

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 President, I ask unanimous consent that the order for the quorum call be rescinded.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