

S. 1070

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1747

At the request of Mr. SPECTER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1747, a bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from New Mexico

(Mr. DOMENICI) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2146

At the request of Mr. CARPER, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2146, a bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

S. 2219

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2219, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program.

S. 2335

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2335, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide adequate case management services.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2521

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2521, a bill to provide benefits to domestic partners of Federal employees.

S. 2550

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2566

At the request of Mr. ISAKSON, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. DEMINT), the Senator from Florida (Mr. MARTINEZ) and the Senator from Louisiana (Mr. VITTER) were added as

cosponsors of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

AMENDMENT NO. 3930

At the request of Mr. CARDIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 3930 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3967

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAINE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Louisiana (Mr. VITTER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. COLEMAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alabama (Mr. SHELBY) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. CRAIG):

S. 2573. A bill to amend title 38, United States Code, to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I have sought recognition to comment on legislation I am introducing today that will hopefully chart a new course for veterans with mental illness—the Veterans Mental Health Treatment First Act.

As the title suggests, the bill proposes to advance a commonsense concept: Providing medical treatment for mental illness as a first priority will lead to a better quality of life for tens of thousands of veterans. It is a simple concept with which few would disagree.

The problem is that the Government agency tasked with advancing that concept—the Department of Veterans Affairs—lacks the proper focus to actually deliver. Notice I didn't say VA lacked the tools to deliver. It has the tools—a world-class health care system, evidence-based therapies emphasizing recovery and rehabilitation, first-line medications, and the support of a dedicated group of clinical professionals. The problem is that, as an agency, VA doesn't coordinate the use of all of its resources—medical treatment, vocational rehabilitation, and disability compensation—to ensure what is universally agreed as the desired outcome of those with disabilities: wellness and a return to a productive life.

Let me take a few minutes to lay out some of the facts for my colleagues. These facts have helped me get a better grasp of what the problem is, and they have truly informed my belief that a new approach to solving the problem is, in fact, necessary.

Fact No. 1: There has been a steep increase in the number of veterans receiving disability compensation for post-traumatic stress disorder.

In a 2005 report, the VA inspector general issued the following findings:

During fiscal years 1999 through 2004, the number and percentage of PTSD cases increased significantly. While the total number of all veterans receiving disability compensation grew by only 12.2 percent, the number of PTSD cases grew by 79.5 percent, from 120,265 cases in fiscal year 1999 to 215,871 cases in fiscal year 2004.

Sadly, the trend has not decelerated. Through September of 2007, 299,672—almost 300,000—veterans with PTSD were on the compensation rolls, a 39-percent increase since the VA inspector general's findings.

Now, many might argue that it is only natural that we would see an increase in PTSD compensation given that we have been in a war on terror since the year 2001. However, today there are just under 30,000 veterans of the global war on terror on the disability compensation rolls for PTSD. Thus, the increase in PTSD rate represents a broad cross-section of the veterans community.

No matter how far removed they are from military service, veterans are filing claims and being granted service-connected compensation for PTSD, and these staggering increases are occurring despite a decline—a decline—in the overall veteran population.

Fact No. 2: Veterans with PTSD-related compensation appear never to get better, only to get worse.

I just provided the sobering statistics about a 120-percent increase in PTSD disability rolls since 1999. Here is what the VA inspector general found in its 2005 review of veterans who have been added to the disability rolls:

Based on our review of PTSD claim files, we observed that the rating evaluation level typically increased over time, indicating the veteran's PTSD condition had worsened. Generally, once a PTSD rating was assigned,

it was increased over time until the veteran was paid at the 100 percent rate.

This fact is even more disturbing than the first. It suggests a trend toward not only increasing sickness over time but also permanent sickness. It also suggests a certain sense of inevitability among those with lower disability ratings that the natural progression is for them to slip into total 100 percent. Then, as time wears on, total and permanent disability is, in fact, established.

Mr. President, words have meanings. My greatest worry is that the message carried by an undesirable rating may lessen a veteran's resolve to seek treatment and to actually get better. They may feel themselves as beyond recovery, caught in the quicksand of permanent disability. If our current system encourages this kind of mindset, then we must change it.

Fact 3: There is evidence that PTSD is treatable and that VA has the tools to do it.

This may seem paradoxical, but it is true. The same agency that possesses disability claims showing veterans sliding toward increasing and permanent sickness is, in fact, the same agency that is recognized as having the tools necessary to successfully treat PTSD.

On the question of whether PTSD is treatable, here is what the Institute of Medicine found in their 2007 report:

The committee finds that the evidence is sufficient to conclude the efficacy of exposure therapies in the treatment of PTSD.

