

Mr. LUGAR. No.

AMENDMENT NO. 5085

Mr. BIDEN. While we are working on the Vitter amendment—we made an offer and there has been a counteroffer—I ask unanimous consent that the pending amendment be set aside and I send to the desk an amendment by Senator GREGG and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. GREGG, proposes an amendment numbered 5085.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To encourage the inclusion of cost sharing assurances and transition strategies among compacts and frameworks agreements, the activities authorized under section 104A of the Foreign Assistance Act of 1961, and the highest priorities of the Federal Government)

On page 77, line 2, strike “and”

On page 77, line 5, strike “.” and insert a semicolon.

On page 77, between lines 5 and 6, insert the following:

“(C) the inclusion of cost sharing assurances that meet the requirements under section 110; and

“(D) the inclusion of transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”

On page 88, line 22, strike “.” and insert the following: “, including—

“(A) cost sharing assurances that meet the requirements under section 110; and

“(B) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”

On page 94, after line 25, add the following: “(G) Amounts made available for compacts described in subparagraphs (A) and (B) shall be subject to the inclusion of—

“(i) cost sharing assurances that meet the requirements under section 110; and

“(ii) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, and budget support by respective foreign governments.”

Mr. BIDEN. Very briefly, this amendment relates to cost sharing and transition strategies. It has been cleared on both sides. I suggest we move by voice vote. I ask unanimous consent we proceed to a vote.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5085) was agreed to.

Mr. BIDEN. Mr. President, unless my friend from Indiana thinks we should proceed, I think we should spend the next few minutes in a quorum call while we try to work out, if we can, the

Vitter amendment. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business for 1 hour, with Senators allowed to speak for up to 10 minutes each, and the time be equally divided between the two sides.

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

#### PROTECTING THE PUBLIC'S HEALTH

Mr. BROWN. Mr. President, on June 9, just a month ago, Nebraska Beef, an Omaha slaughterhouse, received a notice from the U.S. Department of Agriculture that two beef samples had tested positive for E. coli. By the second week in June, it had also been confirmed that numerous people from my State, Ohioans, had been infected with E. coli O157:H7, a sometimes deadly strain of bacteria. It was not until July 3—June 9 was the original notification—that Nebraska Beef finally acquiesced and issued a recall of 5.3 million pounds of its meat.

Federal officials at the USDA have criticized Nebraska Beef for being slow to respond. Unfortunately for consumers in my State and other places, USDA's authority—beyond issuing public admonishments—to protect the public is limited. In other words, USDA under the law cannot order a recall. They can be critical of Nebraska Beef. They can notify others about what Nebraska Beef is doing. But they cannot order a recall. For instance, most Americans would be alarmed to learn that the Federal Government does not have the power to issue a mandatory recall of contaminated food. Had the USDA been able to issue a mandatory recall of Nebraska Beef once it became clear that consumer safety was at risk due to unsanitary production conditions, unsafe food would have been taken off of the shelves more quickly and fewer people would have purchased it and consumed contaminated meat.

Again, June 9 is when the USDA first found out, but it was not until July 3—almost 4 weeks—until Nebraska Beef did what it should have done right away, something USDA had no authority under law to do. Lives continue to be put at risk because of delay since many consumers may be unknowingly storing infected meat in their kitchens for future use.

I have been on this floor lots of times in the 18 months I have been in the

Senate, especially the last 8 or 9 months, talking about food banks and food pantries. I know the Presiding Officer from New Jersey has had particular concerns of constituents of his in places such as Essex County and urban poor areas but also rural, low-income areas or even moderate-income areas where people with jobs, people employed but not making much money have to go to food banks and food pantries to supplement their food budgets because of the cost. We have enough concerns of people getting food. We should not have to have concerns in New Jersey or Ohio about buying food and being uncertain of its safety.

In my State, health officials have confirmed that 21 Ohioans, plus another 20 in other States, have been made ill by this outbreak. Yesterday, reports were released that indicated the outbreak has spread from Ohio and Michigan, where it was initially reported and perhaps confined to, to now New York, Kentucky, Indiana, and possibly Georgia. The 21 ill Ohioans hail from Franklin County, Columbus, Fairfield, which is where Lancaster is the county seat, Lucas, which is where Toledo is located, Delaware, Seneca and Union Counties. Eleven people have required hospitalization.

