tenure as the Federal Public Defender for North and South Dakota, a job he has held since 2003.

Regarding his nomination, Jeff received a "well qualified" rating from the American Bar Association. It is clear he has an accomplished résumé and many years of public service. It is a great honor that President Obama has placed on Jeff. We are very fortunate to have a great member of the South Dakota legal community nominated to this post. Jeff has many years of public service, and we look forward to his future work for the people of South Dakota. Most importantly, his nomination to the bench is a victory for justice and the rule of law, not only for South Dakota but for our Nation.

I have known Jeff for a long time. I find him to be a nominee of good moral character and standing in the community. It is with great satisfaction that I will cast my vote today for the confirmation of Jeff Viken to be the next U.S. Federal district judge for South Dakota. I urge my colleagues to support this very qualified nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator JOHNSON for his comments and value his opinion on this nomination. I look forward to seeing this nominee confirmed.

The confirmation process we have in this country is a very important matter. Our Democratic colleagues are, understandably, inclined to be supportive of whomever the President puts up. It has been a recognized responsibility for the minority party, the party that is not of the President's party, to ask questions and dig into the backgrounds of these nominees and move the good ones and raise the proper questions if there are problems.

Mr. Jeffrey L. Viken has an impressive background. Early in his career, he was an Assistant and Acting U.S. attorney. He is a member of the trial lawyers plaintiff bar association in South Dakota. He has been in private practice for 22 years, and for the last 6 years he has been a Federal Public Defender where he defends criminal cases. So he has been a prosecutor and a public defender. I guess that is a pretty good match, and I am happy we were

able to work out this agreement with the majority and process this nomination very quickly. Actually, he was voted out after his first appearance before the Committee and is already on the floor.

But I would note for some people who say there has been a dragging of feet on the nominations that the President did not send this nomination forward, his first district court nominee to the Senate, until June 25, a few months ago, when the Senate and the Judiciary Committee were consumed with the Supreme Court nomination of now-Justice Sotomayor. Understandably, Chairman LEAHY could not and did not report his nomination until after that confirmation process was over, until after Labor Day. We were then able to come to a time agreement and also to vote on the nomination of Judge Gerard Lynch, who is a highly able nominee but an activist judge with a philosophy too close, by my way of thinking, to Justice Brennan on the Supreme Court for whom he clerked. So I think it is healthy for us to ask questions. I voted for Judge Lynch for the Second Circuit, and he was confirmed by a very large vote.

We will continue to work with the majority party and the President and move the nominees at an appropriate pace.

I wanted to note a little bit more about the pace of nominations. You know, it is not possible for the Senate to confirm a nomination until the President has nominated someone. I have heard my colleague, the Chairman, Senator LEAHY, say that we haven't had enough confirmations, but I would note that there is an 11-percent vacancy rate in the Federal courts. That is not an extraordinarily high vacancy rate. It takes some time to do background checks and for the President to consider the people he might want to nominate and to consult with Members of the Senate as he does so. I would note that at this moment there are 74 Federal District Court vacancies—Judge Viken is nominated for one—but there are only 9 nominees before the Senate. There are 28 circuit and district court seats that are deemed to be judicial emergencies, but only 6 nominees have been submitted to the Senate for those judicial emergency seats. We can't confirm people until they are nominated. We can't do a background check on nominees until they have been nominated. We can't have the information and their records and their FBI backgrounds and the bar association evaluations take place until they have been nominated.

I would just make my commitment that we will continue to move nominees like Mr. Viken in a timely fashion. I reviewed his record. I have also carefully reviewed his responses to questions from the Senate Judiciary Committee. One of his answers, I have to note, was troubling to me. He stated that he believes he fits President Obama's standard for the types of

judges he will nominate to the Federal courts; that is, he meets the President's "empathy standard."

President Obama described that standard as follows:

We need somebody who's got the heart, the empathy, to recognize what it's like to be a teenage mom, the empathy to understand what it's like to be poor, or African-American, or gay, or disabled, or old. And that's the criteria by which I am going to be selecting my judges.

In 2005, when then-Senator Obama was in the Senate and he explained on the floor his vote against Chief Justice John Roberts, who I think is one of the finest nominees we have seen in decades and whose testimony before the Judiciary Committee was stunning in its impressiveness and his grasp of the legal issues, his comprehensive knowledge of how the Court worked, and cases—there was not a case brought up that he didn't seem to fully know about. Virtually every case the Supreme Court had ever written he seemed to be knowledgeable about. It was just a tour de force. Senator Obama voted against Judge Roberts and stated that 5 percent of cases are determined by "one's deepest values and core concerns . . . and the depth and breadth of one's empathy." We can only take this to mean that the President believes that in 5 percent of all cases, judges should not set aside their personal beliefs, biases, or experiences. I think this is a radical and a dangerous departure from the most important pillar, the fundamental pillar of the judicial system—judicial impartiality.

Whatever the empathy standard is, it is not law, and we have courts of law in this country. Whenever a judge employs his personal beliefs, biases, or experiences to make a decision that favors one party, is it not true that he necessarily has, therefore, disfavored the other party as a result of his personal beliefs and biases? For every litigant who benefits from the judge's so-called empathy, there is a litigant who loses not on the basis of law but because the judge did not identify with them.

When people are nominated to our Federal bench, we ask them to take a judicial oath before they take office. The oath embodies the time-honored American tradition of blind justice. The oath says this:

I . . . do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me . . . under the Constitution and laws of the United States, so help me God.

I am pleased to say the Supreme Court has not yet struck down "so help me God" in the oath, and hopefully they never will. I think the President's standard for judicial nominees plainly conflicts with that oath.

We have had a big discussion about that, and it is not a little bitty matter. It is not a small matter. Judges take the oath to be impartial. I practiced

law in Federal court for many years, and I have always believed and expected that a judge who heard my case would rule on the law fairly and objectively. If I lost and did not have sufficient law or evidence and logic to support my position, I did not expect to prevail. That is the kind of concept that underlies American justice.

Aside from nominee David Hamilton, almost every one of President Obama's nominees, including Justice Sotomayor, has rejected outright the empathy standard. So at first blush, I found Mr. Viken's answer that he believes he fits that standard to be concerning. However, his answers to questions we submitted to him for the record provide maybe a more complete view. This is what he said in his answer in writing:

A judge's consideration of a case must always be governed by impartiality, evenhandedness, attention to the facts presented by the parties, and respect for established law. Empathy is a personal characteristic which may assist a judge in analyzing the human circumstances which bring people before the court. But the law and not the personal experiences of jurists is the path to justice in considering each case.

I think that is OK. I am not sure how you can have any empathy—empathy is a personal characteristic, maybe? I would hate to disagree with the President who nominated me, but that is a pretty good statement overall.

He also stated he believes that, "The role of a Federal district judge encompasses diligent legal scholarship"—that is true—"a strong work ethic"—true—"impartial and dispassionate consideration of proven facts and reasoned legal arguments, fidelity to binding and persuasive precedent, and respect for all who appear before the court."

I think that is good statement. I think if he will conduct himself on the bench according to those standards he will do well. And I believe he will.

I am glad to see he is an honors graduate, but he didn't go to some of these schools, Senator JOHNSON, he went to school in South Dakota; he has practiced law before judges over the years, a lot of practice; and in the course of that, you learn that judges really do—the good judges—consistently try to reach the right dispassionate result.

I think he may have made some statements about empathy that are not perfect, but my judgment is that he has been in the courtroom and he has been before good judges. I am hopeful he is going to be a very good judge.

