

According to a recent Bureau of Justice Statistics report, of the approximately 50 percent of prisoners who met the criteria for drug dependence or abuse, less than half participated in drug treatment programs since their admission to prison. To address these issues, the Second Chance Act reauthorizes mental health care and substance abuse treatment demonstration projects and provides resources and best practices research to comprehensive community-based and family-based substance abuse programs. The programs supported by this legislation give ex-offenders the care and treatment they need to remain drug free and out of prison.

We also cannot expect ex-offenders to become productive members of the community if they don't have the education and vocational training they need to find jobs. The Bureau of Justice Statistics reports that only 46 percent of incarcerated individuals have a high school diploma or its equivalent. The limited availability of education and vocational training programs exacerbates the problem. Only 5 percent of jail jurisdictions offer vocational training, and 33 percent of jurisdictions offer no educational or vocational training at all.

Research shows what a profound effect such programs have on decreasing recidivism rates. Recidivism for inmates who participate in prison education, vocation, and work programs have been found to be 20 to 60 percent lower than for nonparticipants. The Federal Bureau of Prisons found a 33-percent drop in recidivism among Federal prisoners who participated in vocational training.

The Safer Foundation in Chicago found a recidivism rate of 8 percent for participants in its vocational program, compared with 46 percent for a comparison group. The Second Chance Act supports community education and vocational training programs that have proven their effectiveness, and offers the tools and resources to study best practices on job training and placement. It also supports collaboration among community corrections, technical schools, community colleges, and the workforce development and employment service sectors to help ex-offenders overcome the many barriers they face in finding employment.

In addition to addressing adult ex-offender reentry programs, the Second Chance Act also supports juvenile ex-offender reentry programs that put juvenile ex-offenders on the path to being productive adults and good citizens. The nearly 100,000 children who make up the juvenile prison population are among the most vulnerable and defenseless group in our criminal justice system. Too often, we fail to protect them. Many juvenile ex-offenders have learning disabilities and need substance abuse and mental health treatment. Many are incarcerated in overcrowded facilities. All need an education and the support of community-

based programs to reintegrate them after incarceration. To help give juvenile ex-offenders the second chance they need to become positive forces in their communities, this bill reauthorizes the Juvenile Offender Reentry Demonstration Projects, creates a resource center to collect data and provide guidance concerning best practices for juvenile reentry, offers grants to improve educational methods in juvenile facilities, and supports community and family-based juvenile aftercare programs.

In Massachusetts, programs like those that the Second Chance Act would authorize have already been nationally recognized for their success. In Hampden County, Sheriff Michael Ashe and the Hampden County Sheriff's Department have shown that law enforcement and community-based reentry programs that focus on education, employment and treatment are the most effective way to reduce recidivism and improve community safety. States such as Massachusetts have been creating innovative and effective reentry programs, and it is time for the Federal Government to do its part. Supporting such programs is the surest way to ensure that when ex-offenders leave prison, they go with the skills, guidance, and support they need to succeed.

I am especially pleased that the Second Chance Act will support the Elderly Nonviolent Offender Pilot Program, which focuses on reintegrating non-violent elderly offenders over the age of 60. The current strategy of incarcerating elderly inmates who are no longer a threat to their community is a waste of government resources and a humanitarian failure, and the problem is only getting bigger as the elderly prison population grows. A 2004 report by the National Institute of Corrections found that the number of State and Federal prisoners ages 50 or older rose 172 percent between 1992 and 2001, and some estimates suggest that the elderly inmate population has grown by as much as 750 percent over the last two decades. Even conservative estimates suggest that the population of elderly inmates will represent 33 percent of the total prison population by 2010. The average cost of housing the increasing number of elderly inmates is reported to be about \$67,000, three times the average cost of housing younger inmates. As the age of the inmate population grows over the next decade, the total spent on corrections will increase dramatically, even though nonviolent elderly offenders pose little risk to the community. And according to a Department of Justice report, they have a recidivism rate of only 1.4 percent, much lower than the rate for younger inmates.

Housing elderly inmates also raises humanitarian concerns. Often they require treatment for chronic and fatal diseases, protection from younger prisoners, and alterations to accommodate walkers, canes, and geriatric chairs.

