

believe a comprehensive overhaul of the campaign finance system is necessary in order to restore public faith in our elections. What we are seeing here today is large special interests supplanting the voices of everyday Americans in the political process.

The Supreme Court has shown its willingness to rule broadly and ignore longstanding precedent when it is reviewing the constitutionality of campaign finance laws. The best long-term solution is a constitutional amendment that would prevent the Court from overturning sensible campaign finance regulations. I would welcome the opportunity to join my colleagues in introducing such an amendment.

While I believe a constitutional amendment is the ideal solution, I also think comprehensive reform legislation is a step in the right direction. As a Member of the House for 10 years, I joined Representative DAVE OBEY as an original cosponsor of the Let the People Decide Clean Campaign Act, a bill that would fundamentally change how House elections are conducted. Mr. OBEY reintroduced this bill in this Congress, and I intend to introduce a companion bill in the Senate in the coming weeks. The act does not attempt to fine-tune the existing congressional campaign finance system or tweak around the edges; rather, it makes fundamental, wholesale changes to fundraising by candidates, regulations of outside groups, and the role of political parties. It contains a finding that America's faith in the election system has been fundamentally corrupted by big money from outside interest groups. It establishes a system of voluntary contributions to provide public financing in campaigns for House candidates in general elections. It provides more funds than the current system for the vast majority of challengers to mount their campaigns. And it empowers voters with the knowledge that their vote affects the outcome of the current election and also affects the amount of funds distributed to nominees in future elections. It bans all independent expenditures so that only the candidate is responsible for his or her message. It provides for expedited consideration of a constitutional amendment allowing these changes if the Supreme Court rejects the plan, and it provides a process by which third-party candidates can also participate in the system.

Money can have a corrosive effect on the political process. We have seen evidence of that in campaigns at all levels of government. We have long needed substantive campaign finance reform, and it is my hope that the High Court's disappointing decision will provide the push we need to put elections back in the hands of average Americans and not the special interests who can use their unlimited bank accounts to railroad the process to their preferred conclusion.

I yield the floor. I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

**THE PRESIDING OFFICER** (Mr. UDALL of New Mexico). Without objection, it is so ordered.

**MR. HARKIN.** Mr. President, I ask the Parliamentarian, what is the business before the Senate at this time?

#### CONCLUSION OF MORNING BUSINESS

**THE PRESIDING OFFICER.** Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR

**THE PRESIDING OFFICER.** Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

**THE PRESIDING OFFICER.** The Senator from Iowa is recognized.

**MR. HARKIN.** Mr. President, for the benefit of those who are tuned in on C-SPAN in their offices, what we are now in is what is called postclosure on the nomination of Patricia Smith to serve as Solicitor of Labor. This is a nominee who came before our committee almost a year ago, in April. It has been held up and held up.

Yesterday, the Senate voted cloture because it was being filibustered—yet another filibuster by our Republican friends. So we had a vote last night, and cloture was invoked by 60 votes. Now we are in the period of what they call postclosure, 30 hours of postclosure. We will have a final vote up or down for Patricia Smith to be Solicitor of Labor. If she got 60 votes last night on cloture, it is obvious she certainly has more than 51 votes to take the position as Solicitor of Labor.

That is where we are. We are in this 30 hours. Again, it raises the question in my mind, why are we chewing up 30 hours? We know the votes are there. We voted on cloture last night. Yet our colleagues on the Republican side are insisting that we just chew up time. For what purpose? We have the lights going, the heat is on, all our staffs are here, and no one else is on the floor. So why do we run this 30 hours and waste taxpayers' money and waste all this time when we know what the vote is going to be?

We have been through all this. Patricia Smith has had her hearings. I thought we had a pretty good debate yesterday. Republicans laid out their

side, we laid out our side, we had the vote, and now it is time to move ahead, have the final vote, and get this person to work down at the Department of Labor.

