

more than FDA requires. That decision is part of a private contractual relationship. This bill does not affect these arrangements. They will continue to exist and will limit the application of any exemptions provided in this bill.

Third, processors that want to be exempted will have to document that they meet the exemption. There are two ways to do that. First, they must show they are in compliance with State law or second, they must show that they have completed a food safety plan of their own. Many processors will simply decide that for competitive reasons or lack of capacity they will simply stick with whatever FDA requires. This is another pragmatic limitation on the Tester provisions.

Fourth and finally, FDA is specifically authorized to take action and revoke an exemption if it determines that the food presents a public health risk, and FDA can act to prevent an outbreak if needed. This provision creates a "one-strike-you are out" exemption: once a farm or food processing facility has lost its exemption, it may never be reinstated.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR SENATE AMENDMENT 4715 IN THE NATURE OF A SUBSTITUTE TO S. 510, FDA FOOD SAFETY MODERNIZATION ACT

| | By fiscal year, in millions of dollars— | | | | | | | | | | | |
|---|---|------|------|------|------|------|------|------|------|------|-----------|-----------|
| | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2011–2015 | 2011–2020 |
| Statutory Pay-As-You-Go-Impact ^a | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

^a S. 510 would increase federal efforts to ensure the safety of commercially distributed food. S. 510 would stipulate that the failure to comply with new requirements, such as mandatory recalls and risk-based preventive controls, could result in the assessment of civil or criminal penalties. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund, and later spent. Enacting S. 510 could increase revenues and direct spending, but CBO estimates that the net budget impact would be negligible for each year.

Source: Congressional Budget Office.

The ACTING PRESIDENT pro tempore. Under the previous order, the cloture motion with respect to the bill is withdrawn and the question is on passage of S. 510, as amended.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—73

| | | |
|------------|------------|------------|
| Akaka | Collins | Inouye |
| Alexander | Conrad | Johanns |
| Baucus | Coons | Johnson |
| Bayh | Dodd | Kerry |
| Begich | Dorgan | Kirk |
| Bennet | Durbin | Klobuchar |
| Bingaman | Enzi | Kohl |
| Boxer | Feingold | Landrieu |
| Brown (MA) | Feinstein | Lautenberg |
| Brown (OH) | Franken | Leahy |
| Burr | Gillibrand | LeMieux |
| Cantwell | Grassley | Levin |
| Cardin | Gregg | Lieberman |
| Carper | Hagan | Lincoln |
| Casey | Harkin | Lugar |

Mr. President, it is not the intent of this legislation to include in the definition of "facility," for purposes of either FFDCA Sec. 415 or for the pending bill, seed production or storage establishments as long as they do not manufacture, process, pack, or hold seed reasonably expected to be used as food or feed. Further, we note that seeds not used as food or feed have historically not been subject to oversight by FDA.

The PRESIDING OFFICER. Under the previous order, amendment No. 4715 is agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that after adoption of the substitute amendment to S. 510 and now, after the third reading, the Senate then proceed to Calendar No. 74, H.R. 2751; that all after the enacting clause be stricken and the text of S. 510, as amended, be inserted in lieu

thereof; that no further amendments or motions be in order; that the bill, as amended, be read a third time, and after the reading of the Budget Committee pay-go letter, the Senate then proceed to vote on the passage of H.R. 2751, as amended; further, that the title amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the clerk will read the pay-go statement.

The legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 510, as amended.