The Institute of Medicine also recommended additional research regarding the efficacy of other forms of PTSD treatment, but at a minimum, it concluded that the evidence suggests that at least one form of treatment worked.

What specific assets does the VA have to help veterans with PTSD? Well, let me list those assets, and let me also remind my colleagues that the VA health care system has been widely lauded by independent experts as one of the top health care providers in the United States.

The VA has 215 readjustment counseling centers, or Vet Centers, which offer readjustment counseling for PTSD for afflicted veterans. The VA has PTSD clinic teams or specialists at each of its 153 medical centers across the country. The VA has 8 specialized PTSD inpatient units, 10 PTSD residential rehabilitation programs, 9 PTSD domiciliary programs, 7 women's trauma recovery programs, 10 day hospital outpatient programs, 10 substance use PTSD outpatient programs, and 22 women's stress treatment outpatient programs. These programs offer a full spectrum of therapies, including exposure therapies and medications to treat our veterans for PTSD. In total, VA is planning to spend more than \$3 billion on health care services this year—roughly one-tenth of its total medical care budget.

So how do we explain this paradox? Why does a look at the compensation

rolls show us that veterans with mental illness are getting progressively worse even though the VA health system is recognized as having the tools to make them better?

That question leads me to my fourth and final fact: There is a poor linkage between the arm of VA that treats PTSD—the Veterans Health Administration—and the arm of the VA that awards disability compensation—the Veterans Benefits Administration.

One of VA's strategic objectives is to restore the capabilities of disabled veterans to the greatest extent possible. Most would agree with that objective, and most would conclude that restoring capability involves a focus on treatment and rehabilitation and not a rush to, in fact, award disability compensation.

The problem is that the VA is inconsistent in how it measures whether it is achieving its objective. On the health care side, VA measures whether it is obtaining this objective by measuring meaningful outcome data regarding wellness and disease prevention. On the disability benefits side, it measures it by how fast and accurate a disability claim can in fact be decided.

There is a serious disconnect here. One side emphasizes health and wellness, the other emphasizes a rush to award compensation confirming the existence of illness. There is no requirement that these two sides work together. Thus, disability compensation can be awarded and increased over the years without a veteran ever receiving medical treatment.

To me, there is something backward about how this works. The Veterans Disability Benefits Commission honed in on this point in its 2007 report. There is little interaction between the Veterans Health Administration, which examines veterans for evaluation of severity of symptoms, and treats veterans with PTSD, and the Veterans Benefits Administration, which assesses disability ratings and may or may not require periodic reexamination.

A further disconnect seen by the Veterans Disability Benefits Commission, the Senate Committee on Veterans' Affairs held a hearing last week at which the chairman of the Disability Commission, GEN James Terry Scott, testified. I asked General Scott specifically to expand on the Commission's findings and, more importantly, their recommendations. General Scott told me it was not his intent to offend anyone, but that we have been paying people with PTSD to go away; not to treat them, to go away. He went on to say that disability compensation has precluded, in the judgment of the Commission, any effort to make veterans with PTSD better, the No. 1 objective, I believe, of our system.

General Scott then made the following statement that represents the heart of the Commission's findings on the link between PTSD compensation and treatment:

It is our judgment that one of the principal goals of the VA and of the Commission, was that we want to make people better so they can return to the fullest extent possible, into ordinary lives without treatment. I do not see how we are fulfilling our obligation.

These facts lead me, and I hope they will lead my colleagues as well, to the inescapable conclusion that the current approach to helping our veterans diagnosed with PTSD simply is not working. It is abundantly clear that we need to try something new. Again to quote the Veterans Disability Benefits Commission report:

The Commission believes that PTSD is treatable, that it frequently reoccurs and remits, and that veterans with PTSD would be better served by a new approach to their care.

The Veterans Disability Benefits Commission says:

Veterans with PTSD would be better served by a new approach to their care.

I believe the legislation I am introducing today is, in fact, that new approach. Before I describe the legislation and how it works, let me describe how the present system is working or, as the evidence suggests, not working.

Let's say a young marine who is 2 years removed from his service in Iraq comes to the VA because he is suffering from PTSD-related flashbacks and cannot hold down a steady job. As a consequence, he is having trouble paying his bills. We all would.

That veteran needs help immediately. First and foremost, he needs mental health treatment before his condition worsens, but he also needs short-term financial help during his treatment period. If we cannot address that, we cannot be assured that the correct amount of rehabilitation takes place.

Under the current system, the veteran might first be counseled to file a disability claim with the Veterans Benefits Administration. And who could blame him. It is the source of money. He sees that as the quickest route to solving his immediate financial crisis.

Although medical care would be made available at that time, the veteran cannot simply afford to put his life on hold to get well. We can all associate with this. After a 6-month wait, the average time it now takes to process a disability claim—average; some are sooner, more are later, but the average is 6 months—the veteran might be rated service connected due to disability. But by that time, a critical window of opportunity for wellness would have come and gone. The veteran's experience with the VA will have been one that emphasizes his sickness and the level of his disability rather than wellness through an aggressive treatment program.

What would my legislation do? It would establish a program to refocus the existing system to one that emphasizes and incentivizes wellness. It would say to a veteran eligible for VA health care who suffers from service-related PTSD, depression, anxiety dis-

order, or related substance use disorder, that our focus is to make certain you are given the best efforts to get healthy and to feel better.

It would do this by providing—get this—a wellness stipend, a wellness stipend for up to 1 year to any veteran diagnosed with these conditions so long as the VA diagnosing physician judges the conditions to be plausibly related to military service.

All the veteran would have to do is to agree faithfully to attend the prescribed treatment regime, in other words, go get the services that are already provided, and hold off on filing disability for those illnesses until you have completed your rehab schedule. So if the rehab schedule the doctor prescribes is 6 months, we want you to hold off filing the disability claim for 6 months so we can give you the financial help you need to get through it, we can focus you into treatment, and at the end of the time you and the system can assess where you are.

That is it. And we will do that for up to a year. Here is how it works for the marine whom I spoke about earlier. Upon diagnosis and treatment with the conditions of the program, an immediate \$2,000 wellness stipend is made to him. All of a sudden the immediate financial crisis could be over; no lengthy claims process, no 6-month delay in getting needed financial help.

With this immediate financial infusion, our marine can focus on getting well and not worrying about how he pays the next month's rent. More importantly, every 90 days that he participates, every 90 days that they can say "he came to rehab," it translates into an additional \$1,500 of a wellness stipend, a reward for continued participation. Finally, at the end of the treatment program, in this case the end of a year, a final \$3,000 wellness stipend would go to the marine. Thus, in the total of a 1-year treatment program, we would pay the maximum wellness stipend of \$11,000.

Think about this. We are actually taking the most difficult piece, which is the financial obligation, and we are setting that aside so we can focus on what I believe is our obligation: to make sure that we provide the best course of rehab, of prevention, of wellness.

I recognize treatment programs will vary depending on the medical needs of the veteran. My legislation gives the VA complete discretion to develop a recovery plan of an appropriate type and duration. Hence, if our marine only needs a 4-month program, he would receive \$2,000 of wellness stipend up front, \$1,500 after 90 days, and \$3,000 at the end of the program, for a total of \$6,500.

Hopefully, at the conclusion of the treatment of our marine, he will then be healthy, or at least healthy enough to reenter society and move on to a productive life. If the opposite is true and the marine did not get well, his option to file a disability claim is still

available in total. We have not deprived any veteran of their right to file disability claims.

What we have asked is: Set it aside, let's focus on treatment, let's make sure you are not financially strapped, and at the end of intense treatment, focus on that treatment, let's get back together, and if you are still in a situation where you are disabled, then we file the disability claim.

I know some might think this is a nonconcept, paying people to come in for what is basically free health care. But I think it is time for all of us to recognize what the Veterans Disability Benefits Commission and the Dole-Shalala commission have already recognized: treatment, rehabilitation, and recovery need to be the primary focus of our VA health and benefits system. And, more importantly, they need to be the focus of our mental health services.

Let me quote the Disability Commission on this very point.

The Commission believes that a new, holistic approach to PTSD should be considered. This approach should couple PTSD treatment, compensation, and vocational assessment.

The Disability Benefits Commission felt so strongly about focusing on treatment for those with mental illness, particularly PTSD, that it recommended that we condition the receipt of compensation on the receipt of treatment.

I am not proposing that we condition it as the Commission has proposed to Congress, but I want my colleagues to understand, you cannot have multiple commissions look at this issue and say: It is broken. It does not focus on the wellness our veterans need. It needs to be changed.

Senator Dole and Secretary Shalala's commission recommended providing transition payments for injured service personnel while they receive treatment and rehabilitation services, and they recommended an incentive bonus payment designed to reward participants in a rehab program for achieving certain milestones, that if they actually accomplished a milestone that was set, we give them a financial incentive.

Why? Because today's veteran, in many cases, has expectations that are unlike any generation before. Because of their age, because of the types of injuries they are exposed to, what their expectations are with an artificial limb—I lose no mobility, I am just as productive, I can play golf, I can run, I can play basketball, I can even pass a physical to stay in the Army. That is the reality. If we lose them up here, we have done them an injustice relative to their expectations for life. I think both commissions focused on an innovative approach to wellness, and the Disability Commission approach goes farther than mine in that it is a negative incentive as opposed to a positive one, but the underlying concepts are the same. The current system is not working. Let's try something new.

