

know everybody in the community, not because of the kind of operation they had but because of the kind of person they were, the kind of relationships you built, and then, of course, the opportunities to do business in those communities.

There are ebbs and flows, good times and bad times, times of prosperity and times of difficult predicaments in rural America, in agriculture. In the 1980s, I grew up watching one of the hardest times agriculture faced—watching a number of banks face foreclosures, a number of farmers face foreclosures. I watched as people I knew my whole life sold their farms, gave up farming, and closed their businesses.

It wasn't that long ago—in fact, just a few years ago—that we saw some of the highest priced commodities this country had ever seen for a very long time. The golden years of agriculture occurred just a couple of years ago because of all-time high prices. That is not the situation we are facing today.

Once you have worked in the agriculture industry, I think you develop a very deep understanding and appreciation for the men and women who have our farmers' backs through the good times and the bad times, like the Colorado Farm Bureau. The Farm Bureau plays a vital role in the wellbeing of all aspects of agriculture. It gives rural communities a prominent voice when the government is debating policies that impact their farms, their finances, and their families.

The Colorado Farm Bureau began in 1919, when a group of farmers, ranchers, veterinarians, rural doctors, shopkeepers, and tradesmen in 10 local counties met to form what was termed a "Farm Bureau." Their goal was to make the business of farming more profitable and the community a better place to live. The organization struggled through the years and almost died out in the 1930s.

In the late 1930s and early 1940s, a group of people across Colorado organized to breathe new life into that Farm Bureau in Colorado. Ezra Alishouse, C.J. Phillips, Arthur Andersen, and others sold memberships to rebuild the organization.

As a group of farmers naturally would, the Farm Bureau persisted and grew. They grew the Farm Bureau to become the largest farm organization in the State of Colorado and expanded the support they provided to ag communities throughout the State.

In the 1940s, farmers and ranchers were having a difficult time insuring their operations. So the Colorado Farm Bureau created a farm insurance casualty company. They began offering farm insurance in 1948. Later in the 1950s, they began offering life insurance for those in the agriculture community.

Today, the Colorado Farm Bureau represents 23,000 member families, 45 local county Farm Bureaus, and is one of the largest farmer-led organizations in the State of Colorado. The Colorado

Farm Bureau has a simple mission: to promote and protect the future of agriculture and rural values.

They show people the agriculture industry up close, why it is important to all of us, and the success of our rural communities.

The Farm Bureau offers leadership training for young professionals, scholarships, college programs, health and safety trainings, helpful resources to farmers, and support when it is needed the most. Through the Colorado Farm Bureau Foundation, the Farm Bureau has raised hundreds of thousands of dollars to support victims of natural disasters in Colorado, whether that is a drought or whether that is severe blizzards.

They represent, improve, and promote all aspects of agriculture in Colorado and have helped to develop the industry into the economic powerhouse it is and one of the strongest drivers of Colorado's economy.

Every year I have been honored to join the Colorado Farm Bureau and have the Colorado Farm Bureau join me on our annual farm tour. That is a tradition I first started when I came to the House of Representatives. Every fall we would go to the Eastern Plains of Colorado and the Western Slope of Colorado and talk to everyone from peach growers in Palisade to corn growers in Kiowa and beyond, and we had opportunities to learn how we can help every nook and cranny of the State when it comes to agriculture.

This year, we have traveled to 15 different counties across Colorado, visiting family farms, ranches, and agricultural businesses. We held roundtables with locally elected officials. We went to a wind farm and talked about the impact that renewable energy is having in positive aspects for our farmers and ranchers.

This farm tour wouldn't be possible without the Farm Bureau and the others who helped put it together and make sure we see these important issues that we are facing. In the past, we have turned to them for their expertise in policy, their insights, experience, and their partnerships as we champion efforts that will help and benefit rural Colorado. They have been a great partner in providing agricultural producers with the resources and certainty they need to protect private property rights, to protect our waterways, to ensure that farmers are treated fairly in the Tax Code, and, recently, in helping to relocate the headquarters of the Bureau of Land Management to Grand Junction.

The Farm Bureau is a regular presence in Washington. I think all of us know that. Colorado Farm Bureau members have played an important role in developing policy. They are not afraid to get their hands dirty and of the hard work it takes to get good legislation passed.

