

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