According to the National Institute of Corrections:

[T]he lack of personal protection for elderly inmates, which may be frail and therefore vulnerable to the threats of assault by younger predatory inmates, contributes to the emotional stress and physical deterioration they routinely experience, especially among those who may be already vulnerable owing to chronic illness.

Housing nonviolent elderly offenders is not just a financial issue. It is also a humanitarian problem for which we must find new solutions.

Forty-one states already offer some kind of early limited release program for elderly inmates. The American Bar Association has recently endorsed a proposed amendment to the sentencing guidelines to allow more lenient sentencing for nonviolent elderly offenders. By supporting the Elderly Nonviolent Offender Pilot Program, Congress takes an important step towards addressing the humanitarian and financial challenges of housing an aging prison population. The Federal Bureau of Prisons estimates that 378 non-violent elderly offenders, and an average of 53 nonviolent elderly offenders a year over the next decade, will be eligible for the program. It offers an opportunity to demonstrate the effectiveness of alternatives to housing elderly inmates, and I hope its success will lead to a more comprehensive solution to one of the important challenges facing the prison system.

When ex-offenders return to prison, all Americans pay a price, both social and financial. The Second Chance Act supports a comprehensive solution to the recidivism problem in America—a problem that we cannot afford to ignore. It is a solution that allows local law enforcement, communities, and families to offer ex-offenders the programs and support they need to get back on their feet and become positive, productive members of their communities.

#### DECEPTIVE FOOD PACKAGING

Mr. LEVIN. Mr. President, today I call attention to a development within the U.S. Food and Drug Administration, FDA, that has resulted in the sale of carbon-monoxide-treated meat to American consumers. Allowing this can deceive American consumers and raises serious public health concerns since the consumers can no longer rely on the way the meat looks to indicate its freshness.

The use of carbon monoxide turns beef a shade of red that mimics very fresh red meat. Mixing carbon monoxide into the pre-packaged, air-tight packaging of beef allows it to retain its red color long after the expiration date on the package.

The meatpacking industry argues that beef is actually safe up to 20 days when refrigerated and much longer if it is frozen. They also argue that because untreated meat can begin to turn brown before its expiration date, it is

not a true indication of the meat's freshness and consumers should not be relying on the color of the meat, but the expiration date on the package.

That is a theoretical argument that fails in the real world. Consumers do rely on meat color and the industry knows that the only purpose of using carbon monoxide is to maintain the red color. Experiments with treated and untreated packages of beef compared how they age under refrigeration. After the expiration date, untreated meat begins to turn brown, while meat was still rosy pink if treated with carbon monoxide. Even though the treated beef looked fresh, it was in fact contaminated with *E. coli* bacterium and salmonella.

The FDA has had longstanding rules against color alteration of meats but, inexplicably, the FDA has allowed carbon-monoxide-treated packaging to move forward. I asked the Food and Drug Administration for an explanation of this change. In their response, the FDA claims that adding carbon monoxide to the packaging meets their standard of "generally recognized as safe," and no further FDA approval is required.

Relying on the procedures for substances that are "generally recognized as safe" is inappropriate for color additives and surely that should include any substance added to food whose purpose is to change its color. Under the Federal Food, Drug and Cosmetic Act, the FDA is required to issue, through notice and comment rulemaking, the permissible conditions of use in regulations "listing" the color additive. The color additive "listing" procedure is a transparent process in which the public is engaged. Consumers have the opportunity to comment on the safety and deception risks that are presented. For the FDA to allow the use of carbon monoxide for color alteration under the "generally recognized as safe" notification procedure ignores the well established listing requirements for public engagement in the policy development process.

Since there are currently no requirements for the meatpacking industry to label which meats have been packed in carbon monoxide and which have not, it is especially important for consumers to look for the expiration date printed on all meat package labels and not just at the color of the beef. Even if the meat is purchased before the expiration date, consumers still need to be aware that beef packaged in carbon monoxide can spoil at home yet still look fresh. If consumers judge the freshness of beef by its red color without checking the expiration date on the package, they risk their health.