Again, I say for the benefit of those watching, here we are in another one of these filibusters. We stopped the filibuster, and now we are in this 30 hours afterward which we do not really need. Everything to say about Patricia Smith has basically been said. The record has been made. She appeared before the committee. She answered questions. The record is there. There is nothing you can do. It is going to come out. Everything is there, and all of our Senators know that.

But the rules are the rules, and the Republicans have the right to invoke the rules. Evidently, they have invoked the rule to chew up 30 hours. It is a shame we have to waste our time like this. As long as we are chewing up the time and Republicans are insisting that we keep the lights on and the heat on and keep everybody around for 30 hours, I would like to make some more remarks on behalf of Patricia Smith and where we find ourselves.

As I said, I am very grateful to our colleagues for the vote last night to end debate and invoke cloture. We have devoted very ample time to our deliberations on Patricia Smith. It is now time to act.

There is no question, when you look at the record and the facts, that Patricia Smith is abundantly qualified to serve as Solicitor of Labor. She has an impressive background in labor law and a demonstrated record of achievement in the State of New York. More important, she clearly has a deep and passionate commitment to help American workers. I can think of no better qualification for this critical position.

There is also no question that Commissioner Smith—and I use the words "Commissioner Smith" because she is presently the commissioner of labor for the State of New York—there is no question that Commissioner Smith has undergone a very thorough vetting process. As I said, the nomination has been before us since last April. She has testified in open hearing. She has answered more than 50 written questions. She has met with any Senator who wanted to meet her. Her nomination was debated extensively in our committee, frankly. It has now been debated on the Senate floor—a step that in previous Congresses was often reserved for judges who get lifetime appointments or for Cabinet-level nominees, not for someone who is going to be Solicitor in the Department of Labor. It is time to bring the discussion to an end and let Commissioner Smith get to the Department of Labor and start doing her job.

I listened very carefully to the arguments raised by my Republican colleagues yesterday against Commissioner Smith's nomination. While I think we could spend quite a while debating about which e-mails she was

copied, which staffers should have kept her in the loop and all that, I can't help but conclude that this debate fundamentally comes down to a disagreement about whether this Wage Watch program that was instituted by the New York Department of Labor as a pilot program was a good idea. It kind of comes down to that. I will have more to say about what I think it comes down to in a minute.

My colleagues on the other side of the aisle—and I read the record—have used some pretty scary words to describe this pilot program. They called it entrapment, vigilantism. They say it "deputizes private activist groups to intrude on small business." They have said the Wage Watch volunteers are like the private citizens, the Minute Men, who try to patrol our borders with guns.

If there was even one scintilla of evidence that is what this program is about, I would be alarmed, too. But it is not.

Again, let's look at the documents and get the facts. The agreement that participating groups signed to join this Wage Watch is a good description of what Wage Watch volunteers did. Here is the agreement that groups who agreed to get involved in that agreed to:

Conduct outreach to the public about labor laws (handing out brochures, etc.) in formal and informal settings (e.g., at organized festivals, neighborhood or group meetings, other organized events . . . bus and subway stops, libraries, supermarkets, or similar locations);

Provide seminars or informational sessions to the public;

Set up and staff tables at events for the purpose of providing information to the public and answering questions regarding the labor law;

Obtain information regarding potential labor law violations from parties familiar with the violations;

Fill out basic complaint forms regarding potential labor law violations and pass them on to the Department.

Nothing illegal. Nothing unethical. Informational. Certainly, don't we want people—especially those at the lowest end of the economic ladder—this is what we are talking about. These are people working at minimum wage jobs, barely maybe above minimum wage. They are the workforce you go by when you go into the door of a restaurant or they are back in the kitchen or they are perhaps in the retail industry doing other things. They are the janitors you don't see at night cleaning up business places—a number of people like that. Again, they are at minimum wage and probably don't belong to any organized labor union. Many of them have limited language skills, and they are trying to get by and raise their families. So we are trying to get information to them about what their rights are.