We will see. I think the issues become even more problematic when someone is nominated for the Supreme Court or for a circuit court because those higher courts seem to be the ones who feel less compunction in allowing their personal views to influence cases. Because this nominee is nominated to a seat on the district court and is confined not only by the U.S. Supreme Court but also by his circuit, the circuit precedent, and because he stated he believes the role of a judge entails the impartial and dispassionate consideration of proven facts and reasoned

legal arguments, fidelity to binding and persuasive precedent, I would certainly give him the benefit of doubt and vote in favor of his nomination. I am hopeful he will follow through on those statements and will interpret the law as written, refraining from imposing personal views in his decision and will basically follow the oath to uphold the Constitution, first and foremost. Even if he didn't like it, he should uphold it.

In closing, I would like to quote from an essay by the former chairman of the Judiciary Committee, Senator HATCH, which was published on Constitution Day. He said this:

The Constitution—its words and their meaning—was established by the people, can only be changed by the people, and is sacredly obligatory upon all government, including judges. That is why in the debate on judicial selection is really a debate over judicial power. It is a debate over whether the Constitution controls judges or judges control the Constitution; over what the Constitution really is, with nothing less than liberty itself at stake.

I think that is an eloquent statement of the role of a judge, and why at its most base level, policy in a democracy must be set by the elected branches who are accountable to the people.

Judges are supposed to be neutral arbiters of the law, deciding a case based on the law and facts, without allowing their personal, political, or ideological views or biases to enter into the decision-making process. That is why they put on a robe, to suggest their impartiality. That is why they take the oath I quoted from. And that is the key ingredient of our legal system, the greatest legal system the world has ever known.

I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG.) Who yields time? If no one yields time, time will be divided equally.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Viken nomination is the pending question.

Mr. LEAHY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The chairman has 17½ minutes remaining, and 5½ remains with the vice chairman.

Mr. LEAHY. Mr. President, we are considering the nomination of Jeffrey Viken for a lifetime appointment to the U.S. District Court for the District of South Dakota.

President Obama nominated Mr. Viken with the bipartisan support of both Senators from South Dakota, Senator JOHNSON and Senator THUNE. Mr. JOHNSON, the distinguished senior Senator from South Dakota spoke just a moment ago about his strong support for this nominee.

Even though we are almost at the last day of September, this is only the first Senate confirmation for a Federal district court judge, and the first to fill 1 of 74 current Federal trial court vacancies.

There are more than 90 current vacancies throughout the Federal judiciary, and we are soon going to be at near record levels. I accommodated the Ranking Member and other Republicans on the Judiciary Committee by postponing a hearing on Mr. Viken's nomination while we considered the recent Supreme Court nomination, or his nomination would have come to the full Senate earlier. But I am pleased that the committee unanimously reported the nomination at the beginning of this month by a voice vote. I think that the vote tonight, I can virtually guarantee you, will be an overwhelmingly positive vote. I hope it is a sign that we might finally, finally start making some progress on judicial nominations, and do it expeditiously.

The Senate has to do a better job of restoring our tradition of regularly considering qualified, noncontroversial nominees to fill vacancies on the Federal bench without needless and harmful delays.

As I look around this Chamber, I believe I have been here longer than anybody else who is presently on the floor. I saw my distinguished colleague Senator INOUE step off the floor, who has served here longer than I have. But I have been here 35 years. I have been here with both Republican and Democratic Presidents. I have never seen a situation where there is this kind of slow walking of nominations. We have got to go back to the way we have traditionally done it for the good of the country.

I was briefly chairman of the Judiciary Committee during President Bush's first term. And even though we had the unfortunate experience of 61 of President Clinton's nominations being pocket filibustered by a then-Republican majority, when I came in during that less than a year and a half, we confirmed 100 of President Bush's judicial nominees. I think it is an all-time record in speed in getting nominees through. That was by a Democratic majority with a Republican President.