The Colorado Farm Bureau takes on difficult issues and has a real impact on people's lives. Their dedicated work

and their willingness to take on difficult issues has also earned them national recognition. In 2005, the Colorado Farm Bureau was recognized by the Department of the Interior in Washington for their work at the Colorado Department of Natural Resources to protect the mountain plover.

This created a win-win partnership that the government and the private sector could work in together to preemptively protect the species without listing it on the Endangered Species Act.

The Colorado Farm Bureau was instrumental in opening up 300,000 acres of land for data collection and research on the mountain plover's nesting and population status. Through that effort, they were able to avoid listing, develop better management practices, and help to grow the mountain plover population.

I look forward to continuing to hear from Colorado Farm Bureau members and farmers and ranchers across our State, as this Chamber—this body—debates new trade opportunities, new agricultural policies, and anything that could impact farmers back home.

Their contributions will be especially valuable as we continue to open up new markets for Colorado producers, invest in rural communities, and manage our public lands.

Last month, the Senate passed a resolution I introduced with my colleague, Senator BENNET, celebrating this historic 100th anniversary, recognizing all of the Colorado Farm Bureau's past, present, and future efforts to promote and advocate farm and ranch interests.

I ask my colleagues in the Senate to join me today in celebrating the Colorado Farm Bureaus's rich history and contributions to the ag industry, not just in Colorado but across the United States. Congratulations to the Colorado Farm Bureau for your 100 years of being a strong voice for farmers, ranchers, and our rural communities in the "Centennial State" and for all your work to protect the Colorado way of life. I look forward to continuing our work together with the Farm Bureau in seeing what we can accomplish for the next 100 years of agriculture in Colorado.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

NOMINATION OF LAWRENCE VANDYKE

Mr. TESTER. Mr. President, it is no secret that the Senate doesn't do much around here, except for confirming judges. But looking at the records of the folks we are confirming to the Federal bench, it is clear we have forgotten even how to do that.

The Founding Fathers were incredibly visionary. When they set up the Federal judiciary, they hoped to insulate it from political influence. How? By giving them lifetime appointments, with the advice and consent of the Senate. In doing so, they gave the Senators the most solemn of responsibilities we have in this body: evaluating

judicial nominees on their independence, their fairness, their temperament, and their judgment.

Unfortunately, these days, the Republican majority seems to have thrown qualifications out the window. Instead, they give out lifetime appointments to the court like candy. This doesn't prevent partisanship from influencing our judicial system; it ensures partisanship. The latest example is Lawrence VanDyke's nomination to the Ninth Circuit Court of Appeals, which has jurisdiction over Montana.

Mr. VanDyke is a familiar face to Montanans because he grew up and attended school in the great State of Montana. He also served as Montana's solicitor general before resigning to run an unsuccessful race for the State supreme court.

Montanans can separate the wheat from the chaff pretty well, and after examining his record and judgment, they found Mr. VanDyke unqualified to serve on the State's highest court. Montanans rejected him overwhelmingly at the ballot box, but now the majority leader wants to give him a lifetime seat on the bench.

Once you start to dig into Mr. VanDyke's extreme record, it is not hard to see why folks in my State were concerned about his ability to be fair and independent. This is a man who believes a government should insert itself between a woman and her doctor when she is trying to make private healthcare decisions. This is a man who, as Montana's solicitor general, worked to oppose same-sex marriage and questioned the ability of same-sex partners to properly raise children. This is a man who supports opening our public lands to mining and drilling.

By the way, our public lands contribute more than \$7 billion to our economy. Nonetheless, open it up, drill it, and mine it. And this is a man who ridiculed Montana's deep belief that corporations are not people. He argued in favor of unchecked money flowing into our elections. He believed that corporations were people and, in fact, his race for supreme court in Montana received over \$600,000 in outside spending—\$170,000 from the Koch brothers alone.

My guess is that some of my friends on the other side of the aisle view Mr. VanDyke's extreme positions as an asset, not an issue. They may point to the fact that he claimed he would be objective during his confirmation hearing.

The fact is, we cannot trust Mr. VanDyke to put aside his past positions and give everyone who comes before his court a fair shake, to be fair and impartial.

