

talk about when it comes to addressing their concerns here at home is the need for change in health care policy in America. They are going to talk about what is going to be done to contain the costs, what is going to be done to reduce some of the mindless paperwork, how we can put more focus on prevention and wellness, make better use of health care technology, and offer sensible policies that reward the coordination of managing cases for individuals with chronic conditions. These are the key areas they talk about. It all comes down to a health care system that doesn't work very well for them, No. 1. The issue becomes how can it be that a country such as ours—the richest country on Earth, with all these wonderful doctors and hospitals—cannot figure out how to meet the health care needs of our people.

I believe we know what needs to be done. I have tried to outline a number of these key areas. As the Senator from Vermont knows, I have offered legislation with Senator BENNETT of Utah—we have 13 cosponsors on a bipartisan bill—that addresses these kinds of concerns. But now, when we are home and we have a chance to listen to folks, I think we will have a chance also to talk about real priorities for our country, the changes that are needed. We need to especially talk about the changes that are needed in American health care so this country can end the disgrace that we are the only Western industrialized Nation that hasn't been able to figure out how to get basic, essential health care for all our citizens. We are up to it. It is now a question of political will and our willingness to embrace change.

I have appreciated the chance this afternoon to outline some of the most important changes that are needed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

#### CRIMINAL BACKGROUND CHECK IMPROVEMENT ACT

Mr. COBURN. Mr. President, later today, Senator SCHUMER will bring up the Criminal Background Check Improvement Act, which is an important piece of legislation. When this bill was originally hotlined, we asked that it be held so that we could discuss the improvements to the bill.

This bill came out of the tragedy at Virginia Tech. It is important that the American people understand that what we are changing in this bill would not have prevented what happened at Virginia Tech. What happened to the individuals there was because the law we have on the books was not followed by the State of Virginia. They recognized that shortly thereafter and have made corrective action to it.

What is also important to note is that under the previous legislation we have had, over \$400 million a year was authorized to help the States implement the programs so that somebody

who is truly a danger to themselves or others or has been admitted to a mental institution and considered mentally defective—that is a term of the bureaucracy—is not allowed to purchase a gun. We all agree to that in this country. So when you don't follow the law, the laws don't work. Consequently, the families are suffering great grief at this time because the law wasn't followed.

Too often, the first reaction of Congress is to hurry up and pass a bill. There are and have been in this bill some good ideas. But there were some bad ideas. The idea of holding the bill to be able to work with those who are offering the bill to get improvements has come about. The principle is this: As we protect people from the dangers of weapons by withholding both criminals and those people who constitute a threat to themselves and others, we can't do that if we are going to step on the rights of those who have a right and who are not in that category.

I wish to take a moment to thank Senator SCHUMER for his hard work and Elliot of his staff for his hard work and to recognize my staff, Jane Treat and Brooke Bacak and others on my staff who worked through the last couple of months to improve this bill. We have come out to make sure those people, veterans in this country who go out and defend, with their lives, bodies, and their futures, our rights, aren't inappropriately losing their rights under this legislation.

It is interesting for the American people to know that at this time, if you are a veteran and you come home with a closed head injury and you resolve that, then, in fact, by the time you wake up and recover over a year or 2-year period, you will have lost all your rights to bear an arm to be able to go hunting, to be able to skeet shoot, to be able to hunt with your grandchildren, without any notification whatsoever that you have lost that right. That is the present law. That is what is happening.

We have 140,000 veterans with no history of mental deficiency, no history of being dangerous to themselves or others, who have lost, without notice, their right to go hunting, to skeet shoot, to have that kind of outing in this wonderful country of ours in a legal, protected sense. What this bill does is it attempts to address that by giving them an opportunity for relief. It mandates that, first of all, they are notified if that happens to them so that they know they are losing their rights. What a tragedy it would be if a veteran who lost his rights but doesn't know it becomes incarcerated under a felony for hunting with his grandson because it is illegal for him to own, handle, or transmit a weapon? That is not what we intended to do in this Congress some 10 years ago. Yet that is the real effect of what is happening.

