

The question is, Is it the sense of the Senate that debate on the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. KIRK), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 60, nays 31, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—60

Akaka	Gillibrand	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Inouye	Nelson (FL)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Brown (MA)	Kyl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Collins	Lugar	Udall (CO)
Conrad	McCain	Udall (NM)
Coons	McCaskey	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—31

Ayotte	Grassley	Paul
Barrasso	Heller	Portman
Blunt	Hoeven	Risch
Boozman	Hutchison	Roberts
Coats	Inhofe	Rubio
Cochran	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Lee	Thune
Crapo	Manchin	Wicker
DeMint	McConnell	
Graham	Moran	

NOT VOTING—9

Burr	Enzi	Kirk
Chambliss	Hatch	Toomey
Coburn	Isakson	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

VOTE EXPLANATION

• Mr. TOOMEY. Mr. President, I want to submit for the record my views on roll call vote No. 118, the nomination of Andrew Hurwitz to the U.S. Court of Appeals for the Ninth Circuit. I am deeply concerned with Mr. Hurwitz's role in advancing a constitutionally flawed doctrine that would become the framework for *Roe v. Wade*. His actions constitute a brand of judicial activism unfit for the Court. I do not believe Mr.

Hurwitz holds the requisite traits necessary to be an objective arbiter of the law. Had I been present, I would have voted "nay." •

The PRESIDING OFFICER. The Senator from Colorado.

125TH ANNIVERSARY OF UNITED WAY

Mr. UDALL of Colorado. Mr. President, I rise tonight to recognize the 125th anniversary of United Way and honor their extraordinary achievements since their founding 125 years ago in Denver, CO.

In 1887, a Denver woman along with local religious leaders recognized the need for community-based action in order to address Denver's growing problem with poverty. In Denver, this group—this initial group—established the first of what would become a worldwide network of organizations called United Way. Their goal was simple: create a community-based organization that would raise funds in order to provide economic relief and counseling services to neighbors in need. During their first campaign in 1888, this remarkable organization raised today's equivalent of \$650,000.

Now, 125 years after its founding, United Way has become a celebrated worldwide organization committed to improving communities from the bottom up through cooperative action and community support in 41 countries across the globe. United Way forges public-private partnerships with local businesses, labor organizations, and 120 national and global corporations through the Global Corporate Leadership Program that brings an impressive \$1 billion to local communities each year. United Way effectively leverages private donations in order to finance innovative programs and initiatives that profoundly affect communities throughout Colorado, the United States and, dare I say, the world.

The success and strength of these partnerships between United Way and America's workers cannot be overstated. Nearly two-thirds of the funds for United Way come from voluntary worker payroll contributions, and the Labor Letters of Endorsement Program championed by the AFL-CIO encourages affiliates and their members to give their time and resources to United Way campaigns.

Just one powerful illustration of this partnership is the National Association of Letter Carriers' National Food Drive, which is a cooperative effort of the U.S. Postal Service, the AFL-CIO, and United Way, which has become the world's largest 1-day food drive.

United Way has strengthened bonds and built a foundation of collaboration and partnership in our communities. Its founders could never have imagined the ultimate breadth and reach of this group, growing from a local support organization in little Denver, CO, back in 1887 to a globally recognized force for good.

United Way is an indispensable part of Colorado's social fabric, and I am proud to recognize and honor this historic anniversary.

There are 14 local United Way organizations leaving an indelible mark throughout Colorado. I want to take a moment to recognize each of them for their tremendous role as cornerstones of their communities: Foothills United Way, Boulder; Pikes Peak United Way, Colorado Springs; Moffat County United Way, Craig; Mile High United Way, Inc., Denver; United Way of Southwest Colorado, Durango; United Way of Eagle River Valley, Eagle; United Way of Morgan County, Inc., Fort Morgan; United Way of Mesa County, Grand Junction; United Way of Weld County, Greeley; United Way of Larimer County, Inc., Fort Collins and Loveland; Pueblo County United Way, Inc., Pueblo; United Way of Garfield County, Rifle; Routt County United Way, Steamboat Springs; and Logan County United Way, Sterling.

To all of the employees and partners of United Way, I join my Senate colleagues in recognizing and applauding your legacy and inspirational service. This 125th anniversary is a milestone deserving of celebration, and I commend your tireless pursuit to advance the common good.

BIPARTISAN FARM BILL

Mr. President, I also rise to speak to the important bipartisan legislation we are considering which is commonly known as the farm bill.

This legislation is critical not just to our farmers and ranchers and rural communities but to every segment of our population and our economy. We have heard from others highlighting that this bill supports more than 16 million jobs across our country.

