

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.