

“(I) the total amount of funds expended for each conference conducted under the authority of subsection (b)(4); and

“(II) the amount of funds expended for each such conference that were for transportation and for travel expenses.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to conferences conducted under the authority of section 1936(b)(4) of the Social Security Act (42 U.S.C. 1396u-6(b)(4)) after the date of enactment of this Act.

**SEC. 6. FUNDING FOR THE MEDICARE IMPROVEMENT FUND.**

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$2,220,000,000” and inserting “\$2,290,000,000”.

**DEBBIE SMITH REAUTHORIZATION ACT OF 2008**

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 5057 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 5057) to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass the reauthorization of the Debbie Smith Act. I want to thank Senator BIDEN for his leadership in the Senate in supporting this important program, and I was pleased to work with him and others, as I have before, to ensure that the Debbie Smith grant program is given the authorization to continue its vital work.

I should take this opportunity to thank Debbie Smith for her courage and for the tireless efforts of her and her husband, Rob, on behalf of rape victims. In her own case, DNA testing led to the arrest and conviction of her attacker, but the backlog of rape kits waiting to be tested forced her to endure an excruciating wait before the culprit could be found and justice could be done. The legislation that she inspired and worked so hard to pass aims to ensure that other victims do not have to live in fear through a long and unnecessary delay.

In 2004, after years of work, Congress passed a significant package of criminal justice reforms known as the Justice for All Act, which substantially increased Federal resources available to State and local governments to combat crime with DNA technology. The Debbie Smith DNA Backlog Grant Program was a key component of that legislation. I worked hard for years to try to get the Debbie Smith Act passed, and I was thrilled in 2004 to finally be able to call Debbie to tell her that our hard work had paid off. I have pushed every year since for full funding of this crucial program.

As DNA testing moved to the front lines of the war on crime, forensic lab-

oratories nationwide experienced a significant increase in their caseloads, both in number and complexity. Funding simply did not keep pace with this increasing demand, and forensic labs nationwide became seriously bottlenecked.

Backlogs have seriously impeded the use of DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as labs are required to give priority status to those cases in which a suspect is known. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large.

The Debbie Smith DNA Backlog Grant Program has given States help they desperately needed, and continue to need, to carry out DNA analyses of backlogged evidence. It has provided a strong starting point in addressing this serious problem, but much work remains to be done before we conquer these inexcusable backlogs. That is why I so strongly support reauthorization of this vital program.

Some in both Chambers have expressed a desire to expand and improve this program and other DNA testing programs. I share those goals and will work with others to pursue them next year. It is very important, though, that we reauthorize the Debbie Smith program now, when we can and should, and turn to more difficult tasks in the next Congress when we will be able to give them the attention they require.

This reauthorization bill authorizes \$755 million over the next 5 years to reduce the current backlog of unanalyzed DNA samples in the Nation’s crime labs. I am glad that the Senate has passed it, and I hope the House promptly passes this version of the bill, and the President promptly signs it. I hope too that Congress fully funds this important program.

I want to make one point on the issue of rape kit testing, which this legislation does so much to promote and which Debbie Smith has worked so hard to make available for all victims of horrendous attacks. No victim should ever be required to pay the cost of a rape kit. Collecting and testing evidence from serious crimes is a responsibility our Government and our community bears, and it should never be seen as a revenue source for cities and towns. It appalls me that any official in any community would condone such a practice, and I hope it will stop.

I congratulate Debbie and Rob Smith on this key step toward the reauthorization of this important program, and I look forward to working with them to continue to find ways to protect women, assist crime victims, and bring criminals to justice.

Mr. REID. Mr. President, I ask unanimous consent that a Biden substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and

any statements related to the bill be printed in the RECORD.

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

The amendment (No. 5646) was agreed to, as follows:

(Purpose: to provide a complete substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Debbie Smith Reauthorization Act of 2008”.

**SEC. 2. GENERAL REAUTHORIZATION.**

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (c)(3), by—

(A) striking subparagraphs (A) through (D);

(B) redesignating subparagraph (E) and subparagraph (A); and

(C) inserting at the end the following:

“(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).”; and

(2) by amending subsection (j) to read as follows:

“(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Attorney General for grants under subsection (a) \$151,000,000 for each of fiscal years 2009 through 2014.”.