I want to make a few points clear. First, under my legislation, no veteran would have to give up his or her right to receive disability compensation. Veterans can file a claim whenever they want. If they decide when they are presented this option right at the beginning that they want to file a disability claim and roll the dice on rehab, they can do that. If they get a month into rehab and they decide: I do not think this is working, they can file a disability claim. They will not get a financial stipend at the end of 90 days. They can drop out. They can continue to access VA benefits. They can continue to stay in rehab. But they may feel compelled to go ahead and file a disability claim. They can do that. The financial stipend ends, but we still continue the treatment, we just do not have an incentive for them to attend.

The wellness stipend, as I said, will be paid only if the veteran agrees to stay faithful to the program and holds off on filing the claims during that treatment period of up to 1 year.

Second, none of the nearly 300,000 veterans already in receipt of PTSD-related compensation and the thousands of others in receipt of compensation for depression and anxiety disorder would have to give up their compensation in order to participate in the treatment first program. For them, my legislation would pay a wellness stipend that is one-third the amount I mentioned earlier, so long as they agreed not to file a claim to increase their disability rating during this treatment period.

Let me draw a distinction. For somebody who has already filed a disability claim, regardless of how old they are, and annually goes to be rerated, if they delay that rerating, if they go into an intense rehabilitation program, if, in fact, one has been identified by a medical professional within the Veterans' Administration for them to enter into, if they agree not to be rerated until the completion of that program, we will actually include them in the cash stipend, but it will be one-third the amount of somebody who enters the system for the first time. So whether you are a veteran who has never filed a claim before, a veteran with a claim pending, a veteran already in receipt of compensation, the treatment first program would be available to all.

Finally, my legislation contains no requirement that disability compensation be reevaluated at the end of the treatment period. If treatment works—and the Institute of Medicine says it does—then veterans will have better lives because of it. That is the only goal of this legislation. I think we can all look at it, with what we know about the health care system, we can probably find a rationale to say, if we invest now in these veterans, we might save money on the back end for taxpayers in actual health care services that might be provided to somebody who drops out of the workforce who doesn't regard their health as important because they have now become

locked into a monthly disability check for their livelihood.

But for the ones who could end up there that we have now gotten into rehab successfully and increased or changed the quality of their life, the likelihood is the back end health care cost is minimal, if any.

In conclusion, the status quo is not working. We need a new and bold approach. My legislation represents a direct challenge to all of us to think outside the box, to think about things that work elsewhere, but we haven't tried. Doing so sometimes requires taking steps that are a little unknown and a little bit unique. I am sure not only Members of the Senate but the veterans service organizations and, I am sure, the veterans themselves will look at this and say: Where is the cash?

There is no cash. For once, we have a piece of legislation that is focused on how to make people better. We are willing to put our money where our mouth is because it is that important to a 19-year-old who comes back from Iraq who can truly be made well with the right type of rehab and who may, because of financial decisions in his own life, not choose to fully exhaust the rehabilitation needed to overcome that mental health challenge. This at least would give the American people the assurance that we have done everything possible for that 19-year-old to get the services he or she would need to lead a productive and fruitful life.

I ask my colleagues for their support. It is time to put the treatment of our veterans with mental health illnesses first.

By Mr. LAUTENBERG (for himself, Mr. REED, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. INOUE, Mr. LEVIN, and Mrs. BOXER):

S. 2577. A bill to establish background check procedures for gun shows; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Gun Show Background Check Act of 2008. I am proud to be joined by lead cosponsor Senator JACK REED from Rhode Island, as well as Senators FEINSTEIN, KENNEDY, MENENDEZ, KERRY, SCHUMER, WHITEHOUSE, INOUE, LEVIN, and BOXER.

It was almost 9 years ago, on May 20, 1999, that I stood in this chamber and urged my colleagues to close the gun show loophole once and for all.

Barely 1 month earlier, two teenagers had shot and killed 12 students and one teacher at Columbine High School in Littleton, Colorado. None of us will ever forget the horror we felt as we watched students run in fear from a shooting rampage that took the lives of 13 innocent people.

Those 13 people never should have died because those teenagers never should have had those guns. Some of the guns were purchased from unlicensed dealers at gun shows.

Although the Federal Brady Law requires licensed firearms dealers to conduct background checks before selling guns, a loophole in Federal law allows unlicensed dealers—who make up 20 to 50 percent of all dealers at gun shows—to sell guns without conducting background checks.

