

This innovation is now found in every Marine's individual first aid kit, as well as products used by U.S. Armed Forces and law enforcement agencies.

Other innovations include a system that protects tactical wheeled vehicles against rocket-propelled grenade and a crane that better transfers containers between ships.

In December 2011, Mr. Lawrence retired after 45 year of service, which began at the U.S. Naval Research lab while he was in college. He has played an important role in the protection of our country and the well-being of our troops.

Dedicated civil servants such as Mr. Lawrence are the lifeblood of the federal government. I admire their patriotism which drives them in their daily work. Too often, their service to the success of the United States does not receive the proper recognition it deserves.

This has been recently exemplified in the systemic problems associated with processing necessary paperwork prior to the disbursement of retirement benefits to all federal employees. Earlier this month, the Senate Homeland Security and Government Affairs Committee investigated problems within the Office of Personnel Management surrounding the processing of retirement and survivor benefits. Too many of our recently retired federal employees—the current estimate is more than 62,000 people—are waiting for more than year to receive earned retirement benefits.

We are not holding up our end of the bargain with people who commit to public service to their country. To make matters worse, this is not the first time the Congress and OPM recognized the current processing system is broken. I am committed to helping resolve the issue with the current OPM system. But, frankly, the current OPM system, which doesn't have very good technology—when they have invested in technology resources, they have actually come up with goose eggs—is now currently processing these retirement requests with old-fashioned paper and pencil. It makes no sense.

As a matter of fact, there are a number of agencies—the Department of State and others—as they send over the retirement information on an employee to OPM, over 50 percent of the information they send over in terms of the case is not complete. So not only is this a problem at OPM, but this is a problem in terms of OPM being able to enforce the other 88 Federal agencies actually doing their job.

I believe we need to tackle and fix this problem to ensure that retired Federal employees, such as Mr. Lawrence, who have faithfully served this great Nation, are able to enter retirement and receive that for which they worked so hard.

I hope my colleagues will join me in honoring Mr. Lawrence for the excellent work he has done, and I hope they will join me in making sure that when

Federal employees retire, they get their retirement benefits in a timely and efficient manner.

I yield the floor and thank my colleagues for their courtesy.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to enter into a colloquy with the Senator from Kansas for as much time as we may consume.

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

CHILD LABOR IN AGRICULTURE

Mr. THUNE. Mr. President, this week the Gallup poll came out with a survey that said 85 percent of small businesses in this country are not hiring. They just are not hiring. When asked why, 50 percent of those small businesses responded that it was the health care law and complying with Federal regulations that were preventing them from hiring. Well, there probably isn't any better example of the overreach, overkill, and excess when it comes to regulations than the Department of Labor regulation on child labor in agriculture. It was put out and public comments were invited on the proposal last September.

Since that time, numerous Senators and outside interest groups have requested a 60-day extension due to the timing of the harvest season, but the Department of Labor only extended that comment period for 30 days. Then 30 Senators—led by the Senator from Kansas who authored the letter—sent a letter that many of us signed onto, basically asking the Secretary of Labor, Hilda Solis, to withdraw those proposed regulations that limit the ability of farmers and ranchers to hire young people to work in agriculture. In February of this year, the Department of Labor announced plans to repropose a portion of the regulation on child labor in agriculture interpreting the “parental exception.” But what is interesting about it is there have been multiple efforts made to try to get a response to the letter, and the Department of Labor didn't respond to a letter from 30 Senators.

It strikes me that with all of the issues that were raised in that letter and the impact this would have on the very heartland of our country and the ability of farmers and ranchers and their families to sustain themselves and to contribute to feeding the world, it seems they would at least have the courtesy of responding to the points that were raised in that letter. But we have not yet received a response to that letter sent by the Senator from Kansas, Senator MORAN, and 29 other Senators who signed onto that requesting a response to the various issues that were raised. We will get into those in a minute. It strikes me as certainly odd, and perhaps I would have to say demonstrating an arrogance, a power to not respond to 30 Senators who, on behalf of their constituents, raised

some issues that are very important to the economy of the heartland of the Midwest and the people I represent, and I know the Senator from Kansas represents.