In fact, the Colorado Department of Agriculture estimates that in my home State alone the agricultural-related industry generates approximately \$20 billion in economic activity supporting more than 100,000 jobs. This is a principal reason why I urge the Senate to consider and pass a 2012 farm bill.

This bill will unquestionably strengthen our economy and help to grow jobs that support the livelihood of Coloradans and Americans in both rural and urban communities. That is what our constituents in Pennsylvania, Ohio, and Arkansas are demanding we do—work together across the aisle to pass bills that will help put people back to work.

I want to take a second or two to thank the members of the Senate Agriculture Committee, especially Chairwoman STABENOW and Ranking Member ROBERTS, for their efforts to bring a bipartisan bill to the Senate floor.

As with most of our work in the Senate—and when we are at our best—compromise is key, and it rules the day. I am pleased we are now discussing a bill that will provide certainty to our farmers and ranchers over the next 5 years.

Let me tell you some of the other things the bill will do. It will improve opportunities for farmers and ranchers to enter the agricultural sector, it will

streamline and maintain valuable programs that support voluntary conservation practices on the farm, and it will responsibly extend important nutrition programs, all the while reducing our deficit by more than \$23 billion. Yes, you heard that correctly—while reducing our Federal budget deficit by over \$23 billion.

There are many important aspects to each title in the bill, but I want to take a few minutes to speak specifically about the forestry title, particularly given the news of the large wildfires in my State and in New Mexico and other portions of the West. The forestry portion of the farm bill has been of particular interest to me and my constituents because of its bearing on my State's economy and on the public safety of so many Coloradans.

Good stewardship of our forests not only provides private sector opportunities to enhance stewardship of our public lands, it also protects wilderness and roadless areas, all the while sustaining a strong tourism industry. Indeed, activities such as hiking, skiing, shooting, and angling contribute over \$10 billion a year to Colorado's economy, supporting 100,000 Colorado jobs.

The Senate Agriculture Committee did a commendable job in building a responsible approach to addressing forest health. I have a few additional concerns that I hope we can address during the amendment process. But I want to emphasize the importance of this title in particular because of the need to address a growing emergency in our western forests caused by the largest bark beetle outbreak in recorded history.

From the west coast, through the Rocky Mountains, all the way to the Black Hills of the Dakotas, this infestation has killed more than 41 million acres of trees, and it is anticipated to continue to kill millions more in the years to come as it spreads. In my State alone—and it breaks my heart to share this with you—the bark beetle is expected to kill every single lodgepole pine. When that takes effect, when every tree is killed, then 100,000 trees a day are going to fall. I know that number seems impossible to imagine. But 100,000 trees would be falling down daily once the epidemic ends by killing all of these trees.

These falling trees have real and often devastating impacts on the lives of everyday westerners.

I have put up a picture for the viewers to show what it looks like when entire stands of infested trees are blown over because of heavy winds and other conditions.

Massive forest mortality across the West, such as what is shown in this picture, has a wide range of repercussions that affect municipal and agricultural water supplies and tourism economies. It also increases wildfire risk and, of course, it would affect human health and safety.

The Forest Service—our U.S. Forest Service—has sought to prioritize treating affected forests—like this one

shown in this picture—where there is a direct and immediate risk to human health and safety, and this legislation will help them to further accomplish needed treatment in our forests.

In Colorado and southern Wyoming, the treatment prioritization includes 215,000 acres of wildland-urban interface that poses the greatest fire risk to urban areas. Treatment prioritization will include thousands of miles of roads and trails, hundreds of miles of power lines, and hundreds of popular recreation sites and multiple skiing areas that are critical to our tourism economy.

This second picture gives us an idea of the real risk of wildfire to critical infrastructure, such as power lines. In addition, water supplies, without which the West would not know civilization as we see it today, are at risk because of the damage wildfires can cause to the watershed and because falling, dead trees can obstruct water infrastructure such as ditches, gates, pipelines, and storage facilities.

Another tool that is permanently reauthorized in the farm bill title which enhances how we manage our forests and would hopefully prevent this kind of a catastrophic fire is called stewardship contracting. Stewardship contract authority is a tool used by the Forest Service and the Bureau of Land Management to contract with local businesses to fell and treat dangerous stands of ailing trees and in so doing improve the health of our forests. These contracts help sustain rural communities, restore and maintain healthy forest ecosystems, and they provide a continuous source of local income and employment. The authority allows for multiple-year contracts, ensuring job stability and a consistent supply of wood products to mills not only across Colorado but, frankly, across our country.

