

critical substantive issues crowding out attention to structural questions and “turf” mentalities developing that hamper organizational change.

#### *Suggestions*

1. Establish procedures to implement the Under Secretary’s already existing statutory role as senior adviser to the Secretary and the President on nonproliferation and arms control matters. This would allow the Under Secretary to weigh in on major policy questions, including with the President. It would elevate this position in relation to the other under secretaries. Implementing such an approach would work only if understood and accepted up front by all involved, including the President. Actual use of this authority by the Under Secretary with the President is likely to be rare, in any event, given this person’s subordinate position to the Secretary.

2. Establish a position in the Secretary’s office such as Coordinator, Ambassador-at-Large, or Special Adviser to the Secretary of State and President, that would focus on nuclear policy or nonproliferation. The mandate could be limited to a few critical topics, e.g. Iran, North Korea, anti-nuclear terrorism, and/or elements of the Hoover plan, or could be broad enough to focus on all aspects of nuclear proliferation. This would elevate nuclear issues to the highest level in State and permit more focus than the Under Secretary, whose mandate is far broader. This sort of arrangement was used with varying degrees of success during the Carter, Reagan and Bush I administrations. It would require a high degree of coordination between the Under Secretary and the new position, as well as with the relevant assistant secretaries. It would not create any clearer path to the President for views that are contrary to the Secretary’s.

#### V. SEPARATE AGENCY

State and ACDA working in tandem over nearly three decades were able to sustain a high level of U.S. global leadership in nonproliferation and arms control. This was in large part due to ACDA’s exclusive focus on the mission, its status as an independent sub-cabinet agency with statutory authority to advise the Secretary of State and the President, and a strong cadre of civil service experts. The ten years since ACDA’s demise have seen a decline in U.S. diplomacy in this area. That said, there seems little doubt that ACDA-like resources and strengths will be needed for the foreseeable future. The question is will a strengthened State structure as suggested above in Section IV be adequate to the task over the long run or should the new Administration seek legislation to transfer the nonproliferation and arms control functions to a separate agency? Two different approaches to a separate agency are set forth below.

##### *A. Separate Agency, But Part of State*

A semi-autonomous agency within State would be similar to the concept of the National Nuclear Security Administration within the Department of Energy. The agency’s Director would be the nonproliferation and arms control adviser to the Secretary, and have a rank equivalent to the Deputy Secretary of State. The Director would also have the right to communicate directly with the President. The agency would work closely with State regional bureaus and related functional bureaus, but there would be no need for additional nonproliferation and arms control offices elsewhere in State since this agency would represent the coordinated view of the State Department on these issues.

This approach would ensure optimal access to the Secretary. The agency’s unique iden-

tity and mission should improve the recruitment and retention of the diverse professional staff needed, including scientists and other technical experts. The elevation of nonproliferation and arms control within State will make clear to other governments the importance placed on these topics by the United States and lead to regular consultations with friends and allies. A separate agency is the best way to promote an enduring focus on nonproliferation and arms control policy, in contrast to embedding it in the Department’s traditional structure with the vast array of competing interests and predominant focus on country and regional factors. On the other hand, establishing a separate agency would require legislation and presently Congress is focusing on structural issues relevant to post-conflict stabilization and reconstruction, development aid, and foreign assistance. Some argue that a separate agency is not needed; and that State can be structured so that these issues get the attention they deserve and the Secretary gets the necessary advice.

##### *B. Independent Agency*

The principal difference from alternative A would be the agency’s independence from State. The agency’s director would have a seat at NSC meetings dealing with relevant issues, and the agency would participate as a separate entity in interagency deliberations. The agency would have a status similar to that of the former ACDA, which would imply a return to a pre-1999 situation where State had its own nonproliferation and arms control offices. The duties and structure of the new agency, however, would have to reflect the priorities and threats of today. Many of the arguments in alternative A are also applicable here.

In addition, this approach is the only one guaranteed to ensure that the President could hear the nonproliferation and arms control perspective even when the Secretary of State has a different view. Equally important, having an independent agency would make certain that unfiltered nonproliferation and arms control views are considered at all levels of interagency policy formulation, a situation that gave ACDA influence. On the other hand, as experience with ACDA demonstrated, the option of going to the President in opposition to the Secretary of State can be more theoretical than real, and might rarely be exercised. An independent agency would result in State creating its own nonproliferation and arms control officials and they would have more influence on the Secretary on a day-to-day basis than would a separate agency. Some in Congress would also not be receptive to creating a new agency, believing that more than a decade is needed to determine whether State can effectively do the job on its own.