Because the Columbine killers' guns were bought from unlicensed dealers, they were sold without a single background check being done. A friend who bought them guns said she never would have done it if she had to go through a background check.

In the wake of that terrible tragedy, the Senate responded. We passed my legislation to close the gun show loophole, with Vice President Al Gore casting the tiebreaking vote.

Unfortunately, the gun lobby stripped my legislation in conference, and 9 years later, the gun show loophole is still open. Nine years after the horror of Columbine, easy access to guns is still the law of the land, and gun violence still plagues our schools, our streets, and our communities.

Last April, we witnessed the worst school shooting tragedy in our Nation's history. Thirty-two students and professors were killed, and 15 more were wounded at Virginia Tech.

We know now that the Virginia Tech shooter never should have been permitted to buy the two weapons he used that day. He should have been on a prohibited list because of his history of treatment for serious mental illness. In response, we are working to make sure that States include these mental health records in the FBI's background check database.

However, even if the Virginia Tech shooter had been stopped from buying a gun at a gun shop, he still could have walked down the street to a gun show to buy a gun from an unlicensed dealer. All the mental health records in the world will not stop mentally ill people or other prohibited purchasers from buying guns unless all gun dealers—including unlicensed dealers at gun shows—have to consult those records before selling a gun.

That is why the Virginia Tech Review Panel recommended closing the gun show loophole to prevent prohibited purchasers from buying guns. That is why the survivors of the Virginia Tech massacre and families of the victims are fighting to close the gun show loophole.

Today, I ask my colleagues to finish the job we started almost 9 years ago. We must close the loophole that allows convicted felons, fugitives and domestic abusers to buy guns without going through a background check.

The Lautenberg-Reed bill would close the gun show loophole by requiring background checks for all gun sales at gun shows. Specifically, our bill would require background checks by licensed firearms dealers for all gun transactions at gun shows; define a gun show as an event where 50 or more guns are offered or exhibited for sale; require gun show promoters to register

with the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, and ensure that sellers understand their legal obligations; require licensed gun dealers to keep records of guns sold at gun shows to make it easier to trace guns that are later used in crime.

This bill is a common-sense public safety measure. It has been endorsed by the International Association of Chiefs of Police.

Now, let me be very clear: Our bill would not hurt law-abiding gun owners. It would simply require a background check to stop unlicensed sellers from selling guns to people who are not allowed to own one. Approximately 92 percent of background checks are completed within minutes, and 95 percent are completed within 2 hours.

Those few minutes are worth it. From the enactment of the Brady Act in 1993 through 2005, nearly 70 million background checks have been performed, denying guns to 1.36 million prohibited purchasers.

I am proud to say that more than 150,000 of those guns have been denied to convicted domestic abusers as a result of a law I wrote in 1996.

We can only imagine how many lives have been saved by preventing felons, fugitives, and domestic abusers from getting those guns. Now we have the opportunity to save even more lives by requiring that every gun sold at the thousands of gun shows held across the U.S. each year goes through a background check.

It has been almost 9 years since the Columbine tragedy. We should not wait another day to close the gun show loophole.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in support of the Gun Show Background Check Act to reduce gun violence. Closing this dangerous loophole in current Federal gun laws will make gun show transactions safer for all our people.

Americans overwhelmingly favor responsible gun control laws. They want effective background checks for firearm purchases at gun shows or anywhere else. Yet, year after year, the "gun show loophole" allows firearms to be purchased with no questions asked, and legislation is urgently needed to close this flagrant loophole in our current gun laws.

Under today's laws, licensed gun dealers must be approved, must register with the Federal Government, and must conduct background checks on gun buyers who come to their stores. But in most States, almost anyone can be an unlicensed private seller of guns. Timothy McVeigh, the Oklahoma City bomber, was one such private seller at gun shows. These private sellers have no obligation to conduct criminal background checks on buyers or keep any records at all about the sale. It is no surprise that felons and other prohibited gun buyers go to gun shows to buy guns in order to evade background checks. That is unaccept-

able. Closing the gun show loophole and requiring background checks for purchasers at gun shows is vital for public safety.

The Gun Show Background Check Act defines gun shows as any event at which 50 or more firearms are offered or exhibited for sale and requires gun show promoters to register with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. It requires the promoters to maintain a list of vendors at all gun shows, and these vendors must acknowledge receipt of information about their legal obligations. It also requires that all firearm sales at gun shows go through a Federal Firearms Licensee. Private vendors and non-licensed persons will be required to complete the sale of weapons using such a licensee, who will be responsible for conducting a background check on the purchaser and maintaining a record of the transaction. Finally, the bill improves the tracing of firearms by requiring these licensees to submit information about firearms sold at gun shows to the ATF's National Tracing Center.