Stewardship contracts have helped clean up more than 545,625 acres nationally through approximately 900 contracts, with more than 80 awarded in Colorado alone. This is a track record of which we can be proud. These stewardship contracts also provide for critical restoration needs in the areas at risk of catastrophic wildfire. Moreover, any receipts retained by forest management activities are available without further appropriations and can be reinvested locally to complete other service work needed.

On the list of successes as well is that the contracts have helped to make productive use of more than 1.8 million green tons of biomass for energy. Stewardship contracting has helped to treat more than 200,000 hazardous acres to reduce the risk of catastrophic fire within the wildland-urban interface areas, where wildfire poses the greatest risk. That is where forests bump up against local communities.

In a time when wildfire can easily become a multimillion-dollar challenge for every level of government and as the bark beetle epidemic continues to

present a significant threat to our communities and their livelihood, it is necessary that we pass a farm bill with a robust forestry title.

Just this weekend another wildfire broke out near Fort Collins, CO. This is currently an uncontained wildfire, which is now more than 22 square miles, and it is in an area where stands of lodgepole pines have become damaged by beetle infestation and therefore increasingly susceptible to wildfire.

At home, we are all closely watching the High Park fire, the images of the flames and the overwhelming smoke and ash clouds. We all share a great concern for the 2,600 families who have been displaced and the devastation this fire could bring to northern Colorado communities. My thoughts go to all the firefighters, in the air and on the ground, and we wish and pray that they will be safe and effective. The fire is currently zero percent contained, which is a reflection of the extreme weather and dry ground conditions. The High Park fire is an unfortunate example of why we need a strong forestry title in the farm bill and why treatment of the affected areas is a must-do priority.

We manage our forests so they are healthy and we reduce fire risk and we protect water supplies and bolster our economy. As we watch the bark beetle epidemic become the largest threat to forest health, now is the time to ensure that we can equip the Forest Service, conservationists, private landowners, and industry with the tools they need to cooperatively address the health of America's forests.

This is a real opportunity for us. This farm bill is a work of bipartisan compromise. We need to do more of that here in the Halls of Congress. Let's get this done because provisions in this bill's forestry title will streamline Forest Service administrative processes and enhance the agency's ability to partner with the private sector so that they can conduct more efficient and effective treatments for insect and disease infestations.

Let's get to work. Let's discuss the merits of the farm bill. Let's work to include a robust forestry title that addresses the critical needs in America's forests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I rise today to speak to the Agriculture Reform, Food, and Jobs Act or the farm bill.

The chair, ranking member, and all of the members of the Senate Agriculture Committee have worked very hard in a bipartisan manner on this legislation and we have certainly come a very long way. But we still have far to go, and I think that with the leadership of the chairwoman and other members of this body that recognize the need for a safety net that meets the needs of all crops and regions that

we will eventually get there—and I thank the chair for her strong leadership. The fact that we are discussing this bill on the floor of the Senate right now is a testament to it.

This Nation has a diverse fabric of agriculture with a variety of risks, and writing a farm bill that serves as a safety net for all crops and regions is no easy task. Yet, this is a responsibility we must embrace to ensure that the United States continues to have the safest, most reliable, and most affordable supply of food and fiber in the world.

Our Nation is at a crossroads and we are in desperate need of fiscal discipline. I am pleased that this farm bill includes important reforms, reduces spending by more than is required of this committee, and eliminates duplicative or obsolete government programs to ensure that we are getting the most out of every dollar we invest in agriculture.

The Forestry title contains important improvements that will benefit Arkansas's forestry industry. The improvements to the USDA Bio-based Markets program in the managers' package will allow forest products to be included in the program. The current USDA Bio-based markets program favors foreign products over our American forest products, which puts American workers at a disadvantage. So I am happy with the progress on this issue, and I appreciate the effort to promote and purchase our renewable, home-grown products.

Crop insurance also contains some improvements, and the provisions for irrigated and non-irrigated enterprise units, supplemental coverage options, and yield plugs will help many producers who may have otherwise been left unprotected by the elimination of direct payments and the counter-cyclical program.

At the same time, this is not a perfect bill and I have serious concerns about the Commodity title and the impact it will have on southern producers and the planting decisions they make. I also have concerns about some missed opportunities in terms of eliminating waste and abuse in the Nutrition title.

The Commodity title, as it is currently written, will have a devastating impact on southern agriculture which relies heavily on irrigation and, therefore, benefits less from crop insurance. Furthermore, the new revenue plan is designed to augment crop insurance, so this new program leaves gaping holes in the Southern Safety Net. Even with a reference price, this revenue plan may not be strong enough for our farmers to get operating loans. For example, most estimates find that rice would lose more than 70 percent of its baseline, far more than their fair share. However, this is not about just one crop. Every farmer in America knows the real threat of multi-year price declines, and we need a Commodity title that treats all crops and regions fairly.