Prepackaged beef should not be treated with carbon monoxide, but at a minimum, meat that has been treated with carbon monoxide should be clearly labeled so that consumers know what they are buying.

Six consumer groups recently sent a letter to Senators asking that Congress

take action on this important health issue. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSUMER FEDERATION OF AMERICA—CONSUMERS UNION FOOD & WATER WATCH—GOVERNMENT ACCOUNTABILITY PROJECT NATIONAL CONSUMERS LEAGUE—SAFE TABLES OUR PRIORITY

JANUARY 18, 2007.

DEAR SENATOR: We write to urge Congress to institute a ban on the use of carbon monoxide in a modified atmosphere packaging (MAP) process for case-ready fresh meat. In January 2006, consumer groups sent a letter to the Food and Drug Administration (FDA) and the Department of Agriculture (USDA) requesting the FDA and the USDA to re-visit their acceptance of carbon monoxide usage in case-ready meats as a GRAS (generally recognized as safe) substance. This request was made for several reasons: (1) the science behind the decision is questionable; (2) the decision was made without the benefit of public dialogue and input; (3) this process has already been banned in Europe; and (4) there is concern by the American public that the meat that they purchase could look fresher and safer than it actually is. However, despite repeated calls from members of Congress and consumer groups, the agencies have not acted.

The addition of carbon monoxide utilized in the MAP processing of fresh meat produces a new, bright red color in the meat, which then masks the natural browning of the meat that would occur over time. This could induce consumers to buy and use meat products that are not as fresh as they appear. Furthermore, case ready packages of meat processed with carbon monoxide are not at this time required to have labeling informing consumers that such a process was used.

Even USDA has acknowledged the risk of misrepresentation to consumers by noting that the use of carbon monoxide "with case ready fresh cuts of meat and ground beef could potentially mislead consumers into believing that they are purchasing a product that is fresher or of greater value than it actually is and may increase the potential for masking spoilage." This is precisely the situation Congress, by law, intended to proscribe in establishing the adulteration and misbranding provisions of the Federal Food, Drug and Cosmetic Act (FDCA) and the Federal Meat Inspection Act (FMIA) in the early 1900s.

As a result of recent foodborne illness outbreaks which sickened hundreds and caused several deaths, consumers are becoming increasingly concerned about the federal government's ability to protect them from contaminated food. Consumers want more disclosure about food-processing practices, not obfuscation, as is occurring with meat utilizing a MAP process.

The use of carbon monoxide in the MAP processing of fresh meat means that consumers have no way of judging the freshness of the meat, which Consumer Reports found could be spoiled even before the labeled "use-by or freeze-by" date. Proponents of carbon monoxide disingenuously point to smell as a telltale sign of spoilage but consumers can't use smell with sealed packages before the point of purchase. They have to wait until they have purchased the meat and taken it home to open the package and be able to smell it. Those with impaired senses of smell may have difficulty in detecting "off" odors. In addition, those at greatest risk of contracting the most serious forms of foodborne

illness, such as the elderly, may have difficulty reading the stamped dates on the packages.

The Consumer Federation of America sponsored a national survey that demonstrated overwhelming opposition from consumers to the use of carbon monoxide in meat. When asked whether the practice of treating red meat with carbon monoxide is deceptive or not, 78 percent of consumers surveyed said the practice is deceptive. In that same survey 68 percent of consumers said they would strongly support a mandatory labeling law for carbon monoxide-treated meat.

In addition, industry insistence that consumers rely on "use-by" or "freeze-by" dates to determine the freshness of the meat is not valid. Conventionally packaged (on-site) meat and ground beef generally has a shelf life of approximately four to five days, at which time the meat turns brown and is either discounted or discarded. Meat that arrives in store in a "case-ready" condition in typical packaging (packaging that has not used CO or the MAP process) has a shelf life of 10 to 12 days, before the meat changes color. Contrast these shelf lives with the 28-day shelf life granted by USDA for ground beef that is packaged under a MAP process utilizing carbon monoxide. Even after that period of time, the artificially bright red color persists, lessening the likelihood that consumers will check the "use-by or freeze-by" date.