When you look at what they are proposing and the prescriptive nature of that, the detail they go into in restricting the ability of young people to work on family farm and ranch operations, you have to say: What were these people thinking and what world do they live in? Because there seems to be a parallel universe to think that all of these various regulations and restrictions they would impose on young people working in agriculture wouldn't undermine the very fabric, the very nature, the very foundation of American agriculture.

Farming and ranching is inherently a family enterprise. Young people have contributed for generations in helping that family farm or ranch operation survive and prosper. They contribute. They grow up in that business, and in many cases they take it over. It is amazing to me, and incomprehensible, to think that bureaucrats in Washington, DC, could tell family farmers and ranchers how to run their operations with the kind of detail and the incredible prescription of these regulations and the very activities they would curtail for young people.

I wanted to engage my colleague from Kansas on this subject. As I said, he was the author of the letter that was sent, along with many of us—30 Senators in all—asking the Department of Labor to withdraw, in raising a number of points about various aspects of these regulations. And, as I said, we will touch on those in a minute.

I would ask my colleague from Kansas if he thinks that 85 pages of regulations, which is what this proposal is—do we need 85 pages of regulations that tell family farm and ranch operations and young people who work on those family farm and ranch operations how to go about their business? Is it necessary? Do we have to get this bureaucratic and impose these kinds of regulations, these kinds of costs and these kinds of burdens upon American agriculture at a time when—as I mentioned before—there are so many other costs associated with doing business in this country imposed by the government? The ObamaCare, the health care law, and as I mentioned earlier, the Gallup poll was mentioned by half of the small businesses who said it is one of the reasons why they are not hiring. All of these other regulations, many of which come from the EPA, but certainly the Department of Labor in this particular case is guilty of making it more difficult and more expensive to do business in this country and certainly inhibiting the very nature and, from an operation standpoint, the very way that a family farm or ranch operation conducts itself.

I ask my colleague from Kansas his thoughts on this and whether he thinks

it is necessary to have 85 pages of regulations having to regulate how family farm and ranch operations do their business.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I share the genuine concern expressed by the Senator from South Dakota. Farmers have so many things to concern themselves with in the ability to earn a living. The weather is not always their friend. Is this the right crop to grow? What are market conditions going to be? How do we predict? How do we have risk management? And always concerned about what the Federal Government, through its regulatory agencies and departments, is going to do, to create one more impediment toward the success of farms and ranches across our Nation, to always be worried about the issues related to the Environmental Protection Agency. And now comes the Department of Labor with a proposed set of rules that will fundamentally alter the nature of farming and ranching.

The Senator from South Dakota said it well when he said that inherently agriculture, farming and ranching, is a family operation, and that is certainly the way it is across the State of Kansas and across the rural portions of America today. I have always been an advocate for the success of farmers and ranchers during my time as a Member of the House of Representatives and now in the Senate. Certainly part of that is the economic viability of that is agriculture determines the ability for communities across my State to survive and to prosper and to bring another generation of young people back to rural communities, back to the rural part of America. But there is also something very special about agriculture. It is the way that historically in our Nation, in the history of our country, we have been able to transmit our character, our values, our integrity from one generation to the next. It is one of the few professions left in which sons and daughters work side by side with moms and dads, with grandparents, and have that opportunity on an ongoing daily basis to work, to learn something about what is important in life, about personal responsibility, and that you cannot plan your day based upon your own preferences; there are cattle to be fed; there are crops to be harvested; that there is something more important in life than just what you want to do.

Again, this is the way we live our lives. In the process of living this kind of life, we pass on things that are so important to the character of the individual, and over the history of our Nation, the character of who we are as Americans has been molded by the fact that agriculture, farmers and ranchers, have played such an important component in the way Americans have lived their lives.