Do my Republican colleagues believe it is wrong to inform people about what their rights are under the law? Surely they don't want to say if you find violations of law regarding safety or health or wages of people who are

being skimmed on minimum wage and aren't being paid minimum wage and are working overtime and are not being paid overtime—are they saying nobody should report that and that we should keep hands off? Surely, that is not what my Republican colleagues are saying, is it?

Well, again, these are not radical actions we are talking about. They are educational and outreach activities designed to empower workers and protect their rights and give them information. Everything on this chart can be done by any private citizen any day of the week.

While staff on the Department of Labor, in their e-mails that we saw, may have called this an "enforcers" program in the early days, in January and February when they were brainstorming about the project that is really not what it was. Wage Watch participants were not conducting investigations. They had no enforcement authority. They couldn't demand to see a business's books or access private property. Commissioner Smith made this very clear in her own descriptions of the program.

There has been a lot of talk about e-mails and such. I saw some of the charts put up by my friend from Wyoming yesterday. They were all from people other than Commissioner Smith. You can see what Commissioner Smith said on January 15, 2009—not what somebody else said:

The Wage Watch groups will conduct activities which promote labor law compliance . . . including handing out leaflets about labor laws to workers at community events or supermarkets; giving know-your-rights training to workers; talking to workers at restaurants and other businesses open to the public; and talking with employers about labor law compliance.

#### This is important:

Please note that the groups and individuals who participate as Wage Watchers will not be agents, employees, or official representatives of the Labor Department. They are not replacing staff and they are not going to be conducting investigations of any kind. Their role is limited to doing outreach and community education, and to reporting any violations they encounter to the Division.

That is from Commissioner Smith. I didn't see anybody on the other side put up that chart yesterday. They had charts from other people but not from Commissioner Smith.

Again, when it comes down to it, all these Wage Watch people could do was talk to workers who were willing to chat with them and hand out fliers. Is this vigilantism running amok? Hardly. It is simply volunteers who are willing to take time out of their day because they care about low-wage workers and they want to help them. I can't imagine how this harmless, generous form of outreach could possibly be objectionable.

Unfortunately, my colleagues on the Republican side have used this program to try to tarnish Commissioner Smith's impressive and impeccable rep-

utation. They claim she's antibusiness. They claim she is trying to close companies and put workers out of a job.

These charges are totally unfounded. There is no basis for those charges at all—not a scintilla of evidence about those charges. In fact, they are exactly the opposite of what her record at the New York Department of Labor shows. Patricia Smith has dedicated the last several years of her life to helping workers find jobs and keep jobs. Since taking over as commissioner, Ms. Smith has spearheaded a \$4.25 million initiative to prepare New Yorkers for jobs in emerging and green industries; revamped the State's unemployment insurance training programs to allow more workers to get approved for training dollars at the same time they are collecting unemployment benefits; promoted the State's Shared Work Program, which gives businesses an alternative to layoffs as they face a temporary decline in business, increased the number of businesses participating in the program from 293 in 2007 to 1,620 in 2009.

These are just a few of her many impressive accomplishments in the area of job training and workforce development.

Where Commissioner Smith really gained her reputation as one of the finest labor lawyers in the country is in the area of enforcement. She is committed to protecting workers' rights.

In 2008, the New York Department of Labor collected \$24.6 million in back wages for 17,000 workers across the State. This was a 37-percent increase in collections from previous years, and it significantly increased the compliance rate among employers.

Now, would someone on the other side say we should have allowed these people to be cheated out of \$24.6 million in back wages and sort of washed our hands of it and moved on? That is not only unfair to the workers, it is unfair to the thousands of businesses in the State of New York that comply with the law, that pay fair wages, that pay overtime pay. There is more of them than the others. The vast majority of businesses comply with the law. There are always a few trying to skim it, cutting corners, figuring out how they will never be caught. It usually affects the lowest wage workers.

It is unfair to the legitimate businesses in New York. That is why so many business groups support Patricia Smith. We have letters of recommendation from business groups in New York talking about how she listens and works with them, how fair she is in enforcing the laws. So if someone over there says she should not be doing that, should not be that aggressive in going after bad wages, I don't think legitimate businesses would say that is unfair. They would say: Yes, go after the people giving us a bad name and, frankly, unfairly competing against us.

