

to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like James' can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with James.

TRUTH IN TRIALS ACT

Mr. GRASSLEY. Mr. President, the Federal Government has a long-standing obligation to monitor the purity, safety, and effectiveness of the medicines that are available to the public. For this reason, I would like to express my opposition to S. 2989, the Truth in Trials Act. This legislation reverses almost 100 years of progress that we have made by undermining any scientific evidence about medicine and replacing it with popular referendums passed by slick ad campaigns.

There was a time in this country when individuals and businesses could market anything as a medicine and make any claim for its effectiveness. Because of this, a flood of narcotics and stimulants were freely marketed as nostrums sold over the counter and through the mail. Often these "miracle cures" were miscellaneous concoctions made from unknown ingredients. In addition, these nostrums were often accompanied by endless testimonials from satisfied customers on how well these products performed.

Thankfully, our grandparents and great-grandparents, who had to deal with these practices, woke up to the fraud that was being perpetrated on the public by these "snake-oil salesmen." These dangerous drugs were creating a major addiction problem, and the unknown ingredients in these cures were actually doing a great deal of harm. In response to demands from the public, truth in labeling was born.

Consumers in the early 1900s took steps to ban dangerous drugs to determine what drugs had medical uses that could be demonstrated to be safe and effective. Based on this experience, the Pure Food, Drug, and Cosmetic Act, FDCA, of 1906 was passed, which required food and medicines be pure, and the contents of medicines be labeled. In 1938, the FDCA was amended to add the requirement that all medicines be safe, and the Food and Drug Administration was created to regulate this. In 1962, the FDCA was further amended by the Harris-Kefauver amendment, which added an additional requirement that any medicine must also be effective, and further required the FDA to establish efficacy standards.

Furthermore, a variety of laws were passed to deal with the distribution of dangerous drugs. The first of these was the Harrison Narcotics Control Act of 1914. The next major piece of legisla-

tion on drug control was the Marijuana Tax Act of 1937. These and other laws covering various types of drugs were replaced in 1970 when the Controlled Substances Act was signed into law. This Act further defined the process that a substance had to go through to become an acceptable medicine. In addition, a five-tier scheduling system for all pharmacological substances was established, allowing for the categorizing of all medicines and other pharmacological substances based on their abuse potential and accepted use as a medicine.

Unfortunately, this does not mean that we will no longer have unscrupulous business enterprises that promise salvation through snake-oil products. Over the past 60 years, the FDA has developed a careful, proven method for testing and approving drugs. This process is the standard by which the rest of the world measures the safety and effectiveness of their drug approval system.

Americans today have the world's safest, most effective system of medical practice, built on a process of scientific research, testing, and oversight that is unequalled. Every drug prescribed as medicine in this country must be tested according to scientifically rigorous protocols to ensure that it is safe and effective before it can be sold.

To this date, over 15,000 scientific, peer-reviewed studies into the medicinal value of marijuana have been published, and not one demonstrates that smoking marijuana has any medicinal value for any condition. In fact, there is medical evidence to suggest that marijuana may actually aggravate some of the conditions it is supposed to treat.

On top of all that, there are legal, effective medicines that are already currently available and meet all of the guidelines that have been established by the FDA. This includes Marinol, which is a legally available, FDA-approved form of a marijuana extract that is currently being used as a treatment for nausea and AIDS wasting syndrome. In addition, there are many other medicines that have been developed and received FDA approval that do not have the hallucinogenic side effects that come with smoking marijuana. These are medicines that meet scientific standards and do not rely on anecdotes and testimony for validation.

Certainly, we all want to provide relief for people who are sick and dying, but smoking marijuana has not been scientifically proven to have any medicinal value. By allowing patients and caregivers to use and provide marijuana through the political process, we clearly bypass the safeguards established by the FDA to protect the public from dangerous or ineffective drugs.

I urge my colleagues to join me in opposing this bill and other efforts to legalize marijuana.

JUSTICE FOR ALL ACT

Mr. LEAHY. Mr. President, last month, the House and Senate overwhelmingly approved H.R. 5107, the Justice for All Act of 2004. This important criminal justice package includes the Innocence Protection Act, a modest and practical set of reforms aimed at reducing the risk of error in capital cases. I first introduced the IPA in February 2000, and as time passed, the bipartisan coalition in support of this pioneering bill grew. Capping these years of effort, the President has now signed the bill into law.

As enacted, the Innocence Protection Act contains several key reforms. First, it ensures access to post-conviction DNA testing for those serving time in prison or on death row for crimes they did not commit. Second, it establishes a grant program to help defray the costs of post-conviction DNA testing. This program is named in honor of Kirk Bloodsworth, the first death row inmate exonerated as a result of DNA testing. Third, the IPA establishes rules for preserving biological evidence secured in the investigation or prosecution of a Federal offense. Fourth, it authorizes grants to States to improve the quality of legal representation in capital cases. Finally, it substantially increases the maximum compensation that may be awarded in Federal cases of wrongful conviction.

Three weeks before the Senate approved H.R. 5107, the Senate Judiciary Committee wrapped up weeks of work on the Senate version of the bill, S. 1700, the Advancing Justice Through DNA Technology Act of 2003. The Committee voted to approve S. 1700 by a bipartisan vote of 11 to 7, but given time constraints and continuing negotiations, the Committee did not issue a report. Nor was there a conference report on the final legislation, as the Senate's acceptance of H.R. 5107 in substantially the form that it passed the House made a House-Senate conference unnecessary.

The upshot of all of this is that there is a substantial gap in the legislative history of this landmark legislation. As the principal author of the Innocence Protection Act, I offer the following remarks to fill that gap and guide those who will be implementing and enforcing these important provisions in the future.

I introduced S. 1700 on October 1, 2003, together with the Chairman of the Judiciary Committee, Senator ORRIN HATCH, and 16 additional co-sponsors. On the same day, the Chairman of the House Judiciary Committee, Representative JAMES SENSENBRENNER, and 99 cosponsors introduced an identical measure, H.R. 3214.

The bill moved swiftly through the House. On October 16, 2003, the House Judiciary Committee reported an amended version of the bill by a vote of 28 to 1. The few changes to the bill were largely technical, clarifying, or stylistic in nature, and are described in the report accompanying the bill to the