The Department of Labor announced a few days ago that they are going to

repropose a portion of the rule and that they are hoping Americans, farmers and ranchers, Members of Congress look the other way, that they are doing something significant to change the onerous nature of the rules that are proposed. While they have agreed to repropose a portion of the rule related to the definition of family farms, there remain are two significant components important to the way we live our lives—that we pass on to the next generation those inherent characteristics that we desire so much and that we will lose the opportunity to entice a young person to decide agriculture is their means of earning a living as they grow older.

You have to have experience as a child to learn what opportunities are available for you. Students who become teachers have been enthused about becoming a teacher because of an experience in a classroom. Well, it works the same way on a farm in Kansas or South Dakota or in Arkansas. It is the experience that child has, that young person has in working with their families, with neighboring farmers that causes them to think: When I grow up, I want to work on this family farm. I want to earn my living in agriculture.

While a portion of the rule is being reproposed, don't take your eye off the consequences of the remainder of the rule, even if we get a good definition of a family farm in the reproposed rule. What remains is replacing the things that have a time-honored tradition and success in rural communities, in agriculture, in educating our kids—FFA, 4 H, county extension; those things are being replaced and the Department of Labor is going to become the decider of whether a young person has the capabilities to work on a family farm.

The Department says that those things, FFA, 4 H, and county extension, are too local and that we have to have a nationally driven policy from the Department of Labor to decide how we educate and train and make certain we have safety for young people working on farms.

The other part of the proposed rule that remains, that is not involved in any new modification and is working its way through the process—and we expect the Department of Labor to announce in a few months their final rule—is the definition of farming practices that even if the Department of Labor determines that this young person has the right safety credentials to work on the farm, these things are still prohibited—things such as working 6 feet off the ground. Six feet off the ground is where you are when you are on a tractor or when you are on a combine. So what the Department of Labor is doing is taking away a whole segment of the things that are important to young people on the farm. You cannot work with a wheelbarrow and a shovel to clean out a stall, you cannot herd cattle.

In fact, the proposed regulation says you cannot do anything in animal hus-

bandry that inflicts pain upon the animal. Those are things that are pretty important, such as branding and breeding and dehorning and vaccinating. Certainly young people across Kansas and South Dakota have the opportunity to do those things today and take them away, and it diminishes the opportunities that are important to them in earning a living and saving money for their future, but also takes away those other invaluable characteristics of working side by side with farmers who know the real meaning of life, with moms and dads, grandparents, and neighbors.

I very much appreciate the Senator from South Dakota and the sentiments he expressed.

Just another example to show the overreach of these regulations, one of the proposals by the Department of Labor has sought comments on whether we should limit the exposure of direct sunlight if the temperature reaches a certain limit once you factor in wind velocity and humidity. How is a farmer going to make a decision under those circumstances—whether or not this young person could work on the farm based upon daylight, humidity, temperature? We are going to have to hire a meteorologist to make a determination whether that day it is OK for a 15-year-old to be working on the farm.

I have invited the Secretary of Labor to come to Kansas to experience farm life. That invitation was not accepted. I don't begrudge the Secretary of that. It is not expected necessarily that the Secretary of Labor would come to my State and visit with farmers, although we would love to tell her the story.

We had asked for an opportunity to have a conversation with the Secretary of Labor here in Washington, DC. I was happy to go to her office. That also was denied.

As the Senator from South Dakota indicates, a letter from 30 Members of the Senate, both Republicans and Democrats—it wasn't a partisan issue. Senator NELSON of Nebraska was my colleague in asking the Department to extend the comment period so that farmers, during fall harvest, would have a greater opportunity to comment on this rule. It was a bipartisan letter asking for certain information. We learned again this week that the Department of Labor says that letter from 30 Senators—I don't mean this in an arrogant way, but we represent constituents who have serious concerns with a regulation that we believe will fundamentally alter the way we live our lives in agriculture—the answer was, we are going to treat that just like any other letter, which means we are going to send a form letter really telling, I would guess, not much of anything and certainly not answering our questions.