Consequently, we are at a point now where we have agreed with the fact that we want to make sure—and we

want to put the resources through this authorization—it covers those who could be a danger to themselves and others, and we are going to help the States implement this law, the law on the books, by authorizing significant sums to do this. It is not a new authorization; \$400 million was authorized before, but the appropriators didn't appropriate it. They chose to make a higher priority. The most ever appropriated under this, I think, was \$23 million a year.

So, in fact, what we want to do now is say we mean it, which means when it comes to appropriations time, this authorization will have no effect unless, in fact, we appropriate the money to the States to carry out this notification system. It is something we can and must do. It shows that when we work together to solve the problems and protect the future and honor the Constitution, the rights under the Constitution, we can do that if people of good faith and of good intent work together to solve that.

My compliments to Senator SCHUMER and his staff and Hendrik Van Der Vaart on my staff for the hours and hours we have put in to make sure this happened.

A couple other key points. Sometimes the bureaucracy delays whether or not you are on this list. So we have said that, at the end of the year, if they can't decide, it is going to be adjudicated that you cannot have a gun and you will have to prove that you can. That is fair enough, provided we create the means with which you can recover the cost of that adjudication. So if, in fact, you get to Federal court and you win your case that there is not anything wrong with you, the Federal Government is going to pay your lawyer's fees and return your rights—the rights given to everybody else in this country—return your wrongly denied rights back to you.

Therefore, we really, truly do give access to those who have been injured under this law and, at the same time, protect the rest of the American public from those who could be injured when we don't follow the law.

I also pay tribute to Congresswoman MCCARTHY. I served with her in the House. She has been dedicated to this issue for years. She suffered a terrible tragedy herself at the hands of somebody who was obviously deranged. This will mark a milestone for one of the things she wanted to accomplish during her service in the Congress.

It is my hope that others will not hold this bill. It is my hope that when it comes appropriations time, the monies that are necessary to put the people who really are a danger to themselves and others on the national criminal background check, that they will get there, and that those who should not be there will not be there. So it is a balance, a balance for protection, but it is also a balance to preserve rights, especially for our veterans—the very people who continue to

protect our rights. They are going to be preserved.

Myself and Senator SCHUMER sent a letter to the ATF asking them to reconsider some of the wording in their ruling because it puts people in there who should not be. We are hopeful that they recognize that, and that they, because of a bipartisan query, do a rule-making process that really directs this where it should be. When that happens, we will have finished everything we need to do, except get the dollars appropriated to implement this act.

Again, my hat is off to Senator SCHUMER and those who have worked tirelessly to get this done. It is with great appreciation for the manner in which it was handled, and it is my hope that we will pass this on and see the great accomplishments of protecting people from those who are a danger to themselves and others.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, I see that the very able Senator from New York, Mr. SCHUMER, is on the floor. May I ask if he wishes me to yield to him.

Mr. SCHUMER. Mr. President, I ask my colleague from West Virginia if he might yield to me 5 minutes.

Mr. BYRD. Mr. President, I am glad to do so.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank my distinguished colleague and our great leader from West Virginia, Senator BYRD, for yielding. Unfortunately, at the end of session, there are many needs that intercede.

We have just heard that the hold on a bill will be lifted. I want to get it moving so it can get over to the House before they leave. Once again, the Senator from West Virginia is not only gracious and capable, but he has been kind to me from the day I came to the Senate, and it is something I will always treasure. I thank my friend.

Mr. BYRD. I thank the Senator.

#### NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Mr. SCHUMER. Mr. President, I rise in support of the Leahy-Schumer substitute to H.R. 2640, the NICS Improvement Amendments Act of 2007. I have just been told a hold which had been placed against this bill is about to be lifted.

At its core, this bill does something that has been too long in coming. It gets States critical resources they need to upgrade the mental health and conviction records they use to screen prospective gun buyers.

These records go into the national instant criminal background check system, the NICS, that we rely on to screen for those who should not be allowed to buy guns. It has the support, I am proud to say, of both the Brady organization and the NRA. This was a collaboration that occurred over the last year.

