

country we call America? When we talk about the rule of law, we are usually referring to the idea that government should make decisions consistently and those decisions be made according to law. Those decisions should be based upon some neutral principle rather than on someone's personal whims or bias. Those decisions should apply to everyone equally without allowing a lot of discretion for government officials to pursue their own agendas. In short, we should be ruled by laws, not men.

Our government gets its authority from the consent of the governed. Representatives elected by the people write the laws, and the executive branch enforces them. However, over the years, our government has grown so big and so complex it is hard to hold government officials accountable for how they apply the law. In *Fast and Furious* it has taken us months to sort out responsibility because of this problem. There are dozens of bureaucrats pointing fingers and shifting blame. There are dozens of lawyers parsing words and shuffling paper.

At the end of the day, what we know is that several people in government decided not to enforce the law—the law they took an oath to faithfully execute. These people believe it was within their discretion to allow straw purchasers to operate, despite all the evidence the law was being broken. In most other field offices, obvious straw buyers were stopped, questioned, and arrested but not in Phoenix, AZ.

As one of the whistleblowers put it: Operation *Fast and Furious* represented a “colossal failure of leadership” at every level that was aware of it.

Just what each official knew at each level in each agency is something that needs to be clear before our investigation is complete. For the rule of law to function properly, there needs to be supervision, accountability, and consistency. Remember the transparency the President promised? Transparency leads to accountability. Government officials must know their discretion to play around in gray areas of the law has limits. It is the job of elected leaders to enforce those limits on behalf of the people who elect them. But there are so many officials and so many decisions that accountability seems hard to impose.

The President himself recognized this in the context of *Fast and Furious* back in March of this year. When the President was first asked about *Fast and Furious* on Spanish-language television, he was pressed about how he could not have known about it—kind of the very same questions we are asking the Attorney General. He was asked: How could you not have known about it? The free press in America asked the President how he could not have known about *Fast and Furious*, and by then it was 3 months after a Border Patrol agent had been murdered and illegally sold guns had appeared at the scene of the murder.

This is how the President responded on Spanish-language television.

This is a pretty big government, the United States Government. I've got a lot of moving parts.

Mr. President, exactly. That is the problem. Government needs to be limited, government needs to be focused, and government needs to be constrained by the rule of law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

EXTENSION OF MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the period for morning business be extended until 6:45 p.m. with Senators permitted to speak for up to 10 minutes each.

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

CONSUMER PRODUCT SAFETY COMMISSION

Mr. BROWN of Ohio. Mr. President, yesterday, in Cleveland—the largest metropolitan area and the second largest city in my State—I was part of, for want of a better term, a celebration of a public health victory for our country. I met on Halloween with Jeff Weidenhamer, chairman of Ashland University's chemistry department and a leader in consumer safety issues.

That name may ring a bell with some of my colleagues because I have mentioned his work on the floor of the Senate in addressing the very real public health disaster, in some cases, afflicting our children because of lead-based paint on many imported toys, especially those imported from China.

Back in the fall of 2007 and the spring of 2008, Dr. Weidenhamer identified a number of products that were highly contaminated with lead paint. As part of an Ashland University freshman chemistry class project, he sent some of his students to Dollar Stores to buy inexpensive plastic Halloween toys in the fall of 2007 and inexpensive Easter toys and ornaments in the spring of 2008.

Of the 97 products he tested, 12 of them were highly contaminated with lead paint—or about one in seven. These were products such as candy buckets, drinking cups, and fake teeth. Some of those plastic teeth the children, obviously, put in their mouths. It is what they are made for, I guess. The levels of lead contamination in them were much too high. And there were other Halloween props. Many were products bought at leading national retailers.

It was clear that our trading system, our regulatory system, and our corporations failed basic consumer and public safety standards. We think nothing, and our companies, apparently, thought nothing of what might be in the products they were buying from

China that were inexpensive, that looked good in terms of Halloween and Easter, and that our children would use.