Total Budgetary Effects of S. 510 for the 5-year statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 510 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the Record as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

| | | |
|-------------|-------------|------------|
| Manchin | Reed | Udall (CO) |
| McCaskill | Reid | Udall (NM) |
| Menendez | Rockefeller | Vitter |
| Merkley | Sanders | Voinovich |
| Mikulski | Schumer | Warner |
| Murkowski | Shaheen | Webb |
| Murray | Snowe | Whitehouse |
| Nelson (NE) | Specter | Wyden |
| Nelson (FL) | Stabenow | |
| Pryor | Tester | |

NAYS—25

| | | |
|-----------|-----------|-----------|
| Barrasso | DeMint | McConnell |
| Bennett | Ensign | Risch |
| Bunning | Graham | Roberts |
| Chambliss | Hatch | Sessions |
| Coburn | Hutchison | Shelby |
| Cochran | Inhofe | Thune |
| Corker | Isakson | Wicker |
| Cornyn | Kyl | |
| Crapo | McCain | |

NOT VOTING—2

| | |
|------|----------|
| Bond | Brownbck |
|------|----------|

The bill (S. 510), as amended, was aged to.

Mr. HARKIN. Mr. President, I move to reconsider the vote and move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

PASSAGE OF S. 510

Mr. HARKIN. Mr. President, today with the passage of the Food Safety Modernization Act by this overwhelming vote of 73 to 25, we have taken momentous steps to help strengthen food safety in America. The Food Safety Modernization Act will bring America's food safety system into the 21st century.

This bill gives the FDA the authority the agency needs to help protect America from foodborne illnesses. While this bill is a historic step forward in ensuring that our food supply is safe and protecting Americans from foodborne illnesses, we have to now ensure that the FDA has adequate resources to fulfill their profound responsibilities.

I look forward to working with my colleagues on the Appropriations Committee and the entire Senate to ensure that they have the necessary resources to fulfill the provisions of this legislation.

As the primary cosponsors of the bill, Senators DURBIN and GREGG deserve a great deal of thanks for their outstanding leadership. I asked Senator DURBIN when he started working on this bill. He said back in the House 18 years ago. So sometimes it takes a long time to get these things done. But this is the first time in 70 years we have ever had a major revision of our food safety laws. Senator GREGG has also worked at least a dozen years,

that I know of, on this bill in his time in the Senate. I would also like to thank my colleagues, Senator ENZI, the ranking member of the committee, former chairman and ranking member of the committee, for his help and also Senator BURR for working hard on the legislation and getting it where it is today.

Finally, I thank my friend, Senator DODD, for his tireless efforts. The Senate will certainly miss his leadership on this and so many other important issues. Additionally, I thank members of our staffs who helped to make this possible, and let me just—I am going to read their names, but let me say at the outset, while many of us were perhaps not around during Thanksgiving week or perhaps even the week after the elections, I can tell you the staffs were hard at work day after day, sometimes late in the evenings, sometimes on weekends, to help get this bill together. These staff people deserve so many thanks from not only me but from everyone involved with this legislation.

From Senator DURBIN's staff: Albert Sanders, Anne Wall, and Dena Morris; from Senator ENZI's staff: Chuck Clapton, Keith Flanagan, Travis Jordan, Frank Macchiarola, and Amy Muhlberg; Senator DODD's staff: Anna Station and Tamar Haro; Senator GREGG's staff has worked on this bill from the beginning: Elizabeth Wroe; Senator BURR's staff: Anna Abram and Margaret Brooks; Senator REED's staff: Carolyn Gluck and Kasey Gillette; and from my staff: Kathleen Laird, Tom Kraus, Bill McConagha, Mark Halverson, Jenelle Krishnamoorthy, Pam Smith, and Dan Smith. All of them are heroes and heroines in my book. They really put forth supreme effort to get this bill to us today so we could have this overwhelming vote of approval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

TRIBUTE TO SENATOR RUSS FEINGOLD

Mr. MCCAIN. Mr. President, I want to say a few words about a friend and colleague whom I will miss very much when he leaves the Senate after we adjourn, Senator RUSS FEINGOLD. I cannot thank him for his service without mentioning the outstanding work of his capable staff: Mary Irving, his chief of staff; Sumner Slichter, his policy director; Bob Schiff, chief counsel; and Paul Weinberger, his legislative director, a loyal and outstanding team.

Without intending it as a commentary on his successor, I have to confess I think the Senate will be a much poorer place without RUSS FEINGOLD in it. I know that in my next term I will experience fewer occasions of inspiration because of the departure of RUSS FEINGOLD, a man whose courage and dedication to the principles that guided his Senate service often inspired me.

