

advocate on behalf of assault victims and champion the use of DNA to fight sexual assault.

The bill approved yesterday provides over \$755 million over 5 years to eliminate the backlog in rape kits and other crime scene evidence, eliminate the backlog of convicted offender samples awaiting DNA testing, and improve state laboratory capacity to conduct DNA testing. I am pleased that the backlog elimination grant program in this legislation is entitled, "The Debbie Smith DNA Backlog Grants." It is a fitting tribute.

The Justice for All Act of 2004 is a natural extension to the Violence Against Women Act, which required the Attorney General to evaluate and recommend standards for training and practice for licensed health care professionals performing sexual assault forensic exams. So I knew that any DNA bill aimed at ending sexual assault must include resources for sexual forensic examiners. This bill provides \$500 million in training grants to help ensure that nurses, police and paramedics know how to best collect and preserve DNA evidence in sexual assault cases, and to help local law enforcement agencies put the DNA profiles of convicted felons into state and national databases.

The bill also expands the CODIS database by mandating the inclusion of DNA samples from all convicted federal felons, and by permitting states to include the DNA samples from suspects arrested for and charged with a crime. At the same time, our bill retains important provisions to expunge DNA samples from the database for those whose convictions are overturned or against whom criminal charges are dropped. The bill also contains tough new penalties for the improper use or disclosure of DNA samples.

Today's bill also makes two small, but important, amendments to the Violence Against Women Act. First, it amends the law to include legal assistance for victims of dating violence, and it amends the eligibility criteria for discretionary programs so that tribal domestic violence and sexual assault coalitions can directly receive grants funds, including those funds unreleased from past fiscal years.

I am also gratified that this legislation includes the Innocence Protection Act, which I cosponsored last Congress with Senator LEAHY. This section will immeasurably improve the administration of justice in our legal system, particularly where justice is most important, and where we can least afford to make mistakes—imposition of the death penalty. Those who support the death penalty also have a duty to ensure that it is fairly administered. The advent of DNA testing has provided us with a wealth of opportunities to make certain that we are prosecuting the right people. This legislation makes post-conviction testing to federal inmates who assert that they did not commit the crime for which they have

been imprisoned. It also incentivizes States to take similar measures to ensure that individuals have a proper opportunity to prove their innocence. It also mandates proper preservation of DNA evidence so that the DNA can be tested if appropriate.

As for competent counsel in death penalty cases, nobody can look me in the eye and tell me that our system for representation in capital cases works as it should. This bill will take a big step toward fixing that by providing money for grants to States to improve their systems of representation, on both the prosecution and defense side, in capital cases.

In closing, I would be remiss if I did not pause to thank some of the many people who have helped bring about the introduction of this bill. In particular, I wish to thank Senator HATCH, the chairman the Judiciary Committee, for devoting so much time and effort to work with me in developing this legislation, along with his chief counsel Bruce Artim and his counsels Brett Tolman and Mike Volkov. I also commend Senator LEAHY, the distinguished ranking member of the committee, and his chief counsel Bruce Cohen and senior counsel Julie Katzman, who have worked tirelessly on this bill, and is the principal sponsor of the Innocence Protection Act. I also thank our other principal Senate sponsors, including Senator SPECTER and his chief counsel David Brog; Senator DEWINE, and his counsel Rob Steinbuch; and Senator FEINSTEIN and her chief counsel David Hantman.

I also commend our colleagues in the other body who led the fight in the House of Representatives to enact this important legislation. Their efforts were instrumental in achieving the final bill both bodies passed yesterday. Specifically, I commend Representative SENSENBRENNER, the chairman of the House Judiciary Committee, and his staff, including Phil Kiko, Jay Apperson, and Katy Crooks. I also thank Ranking Member CONYERS and his staff, including Perry Applebaum and Bobby Vassar. I also thank Representative DELAHUNT for his leadership, and his counsels Mark Agrast and Christine Leonard.

Finally, I thank my own staff who have worked diligently over the last 3 years to pass this important legislation, including Louisa Terrell, Jonathan Meyer, and Neil MacBride.