Dr. Weidenhamer, after collecting these products, went to work, and so did we. I commend especially Senator PRYOR, who worked tirelessly in 2008 on legislation to, if you will, revamp the Consumer Product Safety Commission through the Consumer Product Safety Improvement Act to ensure the CPSC had the resources and funding necessary to carry out its critical mandate.

Mr. President, how many times have we heard in the body of this Chamber, in the House of Representatives, during a Republican Presidential debate that government is too big; that we have to get government out of our lives and that government can't do anything right? Well, this was a case with the Consumer Product Safety Commission—and with this legislation, the Consumer Product Safety Improvement Act—where the government's involvement, the regulatory process, actually got it right.

This year—not long ago—Dr. Weidenhamer sent out his students again. Obviously, this hasn't undergone rigorous scientific analysis, but it tells us how things are moving. I believe they tested some 75 products this year, and they found not one containing lead.

We know what lead does to a child if that child chews on a piece of old crumbling wood containing lead-based paint—found particularly in old homes that are beginning to decay, and particularly inner-city kids and Appalachian kids. We know that lead in children's bloodstreams arrests their brain development. Children who ingest lead—and these are mostly low-income children or children exposed to these Halloween kinds of toys—can often suffer retardation or their brains do not develop as quickly as they should.

So this was a huge victory. Again, this legislation hasn't done everything we want, but I hear so often people dismissing any regulation as job killing. When we hear a conservative politician—usually enthralled to corporate America—talking about regulation to the largest corporations that outsource jobs, we can bet the term before it is “job killing.” How about putting the term “lifesaving” before regulation, such as lifesaving regulation that makes a difference in a child ingesting lead?

How about lifesaving regulation that has cleaned up our air and cleaned our drinking water? How about lifesaving regulation when it is the prohibition on child labor worker safety rule? Instead, it is job-killing regulation every time. Clearly, that is not the way it has often worked. But then we see, after my Republican colleagues too often want to weaken these safety rules, as they have tried to do, House Republicans have tried to cut more

than \$3 million from the Consumer Product Safety Commission.

So we have this new law in effect that can literally save children's lives and make children more healthy and help their brain development, in effect, in Eugene, OR, and Columbus, OH, but if we cut back on the enforcement of these laws by cutting these agencies and taking away employees who inspect these, who force these companies—who make sure these companies are doing the right thing and not selling lead-based toys to American children, what have we? And that is really unfortunate. The cuts would take us back to the very reason Congress passed and President Bush—a Republican President—in those days signed into law the Consumer Product Safety Improvement Act in the first place.

We know there are plenty of government regulations that we should reexamine and in some cases pull back or reform or repeal, but it just seems my conservative colleagues don't know the difference between regulations that might actually affect jobs and regulations that clearly protect the public health and clearly protect the public safety.

We know the Senate will prepare to debate the fiscal year 2012 financial services and general government appropriations bill later this week. I call on my colleagues to support funding for the Consumer Product Safety Commission. We know what that does. We know it saves lives. We know it makes a difference in the lives of our children.

VICTOR F. STEWART, JR.

Mr. BROWN of Ohio. Mr. President, I rise on a more somber note. A longtime friend of mine, Victor F. Stewart, Jr., from O'Leary, OH, died this week at the age of 85. He was a counselor to me, he was a teacher, and he was a friend. He was someone who mentored me and so many other people in our county and our State. He dedicated his life to his community and to his country. He leaves behind 10 children and family and friends. He leaves public servants behind him whom he counseled about life, politics, and public service.

Vic was a child of the Great Depression. He was born in the 1920s. He was a child of the New Deal. He believed in loyalty and frugality. He believed in a citizen's responsibility to vote and to be a citizen.

As I said, he was the father of 10—6 daughters and 4 sons. His wife Helen survives him, and he was married to her for 62 years. I remember going to Vic and Helen's 50th wedding anniversary and the number of children and grandchildren and friends in the community, and the love people felt and extended to both him and Helen was a sight to see.

