

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATOR CHRIS DODD

Mr. REID. Mr. President, the good priest has a wonderful person as one of his parishioners, someone we all look up to, someone we will miss dearly. For me, it is a personal loss. He is very proud of his religion. Obviously, the guest Chaplain is one reason.

Mr. McCONNELL. Will the majority leader allow me to make an observation?

Mr. REID. Of course.

Mr. McCONNELL. Mr. President, I had the opportunity to meet the father in the hall. I expressed to him my admiration for Senator DODD. In fact, I said he was my favorite Democrat. We are indeed going to miss Senator DODD in the Senate in the coming years. I thank him for being with us this morning.

SCHEDULE

Mr. REID. Mr. President, after any leader remarks, the Senate will resume consideration of the food safety bill. There will be 2 minutes for debate prior a series of three rollcall votes. We will have the Coburn motion to suspend rule XXII for the purpose of proposing and considering Coburn amendment No. 4697, a Coburn motion to suspend rule XXII for purposes of proposing and considering Coburn amendment No. 4694, and then passage of this most important bill, the food safety bill.

Upon disposition of the food safety legislation, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each, and the Senate will recess from 12:30 to 4 p.m. to allow for party caucus meetings. They are a little longer today than normal because of organizational things we are working through.

At 4 p.m. today, Senator DODD will be recognized to give his farewell speech to us and the country.

MEASURE PLACED ON THE CALENDAR

Mr. REID. Mr. President, S. 3985 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3985) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

WHITE HOUSE SUMMIT

Mr. McCONNELL. Mr. President, congressional leaders of both parties will meet with the President at the White House today to talk about the work we have to do before the end of the year and, hopefully, about the things we can do together to foster the right conditions for businesses to start investing again and creating jobs.

Americans are watching the economic drama that is playing out in Europe. They expect us to read the signs of the times and work together to make sure that we avoid a similar crisis here, that we don't walk right into the same problems through a lack of will or political courage.

The American people expect us to put the national interest ahead of party interest. And, frankly, that is why it has been so distressing for many of us to watch our Democrat friends grope for a clear and unified position on whether or not to raise taxes in the middle of a recession.

One would think that this issue would be simple and straightforward.

Economists say that preventing a tax increase is one of the most important things Congress can do to help the economy. And the voters ratified that view earlier this month by sending candidates from both parties to Washington who vowed not to raise taxes once they got here.

But our Democrat friends are apparently still reluctant to draw any clear lessons from the election. With millions of American households staring at the imminent prospect of smaller paychecks in just a few short weeks unless Congress does something, Democrats are still searching for a solution that enables them to benefit politically—regardless of what it does to the economy or to families.

Just take the latest proposal.

Some Democrats now say they only want to raise taxes on businesses that make more than \$1 million a year. Where did that number come from? Well, it turns out this figure has no economic justification whatsoever. Nowhere will we find a study or survey which indicates that raising taxes on small businesses with over \$1 million in income will create jobs or help spur the economy.

In fact, the author of this proposal freely admits it isn't an economic policy proposal at all, but rather one that was designed to provide better political messaging—an astonishing admission.

Let us get something straight. Millions of out-of-work Americans don't want a message. They want a job. Millions of struggling families trying to make ends meet don't need the Democrat messaging to improve; they need the economy to improve.

Selling bad economic policy to the American people is not an acceptable alternative to creating an environment that will put people back to work and help spur the economy.

We have heard a lot of chatter here in Washington lately about the negotiations that are expected to take place on this looming tax hike in the weeks ahead—on how to prevent it. How about we start with this: the beginning and end of any negotiation shouldn't be what is good for any political party. It should be what is good for the economy and for the American people. An if we leave the politics aside, if we look at the facts, the answer here is simple: no tax hikes on anybody—period.

So the question isn't what is best for the economy and jobs—the answer to that is obvious. The question is when will our friends on the other side get serious about either one.

It has been reported that the author of the \$1 million proposal ran it through a focus group to see how it polled. This is precisely the kind of thing Americans are telling us to put aside. The election was a month ago. It is time to move on. It is time to work together on the priorities Americans want us to address.

Republicans have heard the voters loud and clear. They want us to focus on preventing a tax hike on every taxpayer, on reining in Washington spending and on making it easier for employers to start hiring again. That is why Republican leaders are reiterating our offer to work with anyone, from either party, who is ready to focus on priorities like these.

The day after the election, the President acknowledged that “the overwhelming message” of the voters “[was] that . . . we want you to focus completely on jobs and the economy.”

That is the same message Republicans will bring to the White House today.

And that is why there is no reason we shouldn't be able to reach an agreement on taxes soon.

It is unclear how long our friends across the aisle will continue to resist the message of the election and cling to the liberal wish list that got us a job-killing healthcare law, a “cap-and-trade” national energy tax, an out-of-control spending spree, million more jobs lost, trillions more in debt, but not a single appropriations bill to fund the government or a bill to prevent the coming tax hikes.

With just a few weeks left before the end of the year, they are still clinging to the wrong priorities—instead of preventing a tax hike, they want to focus on immigration and don't ask, don't tell—and, maybe, if there is time left, see what they can do about jobs and the economy.

Indeed, their entire legislative plan for the rest of the lame duck session appears to be to focus on anything except jobs, which is astonishing when we consider the election we have just had.

Republicans aren't looking for a fight. We are appealing to common sense and a shared sense of responsibility for the millions of Americans who are looking to us to work together not on the priorities of the left, but on their priorities. And those priorities are clear.