#### VI. CONCLUSION

The above suggestions are, we feel, both practical and necessary although which approach to advising the Secretary of State and the President is actually taken up by a new administration remains a topic for debate and discussion, which we hope will occur over the coming months. These suggestions are offered not as firm conclusions but as alternative ways of improving the country’s capacities for planning and implementing a coordinated and flexible, but above all effective, strategy for dealing with nonproliferation and arms control issues.

#### 30,000 MISSING FIREARMS

Mr. LEVIN. Mr. President, according to data released this month by the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, gun dealers in this

country “lost” an average of 82 firearms every day last year. That means more than 30,000 firearms are mysteriously unaccounted for in gun dealers’ inventories in 2007 alone. With no record of sale, these guns could be prime candidates for sale on the black market.

Perhaps even more disturbing is that the Brady Center to Prevent Gun Violence believes that the 30,000 guns are actually likely an undercount of the total number of guns that disappeared from gun shops last year. The ATF conducted inspections at approximately 10,000 of the Nation’s 60,000 gun dealers last year, finding over 30,000 firearms missing from the dealers’ inventories with no record of sale. The other 50,000 dealers were not inspected due to limited ATF resources. In fiscal year 2005, the ATF examined 3,083 gun dealers and found 12,274 missing firearms.

The underground market for guns is apparently largely supplied by the diversion of this massive number of guns from licensed gun shops into the hands of criminals. Based on its own gun-trafficking investigations, the ATF has concluded that corrupt gun dealers are the largest source of firearms diverted to the illegal market. The Brady Center report, “Death Valley: Profile of a Rogue Gun Dealer,” details one particular gun dealer who was cited over 900 times for Federal gun law violations. Over 480 guns from this dealer were apparently traced to gun crimes, including 41 assaults and 11 murders. In 2003 alone, the dealer reportedly failed to account for 422 guns, more than one-quarter of his entire inventory, during a single inspection.

This kind of activity can be addressed by vigorously enforcing our gun laws, providing law enforcement with stronger tools to crack down on gun trafficking, corrupt gun dealers, and criminals, and by passing sensible gun safety legislation. Unfortunately, the failure of Congress to act on several common sense bills has allowed criminals and possibly terrorists continued easy access to guns. I urge my colleagues to reverse this trend of inaction, and to help put a stop to this huge source of guns for the black market.

#### MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

Mr. SPECTER. Mr. President, this Medicare legislation is a very important bill. I believe that it is vital for the Senate to take up this important measure to have open debate to give Senators an opportunity to offer amendments and to have the Senate work its will on these important questions.

As noted in previous floor statements, I have been concerned about Majority Leader REID’s practice of employing a procedure known as filling the tree, which precludes Senators

from offering amendments. This undercuts the basic tradition of the Senate to allow Senators to offer amendments. Regrettably, this has been a practice developed in the Senate by majority leaders on both sides of the aisle, so both Republicans and Democrats are to blame.

On June 12, 2008, I voted in favor of cloture on the motion to proceed on S.3101, legislation similar to H.R. 6331, to prevent the reduction in Medicare payments to physicians. At that time, I was assured by Majority Leader REID that he would not make a procedural motion to fill the tree. Following the failure to obtain cloture on the motion to proceed to S.3101, Finance Chairman BAUCUS and Ranking Member GRASSLEY began to negotiate a bipartisan bill that could be brought before the Senate. I have concerns with some provisions that may have been contained in such an agreement. However, the prospect of the Senate working its will and allowing myself and other Senators to offer amendments to such a bill is more favorable than filling the amendment tree.

The posture of the Senate is such that for the Majority Leader to complete action on H.R. 6331 and send it to the President before the physician payment reduction is scheduled to go into effect at the end of June, the Senate must pass the same legislation the House of Representatives passed. This is the case because the House of Representatives adjourned for the Independence Day recess prior to the Senate vote on cloture on the motion to proceed to H.R.6331. Since the House will be out of session, there will be no possibility for the House to consider a Senate amended Medicare bill. To guarantee that the same Medicare legislation will be passed by the Senate, no amendments to the legislation were permitted. By bringing this legislation up at the last minute after the House of Representatives adjourned the Majority Leader prevented the opportunity to offer amendments and undermined Senate procedure.

If cloture were to have been obtained on the motion to proceed to H.R. 6331 the legislation would have been vetoed by President Bush. That veto would have resulted in a further delay, since the House would not be in session to override the veto and the scheduled physician payment reductions would go into effect at the end of June. There was an expectation that the Senate would extend the current physician payment rate for 30 days and prevent the pending reduction from going into effect. However, when this legislative extension was offered by Senate Republican Leader MCCONNELL it was objected to by Majority Leader REID.