I also thank my colleague from Oklahoma, Senator COBURN, and my colleague from Massachusetts, Senator KENNEDY, because both agreed last night on final language.

Today, millions of criminal and mental health records are inaccessible to the NICS, mostly because State and local governments have noncomputerized or outdated records. Furthermore, the process is spotty, as States are not required by law to turn over all pertinent information that could prohibit a person from buying a gun. As a result, many people who simply should not have guns are allowed to purchase them.

This bill will address that problem. In a word, without affecting a single law-abiding citizen's gun rights, the bill will make America safe.

I started working on this legislation a long time ago in 2002, along with my colleague Representative CAROLYN MCCARTHY. That was when on Long Island, in my State of New York, a gunman who was a paranoid schizophrenic slipped through the cracks of the system and bought a .22 caliber semiautomatic rifle. He then took that gun, walked into a morning service at Our Lady of Peace Church and gunned down its beloved priest and one of its most prized parishioners.

So Representatives CAROLYN MCCARTHY, JOHN DINGELL, and I worked on legislation to help improve the background check system. We wanted then, as we do now, to make sure no more dangerous people are allowed to get guns.

Over the years, as it often does, the political process played out. It would pass one House but not the other, and the bill was stalled.

As this has gone on, we have not stopped working and have kept alive the faith this legislation would one day become law. Through it all, every one of us hoped desperately that there would not be another preventable tragedy, another time when the system failed. But on April 16, 2007, our deepest fears came true.

I do not need to recite the facts of what happened at Virginia Tech. Every one of us is aware of the unspeakable horror that took place on the campus last April. We can never know if we could have prevented the shootings. What we do know, however, is that a very dangerous individual with a history of mental illness was allowed to buy two handguns.

It is a shame that we are again called to act on this 5-year-old legislation in the face of tragedy. But now is Congress's moment to take a huge step toward fixing a broken system.

The House passed a bill on June 13, 2007. Around the same time, Chairman LEAHY and I began work on a similar bill. As I said before, I thank Chairman LEAHY for his leadership in recognizing the importance of this issue. We attempted to pass the bill by unanimous consent. Senator COBURN, as was his right as a Member of the body, held the bill based on concerns he had.

Rather than try to go around our colleague, we worked with him. And I must say, from the beginning, Senator COBURN acted professionally, respectfully, and in good faith.

When it comes to guns, I do not agree with TOM COBURN on much, but he and I sat down at length and worked through our differences on this bill. I can say with full confidence, this bill is something on which both of us can agree.

At the heart of the concerns of my friend from Oklahoma were fears the bill, as originally drafted, could have the unintended consequence of jeopardizing the rights of law-abiding veterans.

This not being a gun control bill, and it has never been our intent to jeopardize the rights of lawful citizens and veterans, we have made changes to address our colleague's concern, and he told me he will lift his hold as a result.

Remember, I was an original sponsor of the Brady bill. I care about seeing the background check process work the right way. I will not support legislation I believe will hurt the system. But today we have a great accomplishment. It is fitting that at the end of this session we are there, proud of the bipartisan process. Chairman LEAHY, Senator COBURN, Senator KENNEDY, and I came up with a solution last night at about 11 p.m. on the floor. Senators COBURN and KENNEDY shook hands, as I watched, and we have come to an agreement. Through all this negotiation, this bill has the backing of both the Brady Campaign to Stop Gun Violence and the National Rifle Association.

So now the hard work is done. We must pass this legislation. We must get it back to the House for them to pass again before they adjourn, and then we must get it on the President's desk to be signed into law. The parents of Virginia Tech families and millions of other Americans, including those at Our Lady of Peace congregation on Long Island are waiting for this moment. We have waited a long time. As citizens and parents, we must do everything to see that we do not have another Our Lady of Peace shooting or another Virginia Tech shooting. I urge my colleagues to support the legislation.

I will say again this is an example of how the system should work, and in a few moments I will be asking unanimous consent to move the bill forward, but before doing so, I yield my time to my colleague from West Virginia, because they are doing the paperwork, and I thank my colleague from West