The findings of two studies, one by Consumer Reports and one sponsored by Kalsec and conducted by S&J laboratories, raised serious concerns that some carbon monoxide-treated meat on store shelves and available to consumers may be spoiled prior to the use-by date stamped on the package. Additionally, a study conducted at Texas Tech and submitted to the FDA by supporters of CO-meat seemed to corroborate these findings—that CO-treated meat may be spoiled prior to the use-by date on the label.

The question now becomes, "Are the agencies acting in the best interests of consumers?" If you believe as we do that they are not, then it is incumbent upon Congress to act.

As a result of the agencies' acceptance of this process and unwillingness to revisit their decision based on new information provided to them over the course of this past year, the onus is now on consumers to determine for themselves if the meat they are buying is fresh, not presented to them in a deceptive manner, or potentially unsafe. Unfortunately, consumers have been put in this position without the information or tools to make these determinations—such as clear labeling that indicates the use and purpose of carbon monoxide, and communications programs to inform consumers not to use color to judge the freshness and quality of meat, as they usually do. As a result, consumers have no indication that the color of this meat is the result of the addition of carbon monoxide to the packaging and are denied the opportunity to make informed purchasing decisions. This practice therefore can deceive the consumer into believing that meat is fresh when it may be spoiled or that it is of higher quality than it appears.

We respectfully urge the 110th Congress to take this matter up by instituting an immediate ban on the use of carbon monoxide in a MAP process for case-ready fresh meat. This meat is sitting, unlabeled, on grocery store shelves now and no action by FDA or USDA to reconsider its GRAS decision seems to be forthcoming, despite the numerous concerns raised above.

Sincerely,

CHRIS WALDROP,  
Consumer Federation  
of America.

JEAN HALLORAN,  
*Consumers Union*.  
WENONAH HAUTER,  
*Food & Water Watch*.  
JACQUELINE OSTFELD,  
*Government Accountability Project*.  
LINDA GOLODNER,  
*National Consumers League*.  
NANCY DONLEY,  
*S.T.O.P.—Safe Tables Our Priority*.

#### UPCOMING ELECTIONS IN NIGERIA

Mr. OBAMA. Mr. President, I rise today to discuss the situation concerning the upcoming elections in Nigeria.

The people of Nigeria have a historic achievement within their grasp: their country's first peaceful, democratic transfer of power from one elected civilian government to another. To secure this victory for themselves and for Africa, and to retain the kind of international confidence in Nigeria's future that is essential for the country's growth, Nigerians need and deserve the strongest possible international support for free, fair, and peaceful elections on April 14 and 21.

Successful elections are not guaranteed. Political violence and serious irregularities have tarnished past polling in parts of the country, denying some Nigerians their democratic rights. No one truly interested in Nigeria's long-term stability and prosperity can accept repeats of these incidents as regular features of the country's political landscape.

There is already cause for concern this time around. Regrettably, preparations for this month's elections have been sluggish, and the independence of the electoral commission has been compromised. Important national discussions about corruption and accountability have been temporarily hijacked by elaborate preelection maneuvering.

But the Nigerian people can still succeed in exercising their democratic rights and taking control of their national destiny. The rule of law, not the wishes of the powerful, can resolve outstanding questions about the electoral process. American interests in working with a strong and democratic Nigerian partner will remain powerful regardless of who is victorious when the returns come in, which is precisely why we should use our voice now, not to favor any party or candidate, but to support Nigeria's democracy.

#### FIFTY CALIBER SNIPER RIFLES

Mr. LEVIN. Mr. President, militaries around the world use .50 caliber sniper rifles which are noted for their powerful and destructive capabilities. In the hands of a terrorist, these weapons could inflict devastating results. The fact that terrorists can legally obtain weapons in the United States with such destructive capabilities puts us all at great risk.

In 1985, a previously classified National War College strategic study report, written by a former Deputy Assistant Director of the U.S. Secret Service, warned of the growing threat from large caliber sniper rifles, specifically .50 caliber rifles. These "long range weapons pose a significant threat for U.S. National Command Authority figures if used by terrorists or other assailants," the Secret Service warned. "These weapons are more accurate than shoulder fired antitank rockets and, if used against aircraft, [are] immune to electronic counter measures."