We have asked folks across the country to take a look at the Web site keepfamiliesfarming.com, and we are soliciting comments from folks across

the country so we can try to submit these to the Department of Labor and make the case known. We would ask the American people, particularly those who understand the importance of this issue, to rise and express their concern and tell the Secretary of Labor, tell the Department of Labor the tremendous consequences of a regulation that changes something that is so important to the character of rural America and the character of our country nationwide.

I appreciate the opportunity to have a conversation with the Senator from South Dakota and would be glad to yield to him.

Mr. THUNE. Mr. President, if the Senator will yield on that point, what the Senator has touched upon I think is something that perhaps people who don't come from farm country don't appreciate as much as we do, and that is just the very nature of farming. Farming is, as we said, very much a family operation. What we are talking about right now with these regulations is, at a time when we have young people who want and need the opportunity to learn responsibility, who need to learn the value of hard work as well as, for that matter, earn a little extra spending money, this regulation would restrict their ability to do all three. It would be really bad for family farming and ranching in the State of South Dakota. I know that.

It is also a regulation that I would say I don't think has gotten as much attention perhaps as some of the other ones that are out there but one that would have profound consequences on production agriculture.

The Senator mentioned a couple of examples of operating farm equipment. If a person is on a tractor, that person probably, in most cases, would be higher than 6 feet, and this regulation would prevent them from doing things at elevations higher than 6 feet. We could also argue some other things that would fall into that category. How about working on a haystack? A farmer is going to be more than 6 feet above the ground.

Some of the restrictions with regard to working with animals that are more than 6 months old—as the Senator mentioned, being able to herd cattle on the back of a horse—these are all things under these regulations that would be restricted or prevented for many of these young people.

It seems pretty amazing that we would have a Washington bureaucracy dictating with this kind of specificity, with this kind of minutiae, how farm and ranch operations would be conducted. I would argue that the very organizations the Senator from Kansas mentioned—4 H, FFA, extension service—know full well and the families who operate farms know full well what the risks are. They understand. They want to protect their families.

Instead, we have a Washington bureaucracy that thinks it knows best telling family farmers and ranchers

how to go about their business in a way that will make it not only more difficult for them to make a living but also I think more difficult for young people to learn the skills and get the experience they will need when hopefully that time comes around that they can take over that operation of farming, ranching in Kansas, as it is in South Dakota. It is very much an intergenerational occupation. And it is more than just an occupation, more than just a vocation. It is a way of life. It is something where values are transmitted from one generation to another—the values of hard work, personal responsibility, integrity, honesty. There are so many character qualities that we value and that young people learn on family farms and ranches. So notwithstanding the economic impact on family farms and ranches, there is certainly a cultural and social impact on our family farms and ranches, and the middle of this country is tremendously impacted by this regulation.

I hope the Senator from Kansas will continue to keep the heat on and continue to keep the pressure on in trying to get a response not only to the letter that he offered and that many of us signed but also to, if possible, get the Secretary of Labor to come to a State such as Kansas or, for that matter, South Dakota and actually see a family farm operation and how it functions because I think they are operating in a bubble, in a vacuum out here where there is very little understanding of the implications of these types of decisions. This is really an example of big government run amok. If we want an example of big government that has completely lost touch with reality, this is certainly an example of that.

I encourage the Senator from Kansas, and I will support his effort 100 percent, to keep the pressure on and trying to get them to recognize the impact of what they are doing and the impact it would have on rural agriculture and all over the world.

Mr. MORAN. I appreciate those sentiments. I would say that these proposed rules did not come about as a result of Congress passing a piece of legislation or of there being congressional hearings finding a series of problems in regard to safety with young people on farms. In fact, the Department of Labor admits they have no real academic, scientific studies that were compelling them to reach this conclusion. In fact, there are studies out there that show that young people are safer today on farms.

This is a matter that is so important to so many people. Yes, we are probably a significant minority, but we need the help of our colleagues from urban and suburban America to help us hold back this intrusion that will fundamentally alter American agriculture, farming and ranching, and a rural way of life.