This recent example is, unfortunately, not an isolated case. An analysis of a selected sample of outbreaks affecting Ohio over the last 5 years has shown a widespread problem. It is not the first time, and it probably will not be the last time. It means it is a real public health issue. Ten outbreaks dating back to 2003 have led to 217 illnesses, 66 hospitalizations, and 1 death.

Of the people exposed to food safety problems, to toxins, to bacteria in our food supply, those who are harmed the most are the very young and very old, people whose immune systems are weaker, who are sick anyway and are most likely to be hospitalized or even die from these kinds of outbreaks. But it affects all of us. Some of these outbreaks, such as those involving hepatitis A and botulinum, cause serious lifelong health problems. It is not a question of your digestive tract clearing it out and surviving these bacteria; sometimes they actually cause long-term health problems.

The top priority for both USDA and the Food and Drug Administration, the two chief food safety oversight agencies, should be to protect the public's health—a mission that will sometimes require swift and decisive action that sometimes the industry simply will not like. It is all about public health.

That is why yesterday I introduced legislation to provide mandatory food recall authority for both the USDA, which is responsible for poultry and beef, and the FDA, which is responsible for most processed foods, fruits and vegetables—everything the USDA doesn't do. Mandatory recall authority will ensure that these agencies have the necessary leverage to demand that those private companies, such as Nebraska Beef, that have sometimes been

resistant—many companies have. Many companies that hear it want to deal with it immediately, but some do not. Under our legislation, these agencies will have the necessary leverage to demand that those private companies responsible for feeding our Nation follow strict safety standards, and it means that when mistakes are made, public safety is not compromised.

I have partnered in this initiative with Representative DIANA DEGETTE, a Democrat from Colorado. She and I sat together on the Health Subcommittee of the Energy and Commerce Committee. She still sits there and has been a long-time advocate of making a generally good food-safety regimen in this country even better. This is one major step in doing that.

In 2004, the GAO concluded that the current recall system, which relies on voluntary action by industry, is flawed and that the USDA and FDA must do better to ensure recalls are prompt and complete. The administration seems to have reached a similar conclusion, asking Congress late last year to provide FDA with mandatory recall authority.

So consumer groups want it, the FDA wants it, the President wants it, and an awful lot of us in this Chamber think the FDA and USDA should have authority to do mandatory recalls. I hope the FDA food safety legislation currently being drafted in both Chambers ultimately includes mandatory recall provisions and that we get a chance to vote on such a proposal this year.

It is imperative both USDA and FDA be given this authority. We can't afford to continue to put the public's health at risk by waiting for some kind of comprehensive legislative package. A simple fix such as the one in my and Representative DEGETTE's SAFER Meat, Poultry, and Food Act, could solve this glaring deficiency in our food safety system. I implore my colleagues to support our legislation.

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

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

Mr. SANDERS. I ask consent to speak as in morning business.

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

#### LIHEAP

Mr. SANDERS. Mr. President, in response to the outrageously high cost of fuel all across this country, and the fact that people both in the southern part of America and the northern part of America are very worried about how they are going to stay warm next winter and stay cool this summer, I introduced S. 3186, the Warm In Winter And Cool In Summer Act, which will pro-

vide immediate relief to millions of senior citizens, families with children, and the disabled who are struggling to pay their home energy bills. Specifically, this bill would nearly double the funding for the highly successful Low Income Home Energy Assistance Program, that is the LIHEAP program, in fiscal year 2008, taking LIHEAP from \$2.57 billion to \$5.1 billion, a total increase of \$2.53 billion. I mention that is, in fact, what this program is authorized for.

I thank Majority Leader REID for completing the rule XIV process. My hope is that this legislation, this bill, will be on the Senate floor either this week or next week because it is imperative that we move it as quickly as possible.

There are many Members of the Senate, Democrats, Republicans, Independents, who have been active on the LIHEAP issue for a number of years. I want, at this time, to announce that we have now 40 Senators who are cosponsors of this tripartisan legislation. That includes 10 Republicans. It includes 30 Democrats and 1 Independent in addition to myself, making 2 Independents.

