

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