I will also miss the daily experience of RUSS FEINGOLD's friendship, and the qualities that distinguish his friendship, his thoughtfulness, kindness, humor and loyalty. I have treasured that friendship all the years we have served together, and while friendship does not end with a Senate career, I will sorely miss his presence. I will miss seeing him every day. I will miss traveling with him. I will miss the daily reminder of what a blessing it is to have a true friend in Washington.

Our first encounter with one another was in a Senate debate in which we argued about an aircraft carrier, somewhat heatedly, if memory serves. RUSS thought the U.S. Navy had one too many. I thought we did not have enough. It was, I am sorry to admit, not a very considerate welcome on my part to a new colleague, whom I would soon have many reasons to admire. But to RUSS's credit, he did not let my discourtesy stand in the way of working together on issues where we were in agreement. And to my good fortune, he did not let it stand in the way of our friendship either.

We are of different parties and our political views are often opposed.

We have had many debates on many issues. But where we agreed on wasteful spending, ethics reform, campaign finance reform and other issues, it was a privilege to fight alongside and not against RUSS FEINGOLD.

We do not often hear anymore about Members of Congress who distinguish themselves by having the courage of their convictions; who risk their personal interests for what they believe is in the public interest. I have seen many examples of it here, but the cynicism of our times, among the political class and the media and the voters, tends to miss examples of political courage or dismiss them as probable frauds or, at best, exceptions that prove the rule. In his time in the Senate, RUSS FEINGOLD, every day and in every way, had the courage of his convictions. And though I am quite a few years older than RUSS, and have served in this body longer than he has, I confess I have always felt he was my superior in that cardinal virtue.

We were both up for re-election in 1998. I had an easy race. RUSS had a difficult one. As many of our colleagues will remember, RUSS and I opposed soft money, the unlimited corporate and labor donations to political parties that we believed were compromising the integrity of Congress, and we were a nuisance on the subject. RUSS's opponent in 1998 was outspending him on television, and the race became tighter. It reached a point where most observers, Democrats and Republicans, expected him to lose. The Democratic Party pleaded with RUSS to let it spend soft money on his behalf. RUSS refused. He risked his seat, the job he loved, because his convictions were more important to him than any personal success. I think he is one of the most admirable people I have ever met in my life.

We have had a lot of experiences together. We fought together for many things, important things. And we have fought many times on opposite sides. We have been honored together and scorned together. We have traveled abroad together. We could not be farther apart in our views on the wars in Iraq and Afghanistan, but we traveled there together as well, to gain knowledge that would inform our views and challenge them. We have listened to each other; debated each other; defended each other; joked and commiserated together.

And in my every experience with RUSS FEINGOLD, in agreement and disagreement, in pleasant times and difficult ones, in heated arguments and in the relaxed conversation of friends, he was an exemplary public servant; a gentleman; good company; an irreplaceable friend; a kind man; a man to be admired.

I can not do justice in these remarks to all of RUSS's many qualities or express completely how much I think this institution benefited from his service here and how much I benefited from knowing him. I lack the eloquence. I do not think he is replaceable. We would all do well to keep his example in our minds as we serve our constituents and country and convictions. We could not have a better role model.

I have every expectation we will remain good friends long after we have both ended our Senate careers. But I will miss him every day. And I will try harder to become half the public servant he is. Because his friendship is an honor and honors come with responsibilities.

God bless my friend RUSS FEINGOLD.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN of Ohio. Mr. President, I want to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

HEALTH CARE REFORM

Mr. BROWN of Ohio. Mr. President, I spent a lot of time, as my colleagues have, traveling our States during the elections, to be sure, but also since. I hear a lot of discussion from regular people—not from people running for office per se but regular people—about what this new health care law has meant to them. I meet 22-year-olds who are now on their parents' health insurance plan. If you are 22 in this country today, your chances of finding a job with decent health care are not real high in most places in our country, and