I am very concerned that this proposal is couched in the assumption

that we will continue to have these high commodity prices. A revenue plan is attractive when prices are high, but I am not sure there is anything in this plan that protects producers from a multi-year price decline and an untested, one-size-fits-all program, with no producer choice could leave many producers vulnerable.

Throughout this process, I have said that anything that goes too far in any direction can violate the core principles of this effort. I am afraid that this Commodity title does that in its current form.

It is my opinion that we could have done more to eliminate waste and abuse in the Nutrition title and ensure that we are getting the most out of these investments and that they are, in fact, going to the neediest among us. We should fully close the LIHEAP loophole, which artificially inflates benefits for SNAP recipients, and there are other things we can do to save money without reducing benefits and reinvest in other critical nutrition areas and deficit reduction. When we tell Americans that we cannot find more than \$4 billion in savings from programs that account for nearly 80 percent of all agriculture spending, I can not think that they would believe we are trying hard enough.

But just because there is not full agreement, does not mean that our farmers stop needing a safety net. I am committed to continuing the fight for a safety net that works not just for Arkansans—but for all farmers, of all crops, in all regions of the country. With a responsible producer choice, I believe we can build the consensus necessary to usher a farm bill through the entire legislative process and see it signed into law this year.

We can do this while preserving the safety net, making reforms, and achieving deficit reduction. I am confident that we can craft a bill that we are all proud of, and I look forward to continuing to work with the chair, ranking member, and all the members of Congress and seeing this through.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business.

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

AUTO MANUFACTURING

Mr. BROWN of Ohio. Mr. President, people in my home State of Ohio know how to make things. We know how to make big things. For decades, Ohio has been a national leader in auto production, in chemicals, in steel, in concrete, in aluminum, and in the aerospace industry and food processing. Now we are a leader in solar power, in wind turbine components and batteries and all the kinds of things that really create middle-class jobs and help us lead the world in manufacturing production. Ohio is the third leading manufacturing State in the country. We make more in Ohio than any State but

California, three times our population, and Texas, twice our population.

What Ohio perhaps is best known for in production is the auto industry. The auto rescue did not just save the U.S. auto industry 3, 3½, 4 years ago, it saved thousands of auto-related jobs in Ohio. Estimates are that some 850,000 jobs in Ohio—a State of 11 million people, only smaller than the Presiding Officer's home State of Pennsylvania—that 800-plus thousand jobs in Ohio are related to the auto industry. It is clear from the auto rescue that the President, the Senate, and the House supported that it saved tens of thousands and created tens of thousands of those jobs.

New data shows manufacturing is at the forefront of the economic recovery, with factories adding 250,000 jobs since early 2010—the first sustained increase in manufacturing employment since 1997.

From 1965 until the late 1990s, America had about the same number of manufacturing jobs in the late nineties as it did in the midsixties—a smaller percent of the workforce, a smaller percent of GDP, but a pretty constant number of manufacturing jobs, with some ups and downs, obviously, during that period. But from 2000 to 2010, during that philosophy of trade agreements that ultimately cost us jobs, tax cuts and tax policy that contributed to outsourcing jobs, and an economic policy of “trickle down” during the Bush years—from 2000 to 2010, America lost one-third, more than 5 million manufacturing jobs. One out of three manufacturing jobs disappeared during those 10 years from 2000 to 2010.

Thousands of factories closed, never to be reopened, as jobs were outsourced, as jobs left our country. But since 2010, almost every single month in Ohio and across the country we see manufacturing jobs increasing. The auto industry has led the rebound, with more than 20,000 jobs at General Motors and Chrysler saved or created thanks to the 2009 auto rescue, and thousands more were saved or created in the auto supply chain.

Too many Ohioans are struggling. Many are still looking for work, while others have seen their wages cut or their hours reduced.

There are also important signs of recovery at our manufacturers, auto suppliers, and small businesses. Just 4 years ago the auto industry, many people thought, was faltering and imploding. But look where we are today. As a result of the auto rescue, we are seeing a healthy turnaround. The Toledo Supplier Park employs 1900 people. The GM assembly and stamping plant in Lordstown employs some 4,500 Ohioans. GM Powertrain in Defiance is home to some 1,200 workers. Following the auto rescue, these facilities all created new jobs due to increased demand.

Some Members of Congress were willing to bail out Wall Street without so much as asking for reasonable executive compensation restrictions on