Approximately 50 percent of all gun sales in the U.S. today are "private" sales made by individuals at thousands of gun shows. No proof of identification and no criminal background check are required. Even after the horrific events of September 11, suspected terrorists and felons can easily purchase any quantity of firearms, including military style assault weapons, without an ID or background check at gun shows in 32 States. Federal law permits gun owners to sell rifles, shotguns, and even assault weapons to children, without their parent's knowledge or permission.

It is not enough to leave this issue any longer to State action. As John Rosenthal, founder of the nonprofit organization, Stop Handgun Violence, has pointed out, Massachusetts has enacted some of the most effective laws to prevent gun violence in the country, but Massachusetts is surrounded by States, which have no such laws and allow individuals to buy and sell guns easily. According to ATF data for 2006, many of the gun crime weapons recovered in Massachusetts had been obtained in other States with little or no regulation of firearms sales.

Critics claim that mandating background checks at gun shows will not reduce crime significantly and will be a step towards banning private firearms sales between individuals. Some even make the preposterous claim that there is no gun show loophole, and that gun control advocates are trying to address a non-existing problem. Evidence clearly proves, however, that gun shows are an important source of the guns used in crime in the U.S. During the late 1990s, cases involving gun shows and flea markets accounted for 30 percent of all trafficked guns in the U.S. That is no surprise, since there are over 4,000 gun shows in the U.S. every year, and no Federal laws to reg-

ulate them. Statistics also show that States such as Massachusetts, where strict gun control legislation has been enacted, have significantly lower firearm fatality rates than States with lax gun laws.

In another appalling move, the Bush administration successfully pushed legislation requiring the FBI to destroy records of approved gun purchases within 24 hours of a completed background check. That action prevents law enforcement from identifying whether a person under investigation for another crime, including terrorism, has purchased a firearm. In addition, if federally licensed gun dealers fail to report stolen or missing guns, they face only misdemeanor charges, despite the fact that thousands of guns are stolen from gun stores every year. The rifle used by the DC sniper was "lost" by a gun store—the same store that "lost" 238 guns in 3 years.

We can't ensure public safety unless we stop kowtowing to the gun lobby. We can't accept a system that allows criminals and terrorists to buy guns at gun shows without detection. The gun show loophole should have been closed long ago. I urge my colleagues to enact this vital legislation to do that. I commend Senator LAUTENBERG and Senator REED for introducing this bill, and I look forward to its enactment into law as soon as possible. Too many lives are on the line for us to delay any longer.

By Mr. INOUE (for himself and Mr. INHOFE):

S. 2579. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INOUE. Mr. President, since its founding in 1775, the U.S. Army has served this country well for over 230 years and has played a decisive role in protecting and defending freedom throughout the history of the U.S., from the Colonial period to today, in wartime and in peace; and has consistently answered the call to serve the American people at home and abroad since the Revolutionary War. The sacrifice of the American soldier, of all ranks, since the earliest days of the Republic, has been immense and is deserving of the unique recognition bestowed by commemorative coinage.

Today I rise to introduce the U.S. Army Commemorative Coin Act, and am joined by Senator JAMES INHOFE of Oklahoma in support of the bill, as well as the U.S. Army, the National Museum of the U.S. Army, and the Army Historical Foundation.

The U.S. Army Commemorative Coin Act authorizes the Secretary of the

Treasury to mint 100,000 five dollar gold coins, 500,000 one dollar silver coins, and 750,000 half-dollar copper-nickel clad coins.

These coins will be the first U.S. coins to honor the Army as an institution in its entirety. Coin designs will be emblematic of the traditions, history and heritage of the U.S. Army, and its role in American society, from the Colonial period to today. Design motifs will specifically honor the American soldier, both today and yesterday, in wartime and in peace; and commemorate the traditions and heritage of the U.S. Army.

A surcharge will be applied to each coin, in the amount of \$35 for each \$5 gold coin, \$10 for each silver dollar coin, and \$5 for each half-dollar clad coin. Proceeds from the sales of these coins will be directed to the Army Historical Foundation specifically to be used to help finance construction of the National Museum of the U.S. Army at Fort Belvoir, VA.

The Army, the Nation's oldest and largest military service, is the only service that currently lacks a comprehensive, national museum celebrating, preserving and displaying its heritage and honoring its veterans. The Army also lacks a national memorial to serve as its national landmark here in America's capital city. The museum will eventually fill both roles.