Mr. VanDyke has never been a judge, and he was rated as "not qualified" by the nonpartisan, nonpolitical American Bar Association.

By the way, this isn't the first nominee who has come up who has been rated as "not qualified." I asked a lawyer friend of mine what that means,

and he said, basically, if you can't achieve a "qualified" rating by the American Bar Association, you are a train wreck. That is what Mr. VanDyke is.

His nomination is opposed by over 200 conservation, education, civil rights, and other organizations. He is also opposed by six former Montana Supreme Court justices, folks that Montanans did elect to sit on the highest court in our State. They wrote of Mr. VanDyke:

It is doubtful that he understands that judicial decisions must be based solely on the facts of the case and on the law. . . . We strongly believe that Mr. VanDyke has demonstrated that he has neither the qualifications nor the temperament to serve as a federal court of appeals judge.

His coworkers from his time as Montana's solicitor general seem to agree. A former assistant attorney general who worked with VanDyke wrote privately to his colleagues:

Ever since he has arrived, Mr. VanDyke has been arrogant and disrespectful to others, both in and outside of this office. He avoids work. He does not have the skills to perform, nor desire to learn how to perform, the work of a lawyer. Now that he has resigned—

That was when he resigned to run for the supreme court—

and refuses to work on cases assigned to him, while remaining on the payroll for the next several months.

In fact, even Mr. VanDyke doesn't consider himself qualified to perform the basic duties of a lawyer. He once explained in an email that he has no experience in discovery, experts, stipulations, or in meeting and conferring with opposing counsel.

I am no lawyer, but those sound like the tasks that someone up for a lifetime judicial appointment should know how to do.

Let me put it this way. If I were looking for a contractor to do work on my farm and the contractor had these kinds of qualifications, I would not hire him for 1 minute, much less give him a job for a lifetime.

I spend more time in Washington, DC, than I would like, which is how I know there is no shortage of lawyers around here and around the country. There is absolutely no reason that we can't find someone better suited to this position than Lawrence VanDyke.

I know it is too much to hope that the Senate will act with as much common sense as the folks in Montana do, but I do expect us to have the decency to respect the will of Montana voters and reject Mr. VanDyke for a seat on the Ninth Circuit Court of Appeals.

I urge my colleagues to take a look at the record, to take a look at what he has done, to know it will not be a fair and impartial court if he is put on it, and I urge my colleagues to oppose his nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

OVER-THE-COUNTER MONOGRAPH SAFETY,
INNOVATION, AND REFORM ACT

Mrs. MURRAY. Mr. President, last week, when I joined my colleagues to recognize Senator ISAKSON, I mentioned that when Johnny says he is going to get something done, you know it will get done. The bill we are getting ready to pass today in a few hours, the Over-the-Counter Monograph Safety, Innovation, and Reform Act, which he has worked on with Senator CASEY, proves it once again.

Every day, people head to their local pharmacy or retail store for over-the-counter medications to deal with a cough or a sore throat or a stomach ache. Every day, parents across the country turn to the medicine cabinet after someone comes home with a scrape or a bug bite or poison ivy. Every day, there are countless other health concerns people look to treat quickly, safely, and effectively with over-the-counter drugs. That is why this legislation is so important.

The pace of scientific discovery seems to speed up every day, but the over-the-counter monograph system—the system for how these drugs are regulated and brought to market—has not kept pace. The current system has not changed, actually, since 1972, and it sorely needs to. Right now, even after the science has made clear that small changes to the monograph, or recipe, for an over-the-counter drug might make it safer or more effective, it can take years for those changes to be approved under the current outdated process. Even small changes to a drug label, including changes regarding important new safety information, can be held up for years.

The Over-the-Counter Monograph Safety, Innovation, and Reform Act takes long-needed steps to address this problem and streamline the way over-the-counter drugs are regulated and brought to market. These changes will allow the Food and Drug Administration to do more to protect public health and make sure over-the-counter drugs, ingredients, and labels reflect the latest science. It will also encourage the development of new products to better meet the needs of patients. The legislation allows the FDA to collect user fees for reviewing over-the-counter drugs to make sure it has the resources it needs to do this important job.

Many families rely on over-the-counter drugs each day for a lot of different reasons. It is very important that these medications and the labels we turn to for information about them are safe, that they are effective, and