The cosponsors of this legislation are Senators OBAMA, SNOWE, Majority Leader REID, SMITH, DURBIN, COLEMAN, MURRAY, SUNUNU, LANDRIEU, COLLINS, LEAHY, MURKOWSKI, CLINTON, GREGG, CANTWELL, LUGAR, KERRY, DOLE, KENNEDY, BOND, SCHUMER, LEVIN, CARDIN, BROWN, KLOBUCHAR, MENENDEZ, CASEY, BINGAMAN, LAUTENBERG, STABENOW, BILL NELSON, BAUCUS, LIEBERMAN, SALAZAR, ROCKEFELLER, WYDEN, JACK REED, DODD, WHITEHOUSE, and TESTER.

In other words, we have very strong tripartisan support, from the northern part of our country, from the southern part of our country—all over. People look at the degree of partisanship that takes place in Congress. I am happy to say this bill is bringing all kinds of people from all kinds of ideologies together to say we have a crisis now; that in the United States of America people should not freeze to death in the winter; in the United States of America people should not be dying of heat exhaustion in the summer.

In addition to engendering widespread tripartisan support in the Senate, another bill, exactly the same, is being circulated in the House with very good cosponsorship. Furthermore, I am happy to say we have over 200 groups, national and local groups from all over the country, that are supporting this legislation. They include, among many others: AARP, the city of Phoenix, AZ, Catholic Charities, Salvation Army, the American Red Cross, the American Association of People with Disabilities, et cetera, et cetera—tremendous grassroots support from all over the country.

Let me quote from the AARP which, as you know, is the largest senior group in this country. This is what they say:

AARP fully supports the Warm in Winter and Cool in Summer Act. This legislation

will provide needed relief for many older persons who may not receive assistance—despite their eligibility—due to a lack of funding. Older Americans who are more susceptible to hypothermia and heat stroke know the importance of heating and cooling their homes. They often skimp on other necessities to pay their utility bills. However, today's escalating energy prices and the Nation's unpredictable and extreme temperatures are adding to the growing economic hardships faced by seniors. LIHEAP is underfunded and unable to meet the energy assistance needs of the program's eligible households.

That is from the AARP. I reiterate, Mr. President—what I know you know—there are some Americans and maybe even Members of Congress who do not know that when we talk about LIHEAP, we are not just talking about the problems that occur in my State where the weather gets 20 below zero or in your State. We are talking about problems that take place in Arizona and Texas, where temperatures get to be 110, 115 degrees. With a declining economy and escalating utility bills, many people—seniors, disabled, lower income people—cannot afford their electric bill. Their electricity is being disconnected. You are finding elderly people, people with illnesses, in a very horrendous position.

This is not just a northern State issue. It is not a New England issue. This is, in fact, a national issue and that is why we have cosponsorship for this bill from all over the country.

I have talked in the past and will talk again, obviously, about what LIHEAP means for northern States such as my own, but let me say a few words about what it means for southern States. Let me quote from the city of Phoenix, AZ.

This is from Phoenix, and the person there is saying:

I am writing to express my support for the Warm in Winter and Cool in Summer Act. Currently Arizona can only provide assistance to 6 percent of eligible LIHEAP households. To make matters worse, Phoenix continues to experience extreme heat. In the past month alone we have had 15 days with temperatures at or above 110 degrees. This extreme heat is especially hard on the very young, the elderly and disabled who are on fixed incomes and can no longer afford to cool their homes.

Arizona Public Service reported that there was a 36 percent increase in the number of households having difficulty in paying utility bills and an increase of 11,000 families being disconnected compared to a year ago. Rising energy and housing costs are placing enormous strains on households across Arizona.

Now, imagine being ill or elderly, having your electricity disconnected with temperatures day after day after day being 110 degrees. That is a serious health problem. But the issue obviously is not only in the South.

In my State there is a newspaper called the Stowe Reporter. This is what they say, very briefly, in an editorial:

It could be New England's own Katrina disaster. Hundreds of homes rendered uninhabitable, families' finances stretched to the limit, some driven away altogether to take