This vote was a crass partisan political exercise. The majority leader has been aware of this issue for some time and scheduling should have accommodated for the amendment process. I have consistently voted in favor of increasing Medicare physician payments

and will continue to, but I am not going to vote in favor of cloture when there is no opportunity to amend the legislation that comes before the Senate. I will not submit to procedures that prevent the Senate from performing its traditional duty. This is why I voted against cloture on the motion to proceed to H.R. 6331. I expect that this very important issue will be taken up as soon as we return from the Independence Day recess so we can correct this grave problem in a manner that allows the Senate to work its will.

#### PAKISTAN COALITION SUPPORT FUNDS

Mr. FEINGOLD. Mr. President, in the wake of 9/11, Congress developed a new program to provide financial assistance to allied countries as they joined us in combating al-Qaida. This program reimbursed partner countries for defense spending above and beyond their normal military budget. And of the 27 coalition partner countries who receive this assistance—also known as Coalition Support Funds—Pakistan has been by far the largest recipient, receiving more than \$5.5 billion out of a total \$7 billion allocated for this program.

This program could have been an important part of our global fight against terrorists who pose a very real threat to our country. But a new Government Accountability Office report shows that, in fact, the outcome was just the opposite. Over the past 7 years, U.S. taxpayer dollars have continued to flow with only minimal oversight while we have still not found Osama bin Laden and his senior officials and while al-Qaida has developed a safe haven in Pakistan.

The GAO report details numerous examples of this wasteful spending, including \$20 million paid to the Pakistani Government for road construction and \$15 million to build bunkers—with no evidence that either was ever built. Or what about the more than \$200 million provided for air defense radars with no analysis into whether such technology was needed to fight al-Qaida—an organization not known to have air force capacity? Confronting the threat of al-Qaida and its affiliates must be our top national security priority, and this GAO report sends a strong signal that we need to seriously step up our oversight when providing U.S. taxpayer dollars to our partners in this fight. We can not give them a blank check and expect to them to take care of the job.

The Defense Department's carelessness and negligence has led to a situation where billions of U.S. taxpayer dollars cannot be fully accounted for. With so many domestic programs here at home feeling the brunt of the wars in Iraq and Afghanistan this is simply unacceptable. And given the implications for our national security both here at home and abroad, it cannot continue.

#### GAS PRICE REDUCTION ACT

Mr. SPECTER. Mr. President, I have sought recognition to discuss legislation introduced yesterday entitled the Gas Price Reduction Act. I have agreed to join over forty of my Republican colleagues to cosponsor this legislation because I believe Congress needs to take action to address high oil and gasoline prices, as well as America's overall energy security going into the future.

My cosponsorship of this bill does not mean that every provision has my full support. My office received the final legislative text late yesterday morning and I have not had a great deal of time to analyze all of the details. That said, I have reluctantly decided to cosponsor this bill to signal my concern with the state of our Nation's energy situation. I have long supported efforts to reduce U.S. oil demand through conservation and efficiency whenever practical, as well as increase domestic oil production in an environmentally safe manner, and encourage energy markets that are free of price manipulation.

I am extremely concerned about the high cost of oil, gasoline, diesel and other fuels which are exacerbating our nation's already difficult economic situation and truly hurting American consumers and families. With oil near \$140 per barrel and gasoline over \$4 per gallon, we are facing an unsustainable situation.

The legislation introduced today proposes to increase the supply of oil, promote technology to lower fuel consumption, and increase oversight and transparency of energy markets. Specifically, the bill would allow consideration for oil exploration and production on the Outer Continental Shelf on the Atlantic and Pacific coasts with appropriate environmental protection at the request of a State's Governor and State legislature. Any authorized drilling could only occur beyond 50 miles offshore and only if the federal government determines that leasing would not create an unreasonable risk of harm to the marine, human, or coastal environment. Further, all existing environmental laws would have to be followed.

The second part of the bill would allow the Department of Interior to move forward with leasing of land in the Western U.S. to develop oil shale. It is my understanding that there are very large deposits of energy resources that could be tapped with significant investments in rock extraction technology. This resource is much less understood than oil and natural gas drilling. I support locating as many domestic resources as we can in an environmentally safe manner. However, I am concerned about claims made by opponents that opening these lands at this time is premature until Congress and the executive branch have the ability to study the results of research and development efforts. Further, some argue that Congress should first review regulations drafted by the Bureau of Land