**SEC. 3. TRAINING AND EDUCATION.**

Section 303(b) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136(b)) is amended by striking “2005 through 2009” and inserting “2009 through 2014”.

**SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.**

Section 304(c) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a(c)) is amended by striking “2005 through 2009” and inserting “2009 through 2014”.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5057), as amended, was read the third time, and passed.

**METHAMPHETAMINE PRODUCTION PREVENTION ACT OF 2007**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 962, S. 1276.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1276) to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Methamphetamine Production Prevention Act of 2008”.

**SEC. 2. CLARIFICATIONS REGARDING SIGNATURE CAPTURE AND RETENTION FOR ELECTRONIC METHAMPHETAMINE PRECURSOR LOGBOOK SYSTEMS.**

Section 310(e)(1)(A) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(A)) is amended by striking clauses (iv) through (vi) and inserting the following:

“(iv) In the case of a sale to which the requirement of clause (iii) applies, the seller does

not sell such a product unless the sale is made in accordance with the following:

“(I) The prospective purchaser—

“(aa) presents an identification card that provides a photograph and is issued by a State or the Federal Government, or a document that, with respect to identification, is considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B) of title 8, Code of Federal Regulations (as in effect on or after March 9, 2006); and

“(bb) signs the written logbook and enters in the logbook his or her name, address, and the date and time of the sale, or for transactions involving an electronic logbook, the purchaser provides a signature using one of the following means:

“(AA) Signing a device presented by the seller that captures signatures in an electronic format. Such device shall display the notice described in clause (v). Any device used shall preserve each signature in a manner that clearly links that signature to the other electronically-captured logbook information relating to the prospective purchaser providing that signature.

“(BB) Signing a bound paper book. Such bound paper book shall include, for such purchaser, either (aaa) a printed sticker affixed to the bound paper book at the time of sale which either displays the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale, or a unique identifier which can be linked to that electronic information, or (bbb) a unique identifier which can be linked to that information and which is written into the book by the seller at the time of sale. The purchaser shall sign adjacent to the printed sticker or written unique identifier related to that sale. Such bound paper book shall display the notice described in clause (v).

“(CC) Signing a printed document that includes, for such purchaser, the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale. Such document shall be printed by the seller at the time of the sale. Such document shall contain a clearly identified signature line for a purchaser to sign. Such printed document shall display the notice described in clause (v). Each signed document shall be inserted into a binder or other secure means of document storage immediately after the purchaser signs the document.

“(II) The seller enters in the logbook the name of the product and the quantity sold. Such information may be captured through electronic means, including through electronic data capture through bar code reader or similar technology.

“(III) The logbook maintained by the seller includes the prospective purchaser’s name, address, and the date and time of the sale, as follows:

“(aa) If the purchaser enters the information, the seller must determine that the name entered in the logbook corresponds to the name provided on such identification and that the date and time entered are correct.

“(bb) If the seller enters the information, the prospective purchaser must verify that the information is correct.

“(cc) Such information may be captured through electronic means, including through electronic data capture through bar code reader or similar technology.

“(v) The written or electronic logbook includes, in accordance with criteria of the Attorney General, a notice to purchasers that entering false statements or misrepresentations in the logbook, or supplying false information or identification that results in the entry of false statements or misrepresentations, may subject the purchasers to criminal penalties under section 1001 of title 18, United States Code, which notice specifies the maximum fine and term of imprisonment under such section.

“(vi) Regardless of whether the logbook entry is written or electronic, the seller maintains

each entry in the logbook for not fewer than 2 years after the date on which the entry is made.”.

Amend the title so as to read: “A bill to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.”.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed; the committee reported title amendment be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1276), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: “A bill to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.”.

Mr. DURBIN. Mr. President, I rise today to speak about the Senate’s passage of the Methamphetamine Production Prevention Act. This is legislation I introduced with my colleague Senator GRASSLEY to make it easier for law enforcement to keep track of purchases of the ingredients needed to produce methamphetamine. I am pleased that the Senate has passed this important legislation by unanimous consent, and I urge the House of Representatives to act quickly to take up and pass the bill.

For years, the manufacture and use of methamphetamine have plagued families and communities across Illinois and throughout the Nation. Current Federal law limits the amount of meth precursor drug products that a person can buy and requires pharmacies to keep a written or electronic logbook recording each sale of a precursor product. The point of these logbooks is to keep track of individuals’ purchases so they cannot buy amounts that exceed the limit. The only real reason to purchase over-the-limit quantities of these products is for meth production. So current law limits bulk purchases and requires record-keeping of transactions.

Unfortunately, meth makers have figured out how to avoid these limits by “smurfing.” This is the practice of buying meth precursor products in quantities above the limit by traveling to multiple pharmacies that keep written logbooks and buying legal amounts at each one. It is difficult and time-consuming for law enforcement investigators to find these meth “smurfs” when the investigators have to go to each pharmacy and flip through the paper logbooks to try to spot individual names. According to Illinois law enforcement authorities, smurfing now accounts for at least 90 percent of the pseudoephedrine used to make meth in Illinois.

The Methamphetamine Production Prevention Act will help wipe out “smurfing” by making it easier for retailers to use electronic logbook systems that can monitor sales of meth precursor products and identify individuals who are illegally stockpiling those precursors. When retailers collect their logbook information electronically and make that information accessible to law enforcement, that information can be used to identify and prosecute “smurfs” and meth cooks.

The Methamphetamine Production Prevention Act corrects several technical hurdles in current Federal law that are prohibiting more widespread use of electronic logbook systems. For example, the bill gives retailers who use electronic logbook systems the option of collecting purchaser signatures on paper, as long as those signatures can be clearly linked to the rest of the sale information that is captured electronically. This will provide tremendous cost savings for retailers without hurting law enforcement efforts. Also, the bill permits retailers to enter into their logbook system data about the product name and quantity sold through electronic data capture technology such as a bar code reader. This will help to speed up transactions, and will help avoid transcription errors in the logbook records.

Further, this legislation permits a retailer, rather than a purchaser, to enter the purchaser’s name and address and the date and time of sale into the logbook system. It is difficult to design an electronic logbook system where the purchaser is the one who “enters” his or her name, address, and the date and time of sale, as is required under current law. My bill permits the retailer to input that information, and then the purchaser must verify that the inputted information is correct, for example by orally confirming the information that the retail clerk reads back to the purchaser. The bill would also permit this information to be captured through electronic capture technology, such as a bar code reader or a software program that records the date and time.

If we increase the use of electronic logbook systems, we will put a stop to “smurfing” and cut off the flow of precursor chemicals that supply meth labs in Illinois and throughout the country. That is why law enforcement agencies such as the National Narcotics Officers’ Associations’ Coalition, the National Criminal Justice Association, the National Sheriffs’ Association, and the National District Attorneys Association want this legislation to become law. My staff and I have also worked with the retail pharmacy community and the drug manufacturer community on this legislation, and I am pleased that my bill has received the endorsement of the National Association of Chain Drug Stores and the Consumer Healthcare Products Association. I also want to commend and thank Illinois attorney general Lisa Madigan and

Steve Mange, the head of the Illinois Meth Project, for their assistance in crafting this legislation.

I thank my colleague from Iowa, Senator GRASSLEY, for his leadership on this issue and Senators HARKIN, BAYH, BIDEN, CANTWELL, CLINTON, CONRAD, FEINSTEIN, JOHNSON, LINCOLN, MCCASKILL, MURKOWSKI, OBAMA, and SCHUMER for their cosponsorship.

The production of methamphetamine has plagued our communities for far too long, and this legislation takes a critical step to stop it. I thank my colleagues in the Senate for the unanimous passage of this important bill.

#### RECESS

Mr. REID. Mr. President, there are things going on here in the Capitol, just to alert Members, so I ask unanimous consent that we stand in recess until 3 p.m. today, and that everyone should know that we are going to come back and try to get consent to be in recess because at 4 o'clock we have an all-Senators briefing by Secretary Gates, Admiral Mullen, and Ambassador Negroponte.

People should be aware that if they have something to do or say, they can come here at 3 o'clock. I think it would be more appropriate if we were in recess until 5, but there has been an objection to that, so I ask unanimous consent that we stand in recess until 3 p.m.

There being no objection, the Senate, at 1:07 p.m., recessed until 3:00 P.M. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

The PRESIDING OFFICER. In my capacity as a Senator from Minnesota, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. WHITEHOUSE. I ask unanimous consent that I may go beyond the 10 minutes for morning business to perhaps 12 minutes.