Those are impressive achievements. Maybe that is the reason some of our colleagues are afraid of her being Solicitor. There is no question she will be a

Solicitor who will enforce the law. She will do it fairly and reasonably but also make sure there are real penalties for taking money out of workers' pockets or putting workers' lives at risk. I guess that is what it comes down to: Do we want a Solicitor who is willing to go the extra mile and try new approaches and new ideas if it will help protect workers' rights? I believe we do. That is what we need in these tough economic times.

I have looked at this Wage Watch pilot program. Quite frankly, I don't know what the results are yet. There is a pilot program now being assessed. Quite frankly, I would be an energetic supporter of that kind of an approach, where people in the community who speak the same language, who live in the same neighborhood, who go to the same churches, whose families interconnect but who are on the lowest rung of the economic ladder—I would be in favor of giving them information about what their rights are when they go to work every day and about what it means to work overtime and how much they should be paid for overtime, what the minimum wage is and how they should be paid the minimum wage, and, yes, also what safety is.

Are they working around hazardous materials and not being adequately protected? Is their health being endangered? They ought to know those things. So many people don't.

Again, as I said yesterday, we are not talking about people working on Wall Street on hedge funds or CPAs, accountants, lawyers, and investment bankers. We are not talking about Senators and our staffs and people who have all this knowledge. We are talking about people who don't understand what their rights are. They are happy to be here. They are happy to have a minimum wage job. They are happy to be able to keep their families together and hope and dream that their kids will have a better life than they have had.

So, again, this Wage Watch, to me—I hope that it is proved out that it was successful. Quite frankly, I think this is something we should emulate. My colleagues on the Republican side seem to want to denigrate it and say this is vigilantism and like Minutemen. Someone said in the Neighborhood Watch program, people cannot go into people's homes. None of these people who were on the Wage Watch could go into a private business unless they were allowed to. They couldn't ask for the books or see the ledgers or anything like that. They could go into a store that was open to the public—a Walmart or supermarket or places where the general public can go. They could not go into a private business where people were working, if the general public wasn't allowed to go in there.

Again, all the comparisons to vigilantism and what I have heard from the other side—these are words that are intended to put fear into people.

Let's be frank about it. Fear. It is to make them afraid. Well, if they can just show an example of that, maybe we can look at it. There are no examples of this anywhere.

My friends on the other side also raised questions about certain misrepresentations that Commissioner Smith gave to the committee. I would never minimize that. When people testify before committees, they should do so honestly and openly. I also know human beings make mistakes. I can't tell you how many times I have been at a committee hearing when I heard a question and the person being requested heard it differently than I heard it. We don't always hear things the same. So what you do is you are able to correct the record and, guess what. We do that every day here, don't we?

I am standing here speaking, and the reporter is taking it down—doing a great job, I am sure of that. But guess what. Sometimes mistakes are made. I may say a word, and the reporter might say: That guy HARKIN speaks with that Iowa lingo, and I didn't understand that Midwest lingo. And they may put it down wrong. That is why we have a record. Our staffs go back to the record, or I go to the record, and we correct the record. We all do that every day around here. It is simply because people are human and they make mistakes.

When we have a hearing in front of a committee and somebody asks a question and the witness answers it and we find out the answer wasn't correct, we can go back to the witness and say: What is this all about? Here was a question and here was your answer, but we have different information.

The witness will be able to look at that and correct the record, and that is what Patricia Smith did. Obviously, she heard the question one way, the questioner thought he had questioned her in a different way. But she corrected the record.

Again, keep in mind, no one on this side of the aisle is alleging she did this to cover up an illegal activity or to cover up something nefarious, to cover up something that was unethical. No. There is no allegation about that on that side because it is simply not true. She made a simple mistake. She corrected it.

There were two times when that happened. One was simply because, at that point in time, she did not have all the information she should have had. When she went back to her staff in New York, she found a different thing and corrected the record at that point.

As I said, we do that all the time around here and we do not think anything about it. Republicans do it. Democrats do it. We correct the record all the time simply because human beings are human beings and people make mistakes.

There has been a lot made of whether this idea came from within her staff or came from the outside. Well, that was

one of the debates about this. She had testified in the hearing that this was something that came up from within her department. Well, unbeknownst to her, some of her staff lower down had talked to outside groups and discussed this Wage Watch program and then presented it to Commissioner Smith.

Well, my response on that is, what is the big deal? So what? So what if some outside groups were involved in this? Again, was it illegal? Was it unethical? Was it underhanded? No. Perfectly legal. I daresay, all of us Senators meet with outside groups all the time. They come to see us, talk about programs, talk about how we should be doing things. That is one of our functions, to listen to outside people to get better ideas.

This would be a sorry place if all we did was talk to one another. It is a good thing we are talking to people on the outside. So whether the program was suggested by one of her staff or by an outside group, I say: So what? She happened to think it came from within her department and later found out her department people had been talking to someone on the outside. OK. She corrected the record. So what is the big deal?

Then there was a question about expanding the program. Well, I would say honestly, did Commissioner Smith want to expand the program? Sure, as long as it proved to be successful. That is what a pilot program is for. Obviously, she thought it was a good idea to put the pilot program in. The whole point of a pilot project is to expand it, if it is successful. Again, it had to do with conversations about a question about had she had conversations about expanding the program.

There was another little problem. What she thought they were talking about was, did she have conversations about expanding, authorizing and expanding the program and she had not authorized any expansions of the program whatsoever. But, of course, she talked about: Well, if it is successful, sure, I would like to expand it.

In fact, I would point out, to this day, she has never authorized an expansion of the program. Why? Because they do not have all the data, and they have not thoroughly ever evaluated the success of the pilot program. I think that is what a responsible leader does.

Lastly, there is some allegation that the Wage Watch program was used by unions as an organizing tool. Well, again, is anyone on this side alleging that is illegal, unethical, nefarious in some way or underhanded? I do not hear those allegations because they are not so.

Quite frankly, I do not think there would be anything wrong with that. But Commissioner Smith took all appropriate steps to make sure unions separated their organizing activities from their volunteer work with Wage Watch.

As far as I know, and I have seen no evidence to the contrary, her instructions were followed. They were separated. I have seen no evidence to the contrary. So I hope our debate and what I have been able to say and put in the record will put to rest any concerns colleagues may have about Mrs. Smith's honesty and her integrity.

Her honesty and her integrity are unassailable. Is she infallible? Never makes a mistake? Well, I do not know of any living human being who can say that. But does she recognize and correct it? Absolutely—as we all do. Well, again, honesty and integrity, unassailable in her performance as commissioner of labor in the State of New York.

Again, I will point out, this pilot project was a \$6,000 pilot project. She was in charge of running an agency with an \$11 billion, that is spelled with a B, \$11 billion budget; 4,000 employees across the State of New York. This was a \$6,000 pilot project. We have to kind of keep that in perspective as to how high it was on her viewing screen.

Well, quite frankly, I think this whole delay from last April would have been avoided if more of my colleagues on the other side had taken the time to sit down with Patricia Smith, talk with her, and hear her side of the story.

I also think it would have been avoided if you read all the letters of support from business groups in New York, from the attorneys, the district attorneys in New York representing all different political parties and ideologies. All these attorneys are saying she does a great job—if they had just looked at her record.

Well, I did. I looked at her record. I have spoken with her. I have read the transcripts. I have looked at the background of all this. I can say, with confidence, never did she have any intention of misleading the committee. Why? This was a perfectly legal, above-the-board project. Why would you want to mislead anybody about it? She had every intention of dedicating her life to be the best and most effective Solicitor of Labor she can possibly be.