One of the ways that the museum already honors Army veterans is through its "Registry of the American Soldier." The Registry potentially could contain millions of names and service histories, and can already be viewed online. It is open to all who have worn the Army's uniform, and I myself recently became the first Member of the U.S. Senate to be listed. This registry will eventually be permanently displayed at the museum after its public opening, due in 2014.

In 2000, the Secretary of the Army designated the Army Historical Foundation as its primary partner in building the National Museum of the U.S. Army, and today the Foundation is actively engaged in executing a major, \$200 million, capital campaign to support the Museum.

These commemorative coins will do more than just honor the Army and our Army veterans. They will also help ensure that the extraordinary accomplishment and sacrifice of our soldiers will live on as a legacy for future generations. This bill authorizes surcharges that may generate over \$12.2 million for the Army museum. I want to assure my colleagues that this bill will not place any burden on the American taxpayer. The profits generated by the sales of these coins will cover all costs incurred by the Department of the Treasury.

Personally, I will never forget the pride I felt in wearing my uniform during the Second World War, and I know that I share this pride of service with millions of fellow veterans from all walks of life across this great country.

I urge my colleagues to support this important legislation, which will honor the U.S. Army while helping to open an outstanding, world-class National Museum of the U.S. Army just across the river from this building.

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

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

S. 2579

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 "United States Army Commemorative Coin Act of 2008".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States Army, founded in 1775, has served this country well for over 230 years;

(2) the United States Army has played a decisive role in protecting and defending freedom throughout the history of the United States, from the Colonial period to today, in wartime and in peace, and has consistently answered the call to serve the American people at home and abroad since the Revolutionary War;

(3) the sacrifice of the American soldier, of all ranks, since the earliest days of the Republic has been immense and is deserving of the unique recognition bestowed by commemorative coinage;

(4) the Army, the Nation's oldest and largest military service, is the only service branch that currently does not have a comprehensive national museum celebrating, preserving, and displaying its heritage and honoring its veterans;

(5) the National Museum of the United States Army will be—

(A) the Army's only service-wide, national museum honoring all soldiers, of all ranks, in all branches since 1775; and

(B) located at Fort Belvoir, Virginia, across the Potomac River from the Nation's Capitol, a 10-minute drive from Mount Vernon, the home of the Army's first Commander-in-Chief, and astride the Civil War's decisive Washington-Richmond corridor;

(6) the Army Historical Foundation (in this Act referred to as the "Foundation"), founded in 1983—

(A) is dedicated to preserving the history and heritage of the American soldier; and

(B) seeks to educate future Americans to fully appreciate the sacrifices that generations of American soldiers have made to safeguard the freedoms of this Nation;

(7) the completion and opening to the public of the National Museum of the United States Army will immeasurably help in fulfilling that mission;

(8) the Foundation is a nongovernmental, member-based, and publicly supported nonprofit organization that is dependent on funds from members, donations, and grants for support;

(9) the Foundation uses such support to help create the National Museum of the United States Army, refurbish historical Army buildings, acquire and conserve Army historical art and artifacts, support Army history educational programs, for research, and publication of historical materials on the American soldier, and to provide support and counsel to private and governmental organizations committed to the same goals as the Foundation;

(10) in 2000, the Secretary of the Army designated the Foundation as its primary part-

ner in the building of the National Museum of the United States Army; and

(11) the Foundation is actively engaged in executing a major capital campaign to support the National Museum of the United States Army.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the founding of the United States Army in 1775, and notwithstanding any other provision of law, the Secretary of the Treasury (in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 100,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 500,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins, which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins, contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the traditions, history, and heritage of the United States Army, and its role in American society from the Colonial period to today.

(2) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2011"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) contain motifs that specifically honor the American soldier of both today and yesterday, in wartime and in peace, such designs to be consistent with the traditions and heritage of the United States Army, the mission and goals of the National Museum of the United States Army, and the missions and goals of the Foundation;

(2) be selected by the Secretary, after consultation with the Secretary of the Army, the Foundation, and the Commission of Fine Arts; and

(3) be reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITIES.—For each of the 3 coins minted under this Act, at least 1 facility of the United States Mint shall be used to strike proof quality coins, while at least 1 other such facility shall be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2011.

SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7(a) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins minted under this Act shall include a surcharge as follows:

- (1) A surcharge of \$35 per coin for the \$5 coin.
- (2) A surcharge of \$10 per coin for the \$1 coin.
- (3) A surcharge of \$5 per coin for the half dollar coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Foundation to help finance the National Museum of the United States Army.