Together, we must focus on the things Americans want us to do—not on what government wants Americans to accept. There is still time to do the right thing. The voters want us to show that we heard them, and Republicans are ready to work with anyone who is willing to do just that.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FDA FOOD SAFETY MODERNIZATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 510, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 510) to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

Pending:

Reid (for Harkin) amendment No. 4715, in the nature of a substitute.

Coburn motion to suspend rule XXII of the Standing Rules of the Senate, for the purposes of proposing and considering Coburn amendment No. 4696.

Coburn motion to suspend rule XXII of the Standing Rules of the Senate, for the purposes of proposing and considering Coburn amendment No. 4697.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided and controlled between the Senator from Oklahoma, Mr. COBURN, and the Senator from Hawaii, Mr. INOUE.

The Senator from Illinois.

Mr. DURBIN. Mr. President, in the absence of Senator INOUE, I ask unanimous consent to speak on his behalf for the 1 minute allocated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOTIONS TO SUSPEND

Mr. DURBIN. Mr. President, I am going to vote today against the Coburn effort to change our rules relative to earmark legislation.

I wish to tell you, as a member of the Senate Appropriations Committee, we have put in place what I consider to be the most dramatic reform of this appropriations process since I have served in Congress. There is full disclosure, in my office, of every single request for an appropriation. We then ask those who have made the request for the appropriation to have a full disclaimer of their involvement in the appropriation so it is there for the public record.

This kind of transparency is virtually unprecedented, and I think it is an effort to overcome some of the embarrassing episodes which occurred primarily in the House of Representatives under the other party's leadership, where people literally went to jail because of abuse of the earmark process.

I believe I have an important responsibility to the State of Illinois and the people I represent to direct Federal dollars into projects critically important for our State and its future. What the Senator from Oklahoma is setting out to do is to eliminate that option.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. I hope my colleagues will join me in opposing the Coburn motion.

Mr. LEVIN. Mr. President, Senator COBURN has proposed an amendment to the badly needed food safety legislation now before the Senate that seeks to end congressionally directed spending, or earmarks. Senator COBURN described his amendment as an attempt to get spending under control, but it fails the test of accomplishing that goal and fails to meet Congress's constitutional obligation to exercise the power of the purse.

Article I, section 9 of the Constitution of the United States places the power of Federal spending in the Congress, the branch of government most directly connected to the people. The power of the purse is great, and therefore accountability for the exercise of that power should be great as well.

Our greater responsiveness in Congress to immediate public needs is essential. If the Coburn amendment passes, we would be barred from bringing that judgment to bear on some of the most pressing issues of the day. Instead, the executive branch—which is, in practice, the most bureaucratic and least responsive branch—would control these decisions. For example, under Senator COBURN's proposal, only the executive branch would have the power to initiate funding for disaster relief. Measures to appropriate funds in response to disasters would be prohibited because they would dedicate funding to specific locations. So, had this measure been in place when Hurricane Katrina struck the Gulf Coast, Congress would have been powerless to react. Similarly, had this restriction been in place when a Mississippi River bridge collapsed in Minnesota in 2007, Congress could not have appropriated the \$195 million it set aside for repair and reconstruction.

This measure also would prevent Members from addressing the urgent needs of our communities. I and other Members from Great Lakes States have urged the Army Corps of Engineers and other agencies to address the growing threat that Asian carp will make their way from the Mississippi River watershed into the Great Lakes. These invasive species of fish would devastate the lakes, doing enormous harm to our States' economies. So long as the

Army Corps continues to underfund this important work, only the action of Congress can prevent an economic disaster.

I would argue that each of these expenditures is important and necessary. But the wisdom or folly of these decisions lies in the merits of the projects themselves, not in the manner by which they were funded. Allowing the Congress to make these decisions allows the voters to judge them on their own merits, to reward their representatives when they make wise choices, and to render judgment in the voting booth when they do not.

Senator COBURN is rightly concerned about the long-term fiscal condition of the government. But it has been repeatedly pointed out, despite the fiction surrounding this issue, that this amendment would do nothing to improve our fiscal situation. Year after year, Congress works within the top line of budgets submitted by the President, readjusting priorities without increasing total spending. For this reason, the Coburn amendment would not reduce spending levels; it would simply shift greater authority for deciding how money is spent from the legislative branch to the executive.

There are two ways to close our fiscal gap. We can reduce spending or we can increase revenue. Banning congressionally directed spending does neither. It would create the impression that we have taken a step toward fiscal responsibility, without making any of the difficult choices that reducing the deficit will require. I applaud Senator COBURN's desire to address our debt. But this measure fails to do so and in the process abdicates our constitutional responsibilities. So I will oppose this amendment and urge our colleagues to do the same.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the Coburn-McCaskill amendment, which would impose a 3-year moratorium on earmarks.

This amendment is a direct attack on the authority vested in the Congress to determine how Federal funds are spent, despite the fact that this power is clearly established in Article I of the U.S. Constitution.

I, for one, take great exception to this attack. It would set a dangerous precedent, in my view, to simply turn over a blank check to the executive branch and undermine the power that the Constitution grants Congress. What if an administration is not focused on the needs of a particular State, perhaps because that State didn't vote for that President?

For years I have fought for funding of flood control in Sacramento. Sacramento is one of the most endangered cities in the country when it comes to catastrophic risk of flooding. Neither Democratic nor Republican administrations have requested sufficient funding for the flood control improvements that will protect lives and property in that community.