Our Nation is very fortunate to have public servants of this caliber. I mean, you look at this. I have no doubt Patricia Smith, with her legal skills, managerial skills in the private sector, can be making a lot of money. I have no doubt. But she has chosen a different career path—to be a public servant, a public servant, dedicating her life to helping people for whom there is not a lot of government help. No one is sticking up for them, people at the bottom end of the ladder.

To me, this is one of the highest callings I think anyone can do in our society, is to be that kind of a public servant. So I think our Nation is very fortunate to have this kind of a person in Patricia Smith for this critical position. I look forward to her swift confirmation.

I would hope we would not have to drag out 30 hours, but it seems the Re-

publicans are intent on wasting time. There is nothing happening here. Any one can see that. Anybody watching on C-SPAN can see nothing is happening here and we just waste time. We can have the vote now. We could have the vote in 20 minutes. Nothing would change. But we have the 30 hours. I guess we have to waste it. But I wanted to take this time, again, to set the record straight one more time on Patricia Smith, her integrity, her honesty, her exemplary background, and the fact that she is going to be an outstanding Solicitor for the Department of Labor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

#### NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for 15 minutes.

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

#### NORTHERN UGANDA

Mr. INHOFE. Mr. President, last week I came to the floor to talk about an issue that has kind of been drowned out by a lot of other things that are going on, other conflicts and disasters around the world. This is having to do with northern Uganda. It is something I have been on the floor talking about for several years now, and I have had occasion to be there several times.

For over two decades, a guy named Joseph Kony has led what they call the LRA, the Lord's Resistance Army, in violence all throughout northern Uganda, in that whole Great Lakes Region of east and central Africa. They have killed tens of thousands—little kids—displacing over 1 million, and terrorizing and kidnapping over 30,000 little kids, forcing them to fight. It is this child soldier thing a lot of people are aware of, but not nearly enough people are aware of it.

With all the problems there are in Africa—people are more concerned about Zimbabwe. They hear about that. They

have heard about Somalia, Sudan. Everyone knows about that. But nobody says anything about the Lord's Resistance Army and what they have been doing in that area of Africa for 25 years.

I have been there. I have been all the way up there to Gulu in northern Uganda. Let me share the problem that exists up there.

This madman, kind of a spiritual leader, by the name of Joseph Kony has taken advantage of all the unrest and the disasters by going into villages and kidnapping, taking young people and training them to be soldiers. We are talking about little kids, little boys. They are from 11 to 14 years old. Once they train them to be soldiers, they actually give them AK-47s. I do not have my chart now, but I have pictures of that. They train them to be soldiers, and then they have to go back to their villages and murder their parents and their siblings. If they do not do that, then they will dismember them. They will cut their noses off, cut their ears off, cut their lips off.

This has been going on for a long period of time. Quite frankly, I have gotten to know President Museveni in Uganda quite well, President Kagame in Rwanda, and President Kabila in Congo, and all of them agree that we need do something about this monster Joseph Kony. It happens that two of the three Presidents I mentioned—President Museveni from Uganda and President Kagame from Rwanda—are Presidents who have really come to power in the bush. They are warriors. These are people who really are reluctant to admit they cannot go after one guy and get him. Well, they have finally all gotten together.

What we are trying to do—well, we have already introduced it; the author of the bill is Senator FENGOLD of Wisconsin—is to go after these people, and this bill provides about \$35 million to help these kids who have been brutalized, as well as to give whatever assistance we have to give to these different countries in order to bring this guy to justice.

During one of the trips I made up to northern Uganda, to Gulu, I ran into three young men. They are college-age types—Bobby Bailey, Lauren Poole, and Jason Russell. They have started a documentary on Joseph Kony. They have gone around to universities, and we now have thousands—tens of thousands—of young people who are rallying around this thing, trying to get us to do something as a nation. These young people have become very effective.

This week, this Senate has an opportunity to act in unison to shine the light on this forgotten place and to begin to bring relief to these children.

The Great Lakes Region in Africa has suffered from years of devastating fighting between tribes, and as a result the area is home to massive numbers of displaced people who are vulnerable to this type of treatment. So those are