I do want to thank the Committee's ranking member, Senator SESSIONS. I see Senator SESSIONS on the floor. I do want to thank him. I had, as I said, agreed to hold back this nominee, the Viken nomination, because of the nomination for Sotomayor, to give time to prepare. But I do want to thank him. After we confirmed Judge Sotomayor to be a Justice on the U.S. Supreme Court, we moved quickly Mr. Viken's nomination through the committee at our business meeting on September 10 without an unnecessary holdover period. Unfortunately, now that it has been on the Senate Executive Calendar, it still has taken 2½ weeks to schedule Senate approval of a noncontroversial nominee who is probably going to be unanimously confirmed, and should be.

Mr. Viken has a wide range of experience. He has been both prosecutor and defender. He is currently the Federal Defender for the combined districts of North Dakota and South Dakota. It is

not just the population, but for those of us who come from New England, the area covered in these districts is enormous.

He served as an Assistant U.S. Attorney and as Acting U.S. Attorney for South Dakota. He spent more than two decades in private practice. His nomination received a rating of "well qualified," from the American Bar Association's Standing Committee on the Federal Judiciary. I urge Senators to give him a strong bipartisan vote, and then do a better job of filling the rising number of judicial vacancies to ensure that justice is not delayed or denied to any American because of overburdened courts.

I hope instead of withholding consent and threatening filibusters of President Obama's judicial nominees, the other side would work together to treat his nominees fairly, as I did with President Bush's nominees. I point out, by this time in President Bush's first term, we had already confirmed six of his nominations to the Federal circuit and district courts. Now, nine months into President Obama's first term, we have confirmed only one of his lower court nominees, despite the fact that President Obama made his first nomination two months earlier than President Bush did.

We can do better. It is not just that the Senate can do better, the American people deserve better.

After months of delay on September 17, the Senate finally confirmed Judge Gerard Lynch to serve on the Second Circuit. I know that circuit well. It covers the States of Vermont, New York, and Connecticut. Despite the fact that Judge Lynch's nomination was noncontroversial, despite the fact that it was reported out of the committee unanimously with the strong support of both Republican and Democratic members, it still took more than three months after his nomination was reported by the committee for the Senate to confirm it. Delayed. Delayed. Delayed. You would think there might be some controversy. But when we finally voted, the vote was 94 to 3. It was being held up for months because three Members out of 100 Senators wanted to hold it up? That is not being responsible. That is not showing the deference to the judiciary that we should show.

Thirteen nominations reported by the Judiciary Committee remain pending on the Senate's Executive Calendar, seven of them from back before the last recess. Five of these nominations are for appointments to be Assistant Attorneys General at the Department of Justice. Five out of a total of 11 divisions at the Department remain without Senate-confirmed Presidential nominees—the Office of Legal Counsel, the Civil Rights Division, the Tax Division, the Office of Legal Policy, and the Environment and Natural Resources Division.

Just think of that: nominees to head five out of a total of 11 divisions at the

Justice Department are being held by Republicans even though the President has made the nominations and even though they have passed out of the Senate Judiciary Committee. If any Senator does not like a nominee, vote against them. But let's have a vote up or down.

President Obama made his first judicial nomination back in March. I remember it was snowing like mad. He nominated David Hamilton to the Seventh Circuit. That nomination has been on the Executive Calendar since early June, even though it has the support of the senior most Republican in the Senate and one of the most distinguished Senators of either party who has ever served, Senator LUGAR.

The nomination of Judge Andre Davis to the Fourth Circuit was reported by the committee on June 4 by a vote of 16 to 3. We cannot get it considered by the Senate. The nomination of Judge Beverly Baldwin Martin to the Eleventh Circuit was reported unanimously from the committee by voice vote on September 10 and is strongly supported by the two Republican Senators from her State, but still we cannot get it scheduled or considered.

Federal judicial vacancies will soon number 120 unless we start moving forward. I mention that just because we should have a history before us.