Vic was a city councilman. He was mayor of O'Leary. He served in the U.S. Army in World War II. He was always a team player. He was a Catholic Youth League basketball coach, a Lit-

tle League coach, a high school third baseman, and, again, a mentor to young people in politics, baseball, sporting activities, and especially to his children.

He was a Democratic Party chair in Lorain County for many years. He walked and met with President Kennedy, President Johnson, and President Carter when they were in Lorain County. He credits President Johnson with so much of what we all should credit our government for doing: the Civil Rights Act, the Voting Rights Act, the passage of Medicare, the antipoverty initiatives of the Johnson Great Society program.

When I think about what our government can do in partnership with the private sector, that is what brought us Medicare, that is what brought us safe drinking water, that is what brought us civil rights, and that is what brought us Head Start, many of them passing in the mid-1960s, passage of legislation from which our country still benefits.

Many of the young people sitting in front of us today will benefit from the Pell grants that came out of the Higher Education Act. Senator WHITEHOUSE spoke to a group of us today about a forum he did at the University of Rhode Island and what those Pell grants mean to some of the professors there who were able to go to college because of the Pell grants, some of the young students there who can afford college because of the Pell grants, and some older people who went back to school because of these Pell grants and got an opportunity to further their education as middle-aged parents. Vic Stewart was part of all that.

Vic Stewart believed that the role of government in our communities could make a difference in people's lives, especially working families. So while he met with President Carter and President Kennedy and President Johnson, his heart was always in the community. He cared most about working families, poor kids who didn't have the opportunities of some more privileged people in O'Leary or Lorain or anywhere else in our county. That is what I admired about Vic.

I was so appreciative of the wisdom he would impart to me when we would get together several times a year at breakfast or lunch and just talk about what I was doing and what he was doing, and he was always so helpful that way. He offered his no-nonsense advice with a touch of humor and compassion and a healthy dose of common sense.

He understood the value of a hard day's work. He lived his life guided by that devotion to God. He was a devout Roman Catholic. To family—he was a terrific father and husband to Helen. Friends—he counted so many of us as people who were close to him and his love of country. We will never forget his warmth and his wit and his wisdom.

He always looked to the whole community, not just the privileged. He was

sickened by this power of Wall Street and this huge executive compensation, these huge salaries and bonuses that too many in our society on Wall Street and other places have taken.

His heart was always with the middle class, working families. He taught integrity, especially to young people. That is why I owe Vic Stewart so much. We have lost a true friend, we have lost a teacher, and we have lost a mentor who made a difference in the lives of so many of us. We mourn for Vic Stewart, Jr. We think of Helen. We think of the sons and daughters whom Vic and Helen have taught so well and raised so well over the last five-plus decades.

Mr. President, I yield the floor. 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. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

REBUILD AMERICA JOBS ACT

Mr. WHITEHOUSE. Mr. President, if we pass the Rebuild America Jobs Act, we will immediately invest \$50 billion into our transportation infrastructure and generate hundreds of thousands of good jobs and establish a national infrastructure bank which will generate even more good jobs. We need these jobs during the current period of high unemployment, and upgrading our crumbling infrastructure will spur long-term job growth in addition to the immediate employment benefits. So I strongly support this bill and I hope our colleagues can be brought around as well.

The Rebuild America Jobs Act is one piece of the larger American Jobs Act which, when Leader REID brought it to the floor, all 47 Senate Republicans chose to filibuster instead of allowing us to begin debating and, if they wished, improving the jobs legislation. That filibuster blocked President Obama's plan to cut payroll taxes for every single American worker, and it blocked his plan to offer business owners generous tax breaks to hire new workers and grow their businesses. Economists estimated that the American Jobs Act would create nearly 2 million jobs—1.9 million jobs. Perhaps for that reason, many pieces of the bill have received wide bipartisan support in the past. Indeed, just last December, similar job-creating provisions were included in the Job Creation and Tax Cuts Act, which received 81 votes in the Senate.

The jobs bill that Republicans blocked was fully paid for through a 5.6-percent surtax on income in excess of \$1 million. In other words, the only tax increase in the bill is a provision that pays for job creation in this country by