Ten years later the RAND Corporation, a nonprofit global policy think tank, issued a report identifying .50 caliber sniper rifles as a serious threat to the security of U.S. Air Force bases. After noting the success of Barrett sniper rifles against light armored vehicles in the 1991 gulf war, the report noted, "Such weapons also give light forces a portable and quite deadly option against parked aircraft. These rifles are effective against man-sized targets up to 1,600 meters away and could hit aircraft sized targets at even greater ranges." It further states that, "it seems only a matter of time before these or similar weapons find their way into the arsenals of potential adversaries, if they have not already done so."

The August 2003 U.S. Army Intelligence training handbook, "A Military Guide to Terrorism in the Twenty-First Century," specifically identified large caliber sniper rifles as an attractive weapon for terrorists to use for an assassination. It noted that .50 caliber sniper rifles are of particular interest because they can engage attacks on "targets that are difficult to get close enough for other weapons," yet "can also effectively engage light armored vehicles."

A 2004 report on security at Los Angeles International Airport, LAX, specifically warned of snipers using .50 caliber rifles to fire at parked or taxiing aircraft among a list of potential terrorist attack tactics. The RAND Corporation compiled this list by considering information gathered by intelligence organizations based on the historical tendencies and capabilities of terrorist organizations. The analysis however was not able to identify "any truly satisfactory" security improvement options to protect against such sniper attacks.

In November 2004, the Homeland Security Center at the University of Southern California, funded by the U.S. Department of Homeland Security, identified .50 caliber sniper rifles as an imminent threat to civil aviation. A risk analysis prepared by the center stated that the range and power of .50 caliber sniper rifles enable them to "target fuel tanks, passengers, pilots, and down aircraft in the worst case." It also noted that al Qaida has acquired and used these rifles against coalition forces in Iraq.

These destructive weapons are currently subject to only minimal Federal

regulation. Buyers need to only be 18 years old, rather than the 21 years of age which is required for handgun purchases. There is no minimum age requirement for the possession of a .50 caliber weapon and no regulation on second hand sales. Congress must do more to help keep military style firearms out of the hands of terrorists.

#### HONORING OF DREW BLEDSOE

Mr. KERRY. Mr. President, today I wish to honor former New England Patriots Quarterback Drew Bledsoe on his retirement, after 14 years in the National Football League, NFL.

Drew Bledsoe helped usher in the modern era of Patriots football. Throughout his career, Drew Bledsoe may have also played for the Buffalo Bills, an AFC East rival of the Patriots, and for the Dallas Cowboys, but he got his start in chilly Foxboro, MA.

Fourteen years ago, a young Bledsoe was the first overall selection in the NFL Draft for New England draft of Washington State. He brought the Patriots to their first Super Bowl in 11 years, and despite ultimately losing to Brett Favre and the Green Bay Packers, a newfound feeling of excitement and pride overtook New England's football fans. And that feeling hasn't subsided.

After Tom Brady went down in the AFC playoff in 2002, Bledsoe led the Patriots to victory over the Pittsburgh Steelers, ensuring the Pats a spot in Super Bowl XXXVI. And as you know, that was just the beginning of the New England football dynasty.

Bledsoe is a four-time Pro-Bowl quarterback, who throughout his career threw for more than 44,000 yards and completed more than 250 touchdown passes. He finished his career 7th all-time in yards passing, 13th in touchdowns, and 5th in completions.

His career off the field was just as impressive. Bledsoe has long worked to help improve the lives of children by teaching parenting skills through both the Drew Bledsoe Foundation and Parenting with Dignity. The programs' curriculum, which teaches the importance of family values, is used nationwide, reaching an estimated 1.75 million American families. He has also served as international chairman of the Children's Miracle Network, helping to raise millions of dollars to benefit children nationwide.

Bledsoe is the recipient of the Thurman Munson Humanitarian Award, the NFL Alumni Spirit Award for exemplifying the spirit of the NFL caring for kids and the Walter Payton Man of the Year Award, chosen by his teammates for demonstrating balance between civic and professional responsibilities. He also received the Ed Block Courage award, chosen by his teammates as the NFL player demonstrating the most courage and character.

Drew Bledsoe has conducted himself with both dignity and maturity