I have a letter from a young girl in Stockton, KS. Stockton is a town of

probably about 1,500, 1,600 in population. Her point was this: I didn't grow up on a farm, but I love agriculture, and I need a job. There is only a convenience store and a bank and a grain elevator in my town. In the absence of my ability to work on a farm in the neighborhood, my ability to have a job as a teenager is greatly diminished. I think I might be interested in being a farmer or a rancher someday.

I think it is the dream of every farmer, every farm family to be able to say: We are going to pass this farm on to the next generation—to our own kids or to young people.

Farming is this way of life that farmers and ranchers are so proud of and believe they serve—and they do—they serve such a noble profession in feeding and clothing and providing energy to a hungry and cold and difficult world. Agriculture certainly is about economics, but there is an understanding of what farmers and ranchers do that is important to the world, and we need to make certain there is another generation, another set of young people who can step into the shoes of an aging population of farmers and ranchers across the country.

Again, these proposed rules need to be totally withdrawn, and we ought not accept the ruse of a portion of them being proposed.

Mr. THUNE. Mr. President, if the Senator from Kansas will yield quickly in closing on one point, is the Senator aware of any group that was consulted on this? Were there any farm organizations that were brought into this or had any input into this? As the Senator mentioned, was this solicited by anyone? Was there any rationale based upon data collected about safety or that sort of thing that necessitated that they use such a heavyhanded, big-government approach to addressing what they perceived to be a problem?

Mr. MORAN. Everything I know about this topic suggests that it is otherwise. In fact, the farm organizations and commodity groups of the wide array of those who advocate across the country on behalf of agricultural producers are aligned with us in opposition to these rules. So it can't be that they were involved in the process of developing the rules because they—at least every organization I know that is involved as a commodity group or a farm organization is adamantly opposed to what the Department is suggesting.

Mr. THUNE. I don't know what the Senator's average age of a farmer in Kansas is, but my understanding is, at least nationally, the average age of a farmer in this country is nearing 60 years old, which means one thing: somebody is going to have to fill those shoes. Somebody is going to have to come along and take over that farm or ranch operation. This is going to make it increasingly difficult to prepare that next generation of farmers and ranchers.

Again, it occurs to me that this is just something that ought to be withdrawn. I hope the Senator in his efforts and those of us who are supporting that effort will succeed. This is a perfect example of a big-government solution to a problem that doesn't exist.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS APPOINTMENTS

Mr. LEE. Mr. President, on January 4, 2012, President Obama bypassed the Senate's constitutional right to advise and consent to nominees and, instead, unilaterally made appointments to the Consumer Financial Protection Bureau and to the National Labor Relations Board. He purported to do so under the Constitution's recess appointments clause, even though at the time of the appointments the Senate was holding pro forma sessions roughly every 72 hours.

If allowed to stand, President Obama's unprecedented and unconstitutional recess appointments could result in Presidents of both parties routinely circumventing the Senate's advice-and-consent function and thus depriving the people and the people's representatives of an essential check on the executive branch.

President Obama's actions also violate the Constitution's fundamental system of separation of powers. He has asserted the unilateral power to override Congress's own determination of when it is in session and when it is in recess. At an absolute minimum, the Senate's institutional prerogatives demand that we be allowed to make our own rules. Yet President Obama's actions would deprive our body of even that basic right.

In the past, I have given pretty broad deference to the President's judicial nominees. Both in the Judiciary Committee and on the floor of the Senate, I have voted in favor of the vast majority of President Obama's nominees, including many with whom I have fundamental disagreements on various points.

But I can do so no more. The Founders expected that each branch of the Federal Government would exercise the necessary constitutional means to resist any encroachments by the other branches. Among those constitutional means is the Senate's advice-and-consent function, which I exercised today by voting against a nominee who otherwise might have received my support. Thirty-three other Senators did exactly the same.