(c) **AUDITS.**—The Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2-commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Mr. INHOFE. Mr. President, today I rise to express my support for an effort that I believe is long overdue. I am honored today to join Senator INOUE as a co-sponsor of the U.S. Army Commemorative Coin Act of 2008. As co-chair of the Senate Army Caucus and a former soldier, I am proud to pay tribute to the U.S. Army, which has dutifully served our Nation for over 230 years.

The Army is the only service branch that currently does not have a comprehensive museum honoring its members and veterans. The Commemorative Coin Act will help raise the revenue needed to build a museum dedicated to the men and women who have for so long protected the sovereignty and freedom of our country. The museum will serve to commemorate the enormous sacrifice of our soldiers, and will be a symbol of the Army's dedication to the fight for freedom.

Since the days of the Continental Army of the Revolution, to the highly

mobile and technological force of today, the U.S. Army has been the bulwark against which tyranny and oppression have consistently failed. It is time we permanently memorialize the sacrifice that the U.S. Army has given to the cause of liberty around the world.

I urge the Congress to quickly grant its approval to the U.S. Army Commemorative Coin Act of 2008.

By Mr. BYRD (for himself and Mr. ROCKEFELLER)

S. 2581. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BYRD. Mr. President, today I am pleased to join with my friend and colleague from West Virginia, Senator JOHN D. ROCKEFELLER, to introduce legislation entitled the Wild Monongahela: A National Legacy for West Virginia's Special Places. Our legislation would designate additional wilderness areas in the Monongahela National Forest, located in eastern West Virginia. A bipartisan companion measure was introduced yesterday in the U.S. House of Representatives.

I have long supported efforts to provide permanent protections for our most treasured lands. Along with Senator KENNEDY and Senator INOUE, I voted for the original Wilderness Act in 1964. We can proudly say that the nine million acres of lands protected by the Wilderness Act has now grown to over 106 million acres in 44 States.

One of the most important sectors for economic development in West Virginia is environmental tourism. Our "Wild and Wonderful" slogan aptly describes the beautiful vistas, flower covered valleys, free flowing streams and rivers, and impressive sandstone formations, that can be found in the Monongahela National Forest. Inclusion of these sites in and nearby federally protected wilderness areas puts them "on the map" for those seeking an adventure in nature. Attracting these visitors is one of the keys to future economic growth in West Virginia.

Since the Forest Service released its new Forest Management plan for the Monongahela National Forest in September 2006, I have heard from many West Virginians wishing to express their strong opinions on proposals that call for new wilderness areas. I was particularly touched by a Christian youth group that visited my office. These young people spoke in personal terms of how a hike in these wild areas brought them closer to God.

Currently, the Monongahela National Forest has five protected wilderness areas, including Otter Creek, Dolly Sods, Laurel Fork North and South, and Cranberry. These areas comprise about 78,000 acres of land, approximately eight percent of the Monongahela's 919,000 acres.

Our legislation would designate seven additional areas for wilderness protection out of the 18 roadless areas evaluated by the Forest Service. Three of these are expansions of existing wilderness areas. These are the Cranberry expansion, Dolly Sods expansion, and the Otter Creek expansion. We propose four new areas for wilderness protection—Big Draft, Cheat Mountain, Roaring Plains West, and Spice Run. In all, our legislation would protect an additional 47,000 acres of wilderness. This would bring the total acreage of wilderness in the Monongahela National Forest to approximately 125,000 acres, or just under 14 percent of the total forest.

Our legislation would add a significant amount of land to those areas protected as wilderness. However, the vast majority of the Monongahela National Forest will continue to be available for the multiple uses envisioned when the National Forest System was first created. These include timber harvesting operations, wildlife and fish management, and recreation.

It is my hope that after much thought and reflection all West Virginians will see this proposal as a straightforward effort to reach a bipartisan compromise that has a true chance to become reality. The result will be that future generations of West Virginians and all Americans will be able to enjoy the benefits of God's creation.

I wish to thank my fellow members of the West Virginia delegation, especially Chairman RAHALL, for their hard work on this measure. Senator ROCKEFELLER and I look forward to working with Chairman BINGAMAN and Ranking Member DOMENICI of the Senate Energy and Natural Resources Committee to ensure that this measure is passed and signed into law this year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 437—ESTABLISHING A SPECIAL COMMITTEE OF THE SENATE TO INVESTIGATE THE AWARDDING AND CARRYING OUT OF CONTRACTS TO CONDUCT ACTIVITIES IN AFGHANISTAN AND IRAQ AND TO FIGHT THE WAR ON TERRORISM

Mr. DORGAN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 437

Whereas the wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States;

Whereas Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds;

Whereas waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war;

Whereas the magnitude of the funds involved in the reconstruction of Afghanistan