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

#### RESPECTING REALITY

Mr. WHITEHOUSE. Madam President, we are working this week, many of us working very hard this week—none harder than my friend and senior colleague from Rhode Island, JACK REED—to address a paroxysm in the financial markets, one that has been a long time coming. During that long time, people in Washington, over and over, missed opportunities to prevent it. Make no mistake, this whole episode we are going through now was preventable. This is a human failure not some natural disaster, not economic inevitability. A political sellout to fi-

ancial interests, a sellout given intellectual cover by a toxic ideology of deregulation appears to be at the heart of what happened. I was not here to see it, but all the clues point to that.

This crisis is now past preventing. We have to fix it. It is a shame on those responsible that it happened in the first place, but it is a shame on all of us if we do not learn its lesson because there is more to come.

In his famous "Give Me Liberty Or Give Me Death" speech, Patrick Henry also noted:

We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts.

We should heed these words from the earliest days of our democracy and not shut our eyes to the painful truth of what has happened and not shut our eyes to the painful truths that still lie before us. Folks here have too often told Americans what they want to hear and too rarely told them what they need to know.

There is no painful truth that Americans cannot deal with; there is nothing Americans cannot solve—but not if we are not told what we need to know. So we are now borrowing \$700 billion because people here refused to face a painful truth about our financial markets, about the folly of deregulation. But that is just one of many painful, in some cases inconvenient, truths that we confront today.

I remember sitting with the Presiding Officer, the distinguished Senator from Minnesota, in the Environment and Public Works Committee hearing the president of the Association of Health Directors of all the States and territories across the Nation deliver the unanimous statement of that association on global warming. It was a strong statement, a stern and sobering statement. But most important, it was unanimous. Yet in this Chamber some still ignore or deny the painful truth of the changes befalling our planet.

Our capacity for denial, for artifice, and for self-delusion has become dangerous. Phony doubts about global warming may hide the facts of our planet's condition from our people, but the Earth doesn't care about doubts. She will behave the way nature dictates, and the consequences will be on all of us.

Phony theories of deregulation may have obscured the facts of the financial markets from us, but the markets don't care about our theories. If we let them come to failure, they will fail. And now the consequences are on all of us.

The painful experiences we are going through today are, for the Bush administration, a rendezvous with reality. It is not the only one we have coming, if we don't begin to govern in a reality-based environment.

The \$7.7 trillion debt that George W. Bush has run up as President—there will be a rendezvous with reality on that. The \$34 trillion Medicare liabil-

ity, which is just one symptom of our bloated and unstable health care system—there will be a rendezvous with reality on that. The \$740 billion annual trade deficit the United States of America is running—there will be a rendezvous with reality on that. An energy policy that hemorrhages \$600 billion a year to oil-producing countries and puts us on the losing end of the biggest wealth transfer in the history of humankind, all to keep big oil happy—there will be a rendezvous with reality on that. There will be a rendezvous with reality on the tons of carbon and greenhouse gases we are pumping into our thin and delicate atmosphere. These rendezvous with reality will come.

The only question for us is on what terms will we meet them. We can decide: Will we be prepared or be caught flat-footed? Will we tackle problems while they are still manageable or wait until they overwhelm us? Will we address difficulty or face calamity? These are choices of ours and they pose the question, Are we capable of reality-based governing.

I ask these questions because there is a common narrative through all these problems, and it is a perilous one to our democracy.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I would like, through the Chair, to ask my friend from Rhode Island if I can ask a unanimous consent?

Mr. WHITEHOUSE. I gladly suspend for the majority leader.

#### ORDER FOR RECESS

Mr. REID. Madam President, I ask unanimous consent at the hour of 4 p.m. we have a recess until 5:30.

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

Mr. REID. There is an all-Senators briefing starting at 4 o'clock. I thank the distinguished Senator from Rhode Island, one of my good friends.

Mr. WHITEHOUSE. I applaud the majority leader for the enormous, hard, successful work he is doing in these hours.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Democracy as an institution will not do well if we are all satisfied to be told what we want to hear and not what we need to know. Democracy will not address problems well if our elected leaders traffic in ideology instead of respecting reality. Reality bites hard when she is ignored. Democracy will not flourish if leaders tout for special interests instead of fighting for the public interest.

Democracy will suffer a terrible blow when the days of reckoning come, when the rendezvous with reality occurs and our people, particularly our young people, turn to us and say: How could you? How could you not have warned us? How could you not have been square with us? How could you have been so irresponsible?