The President cannot expect the Senate's full cooperation at the same time

he does violence to this body's constitutional prerogatives. The threshold for confirming President Obama's nominees must change accordingly. Simply put, there is a new standard for confirmations as a result of the President's own actions. I find this unfortunate but ultimately necessary.

Both today and in the coming days, I will join with other Senators to act as a check and a balance on the President's unconstitutional conduct by voting against some nominees. I expect that many of my Republican colleagues, and in time some of our Democratic counterparts, will rise in defense of the Constitution and vote against President Obama's nominees until such time as he takes actions to restore the Senate's full constitutional right to advise and consent to his nominations.

THE STIMULUS PACKAGE

Mr. LEE. Mr. President, I now choose to turn to another topic—a topic that is important to many Americans, a topic that relates to an important anniversary we are recognizing.

Today, we are highlighting the third anniversary of President Obama's failed stimulus package.

The President promised 3 years ago that the stimulus would create what he characterized as millions of jobs. But today, unfortunately, devastatingly, there are nearly 13 million people in America who are still unemployed and many millions more have even given up on looking for jobs.

Three years ago, the White House said that because of the stimulus package, unemployment would not exceed 8 percent. That has not happened. In fact, the unemployment rate has topped 8 percent for 36 straight months now—the longest stretch of high unemployment since the Great Depression. The Congressional Budget Office predicts it is going to go even longer. We will not see sub-8 percent unemployment, according to the CBO, until 2014.

The President sold his stimulus package to the American people by claiming he would make immediate investments in what he characterized as “shovel-ready” jobs. But last June, the President acknowledged that “shovel-ready was not as shovel-ready as we expected.” Nevertheless, a lot of money has been spent, as we have been waiting for these jobs to materialize—jobs that never quite came about.

In fact, some of it was spent in ways that have nothing to do with stimulating the economy. For example, consider some of the ways in which this stimulus money has been spent. Mr. President, \$760,000 was spent on interactive dance software; \$1.2 million was spent on a train museum; \$2 million was spent to study ant behavior; \$762,000 was spent to study improvised music—I am not sure what that is, but I am sure it is lovely, not necessarily deserving of scarce Federal resources—\$300,000 to track weather on other planets—great if one lives on another plan-

et, not so great if one lives on Earth in a country that has accumulated an unprecedented debt exceeding \$15 trillion—\$153,000 for an indoor water park; and \$712,000 to develop a “machine-generated humor” system—in other words, a joke machine.

This big joke is on the American taxpayer. Unfortunately, it is no laughing matter.

In the last 3 years, we have added more than \$4 trillion to the national debt, we have recorded the three largest annual deficits in our Nation's history, and we are on pace for a fourth straight deficit exceeding \$1 trillion.

This week, the President submitted a budget that calls for adding \$11 trillion in new debt over the next decade. His own Treasury Secretary calls the level of spending unsustainable, and it is.

Despite the overwhelming evidence that his stimulus package has failed, the President has called for additional increases in spending.

I know the President is a good man. I also know he faced a difficult economy when he took office. But the President is unwilling to tell the truth to the American people about what lies ahead, about some of the challenges we face. I think he needs to do so, and he needs to acknowledge the fact that this stimulus package has failed so we can avoid making similar mistakes in the future.

Today we cannot celebrate the anniversary of the President's stimulus. Rather, we must lament a tremendous lost opportunity by this administration to put this country back on the right track over these last 3 years.

For the sake of future generations, I hope it is not too late to change course.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I ask unanimous consent that I be permitted to finish my speech regardless of the time.

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

RELIGIOUS LIBERTY

Mr. HATCH. Mr. President, earlier today, we were treated to some very partisan remarks from one of my colleagues on the preventive services mandate. That is the legal term. Here is what the mandate is in practice.

It is a mandate that will require religious individuals and institutions to purchase abortion-inducing drugs for their employees. It will require that they purchase insurance coverage that provides for sterilizations and the morning-after pill. In doing so, it will require that they violate their most