At least the one bright spot is moving Mr. Viken's nomination. At a quarter past 5, it is Mr. Viken. By a quarter past 6, it will be Judge Viken. I congratulate him and his family. I remember him coming before our committee—a wonderful person, a wonderful family. I can see why the two Senators—the senior Senator, a Democratic Senator; the junior Senator, a Republican Senator—support him. He should be a judge. But then let's start moving these nominations a little more expeditiously.

Mr. President, what is the time remaining?

The PRESIDING OFFICER. The Senator has 6 minutes 45 seconds remaining, and the minority has 5 1/2 minutes remaining.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be run equally.

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

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jeffrey L. Viken, of South Dakota, to be U.S. district judge for the District of South Dakota?

The clerk will call the roll.

The assistant bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 299 Ex.]

YEAS—99

Akaka	Enzi	McConnell
Alexander	Feingold	Menendez
Barrasso	Feinstein	Merkley
Baucus	Franken	Mikulski
Bayh	Gillibrand	Murkowski
Begich	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Rockefeller
Burr	Isakson	Sanders
Burriss	Johanns	Schumer
Cantwell	Johnson	Sessions
Cardin	Kaufman	Shaheen
Carper	Kerry	Shelby
Casey	Kirk	Snowe
Chambliss	Klobuchar	Specter
Coburn	Kohl	Stabenow
Cochran	Kyl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	LeMieux	Udall (NM)
Cornyn	Leahy	Vitter
Crapo	Levin	Voinovich
DeMint	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	McCain	Wicker
Ensign	McCaskill	Wyden

NOT VOTING—1

Byrd

The nomination was confirmed.

The PRESIDING OFFICER. A motion to reconsider is considered made and laid upon the table. The President shall be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from North Dakota is recognized.

MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

The Senator from Iowa is recognized.

AMERICA'S FOOD CRISIS

Mr. GRASSLEY. Mr. President, I rise today to respond to Bryan Walsh's re-

cent article, published August 31, 2009, in Time Magazine, entitled "The Real Cost of Cheap Food."

I ask people to read the article and, as you read it, take into consideration my view of it, which is not very positive. Unfortunately, I see this article as one of the most skewed and one-sided articles I have ever had the opportunity to read, particularly in the mainstream media.

This report was far from objective journalism. It seems to me that when people are talking about America's food crisis and how to fix it, it ought to be very intellectually accurate.

Before outlining the numerous factual errors the author presents in his article, I will mention that I support organic and sustainable agriculture. In fact, Norman Borlaug, father of the green revolution, from Iowa, is credited with creating a sustainable agricultural system decades ago. And as you may know, the Nobel Peace Prize winner of 1970, Norman Borlaug—the person I just referred to—recently passed away at the age of 95.

This article refers to the Niman Ranch. What Niman Ranch and other organic farmers across Iowa and our Nation are doing is to be commended. These producers are providing additional choices to consumers and creating highly profitable small farms which can help sustain rural communities. In fact, the National Agriculture Statistics Service reports that in 2007, 566 organic farms were located in my State of Iowa.

That being said, I am disappointed that an information source, such as I referred to by Time magazine, by the author, Mr. Walsh—previously Time magazine was known as a news magazine—has resorted to an inaccurate, incomplete, and unfair reflection of family farmers—I emphasize the word "family" in connection with farmers—from across the United States. So I will take a few minutes on the Senate floor to refute a few main points this author has made.

First, I wish to discuss how our Nation's farmers are stewards of our land, protecting and caring for their livestock and our environment.

Second, I wish to address population growth and the growing demands to produce safe and affordable food.

Finally, I will address how both organic agriculture and conventional agriculture serve complementary needs and can coexist in harmony.

As everybody in this body knows, I have been a family farmer all my life. Of course, I have to give credit to my son Robin for doing most of the work on the farm and a grandson in that farming operation. One thing you find out as a grandfather, when you have a grandson in a farming operation, is that grandfathers are not quite as important as they used to be.

My son Robin and I crop share our land, and we have taken great pride over the years in both caring for our livestock and conserving our natural