Mr. President, yesterday's action by Congress were a long time coming, and I join my cosponsors in thanking our colleagues for passing this legislation. I now hope the President will quickly sign this bill into law, so that we can finally tackle the untested rape kits and start bringing hope and closure to victims of sexual assault.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. DeWINE (for himself, Mr. KENNEDY, and Mr. JEFFORDS):

S. 2974. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; considered and passed.

By Mr. HARKIN (for himself and Mr. KENNEDY):

S. 2975. A bill to amend the Fair Labor Standards Act of 1938 to clarify regulations relating to overtime compensation; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. GRASSLEY, Mr. CORNYN, Mr. CHAMBLISS, Mr. ALLEN, Mr. CAMPBELL, and Mr. WARNER):

S. Res. 455. A resolution supporting the goals of Red Ribbon Week; considered and agreed to.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. Res. 456. A resolution designating October 14, 2004, as "Lights On Afterschool! Day"; considered and agreed to.

By Mr. REED (for himself, Mr. BOND, Ms. MIKULSKI, Ms. COLLINS, Mr. SARBANES, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. CONRAD, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. HAGEL, Mr. JEFFORDS, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. SANTORUM, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. REID, Mr. TALENT, and Mr. WYDEN):

S. Res. 457. A resolution designating the week of October 24, 2004, through October 30, 2004, as "National Childhood Lead Poisoning Prevention Week"; considered and agreed to.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. BROWNBACK):

S. Res. 458. A resolution congratulating the SpaceShipOne team for achieving a historic milestone in human space flight; considered and agreed to.

By Mr. DURBIN (for himself and Mr. ALEXANDER):

S. Res. 459. A resolution designating November 2004 as "American Music Month" to celebrate and honor music performance, education, and scholarship in the United States; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Res. 460. A resolution honoring the young victims of the Sixteenth Street Baptist Church bombing recognizing the historical significance of the tragic event, and commending the efforts of law enforcement personnel to bring the perpetrators of this crime to justice on the occasion of its 40th anniversary; considered and agreed to.

By Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Mr. DORGAN, Mr. BUNNING, Mr. CONRAD, Mr. CAMPBELL, Mr. ROCKEFELLER, Mr. WARNER, Mr. KERRY, Mr. FITZGERALD, Ms. LANDRIEU, Mr. HAGEL, Mr. KENNEDY, Mr. INHOFE, Mr. BIDEN, Mr. DEWINE, Mr. JOHNSON, Mr. LOTT, Mr. AKAKA,

Mr. ALEXANDER, Mr. DURBIN, Mr. BROWNBACK, Mr. SESSIONS, Mr. LEVIN, Mrs. DOLE, Mr. SARBANES, Mr. TAL-ENT, Ms. STABENOW, Ms. MURKOWSKI, Mr. BAYH, Mr. ALLEN, Mr. LIEBERMAN, and Mr. ENZI):

S. Res. 461. A resolution designating the week beginning of October 17, 2004, as "National Character Counts Week"; considered and agreed to.

By Mr. HAGEL (for himself, Mr. LUGAR, Mr. BIDEN, Mr. LEAHY, Mr. MCCAIN, Mr. SUNUNU, and Mr. DODD):

S. Res. 462. A resolution recognizing the significant achievement of the people and Government of Afghanistan since the Emergency Loya Jirga was held in June 2002 in establishing the foundation and means to hold presidential elections on October 9, 2004; considered and agreed to.

By Mr. LOTT:

S. Res. 463. A resolution authorizing the printing of a revised edition of the Senate Rules and Manual; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 423

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 491

At the request of Mr. REID, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 556

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself, Mr. KENNEDY, and Mr. JEFFORDS):

S. 2974. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; considered and passed.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2974

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Smoking Prevention and Tobacco Control Act".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco prod-

ucts are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 6,500,000 of today's children from becoming regular, daily smokers, saving over 2,000,000 of them from premature death due to tobacco induced disease. Such a reduction in youth smoking would also result in approximately \$75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2001, the tobacco industry spent more than \$11,000,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly ex-

posed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco advertising than adults, they smoke the most advertised brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price-sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615-44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the First Amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration and the restriction on the sale and distribution, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this Act.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion plays a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable