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 identity 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