

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

GUNS AND TERRORISTS

Mr. LEVIN. Mr. President, I am concerned about the Attorney General's decision to deny law enforcement access to the National Instant Criminal Background Check System database. According to a December 6 story in *The New York Times*, following the events of September 11, FBI officials checked the NICS database for the names of 186 suspects being detained in connection with the terrorist attacks. The search turned up two matches of detained individuals approved to buy guns.

According to the Attorney General, existing law does not give him the authority to approve law enforcement's review of these records. But despite knowledge of this gap, the Attorney General did not request this authority in the comprehensive USA PATRIOT Act signed into law by the President on October 26. Since September 11, over 500 individuals have been detained, but law enforcement has not been able to audit the NICS database for gun purchases by detained individuals. I believe the Attorney General's actions are at odds with his own priorities. That is why I was pleased to cosponsor the Use NICS in Terrorist Investigations Act introduced by Senators KENNEDY and SCHUMER. This bill would establish a 90-day period for law enforcement to retain NICS data. It would also give the FBI the authority they need to review the NICS database. I urge the Attorney General to endorse this legislation and give law enforcement the comprehensive tools they need.

VETERANS EDUCATION AND BENEFITS EXPANSION ACT OF 2001

Mr. DODD. Mr. President, I rise to comment on important legislation passed by the Senate last evening, H.R. 1291, the Veterans Education and Benefits Expansion Act of 2001. This compromise agreement is the product of negotiations between the House and the Senate to craft an agreement between the Senate- and House-passed bills aimed at improving a wide array of benefits affecting veterans and their families. Included in this legislation is funding for improving educational benefits under the Montgomery GI Bill, enhancing veterans' compensation, and increasing home loan guarantees. This legislation also makes important investments in vocational training, education, and outreach programs to improve economic and educational oppor-

tunities for veterans who served our country. And, this legislation expands the definition of service-connected disability to include symptoms associated with "Gulf War syndrome" thereby enabling those veterans suffering from Gulf War-related symptoms to receive the compensation and care they deserve. Our nation's veterans have served our country with distinction and have sacrificed in the defense of our country. These veterans deserve benefits commensurate to their service to our country. In many ways, this legislation recognizes the sacrifices and commitment of our nation's veterans, and rightfully rewards their service and valor.

I wanted to take some time to talk about a very important aspect of this legislation—Section 502—which is a provision pertaining to providing VA grave markers for deceased veterans. On December 7, 2001, the Senate unanimously passed S. 1088, the Veterans' Benefits Improvement Act of 2001. This legislation included a provision which is based on legislation that I introduced this year and in the 106th Congress. It has the support of every major veterans group and a wide array of organizations including the Veterans of Foreign Wars, the American Legion, Disabled American Veterans, Paralyzed Veterans of America, the Air Force Sergeants Association, and the National Funeral Directors Association. It also has strong bipartisan support and enjoys the support of 21 of my Senate colleagues who cosponsored this legislation. The cosponsors include Senators BINGAMAN, BYRD, CONRAD, CRAIG, DEWINE, DORGAN, FEINGOLD, JOHNSON, KENNEDY, KERRY, KOHL, LEAHY, LEVIN, LIEBERMAN, LINCOLN, MILLER, SANTORUM, SESSIONS, STABENOW, STEVENS, and VOINOVICH.

Section 402 of S. 1088 would authorize the Secretary of Veterans Affairs to furnish a grave marker for the grave of a deceased veteran, irrespective of whether the grave has already been marked privately by the family. Current law—which dates back to the Civil War—does not allow the Department of Veterans Affairs to provide such a marker to already-marked graves. This arcane provision of federal law effectively precludes an estimated 25,000 families each year from appropriately commemorating their loved one's service to our country. Sadly, this number will only increase as our nation's veteran population ages. Indeed, according to the Department of Veterans Affairs, some 1,500 American World War II veterans will pass away each day. With our aging population of veterans and with our nation's armed forces currently in harm's way in the war against terrorism, it is critically important to act promptly to secure this final tribute to suitably recognize the service of past and future veterans.

This archaic law was originally intended to ensure that our fallen sol-

diers were not buried in unmarked graves. Of course, in today's age rarely, if ever, does a grave go unmarked. Prior to 1990, the surviving family of a deceased veteran could receive from the VA, after burial or cremation, partial reimbursement for a private headstone, a VA headstone, or a VA grave marker. The choice was solely up to the deceased veteran's family. However, budgetary tightening measures enacted in 1990 eliminated the reimbursement component and prevented the VA from providing an official headstone or grave marker when the family had already done so privately. This change in law precludes veterans' families from receiving an official VA grave marker if the family has already made private funeral arrangements.

Suffice it to say, this provision of law is a major source of frustration for veterans families as they seek to honor their deceased loved one's service to our nation. At the time of a veteran's death, grief stricken family members invariably concern themselves with making necessary funeral arrangements and providing comfort and support to loved ones, not investigating the complexities of VA regulations. Nonetheless, for veterans' families that make private funeral arrangements prior to contacting the VA—such as purchasing a private headstone or marker—these families unwittingly forfeit their right to receive an official marker to honor their loved one's military service. This inequity in current law is unfair to those veterans who have served our country. Indeed, the denial of this benefit to veterans' families is one of the major sources, if not the major source, of complaints lodged with the VA.

One of the countless families negatively effected by this provision of federal law is the Guzzo family of West Hartford, Connecticut. Back in the summer of 1998, I was approached by a young man named Tom Guzzo whose father Agostino Guzzo had recently passed away. While Agostino's service in the Army in the Philippines during World War II entitled him to full military honors from the VA, he was not eligible for an official VA marker because the family had already purchased a private marker.

I became involved in this matter to correct what I believed to be a bureaucratic error, and I wrote to the then-Secretary of Veterans Affairs to resolve this matter. However, when the Secretary informed me that he was unable to furnish a VA grave marker to the Guzzos because of federal law, I introduced legislation to correct this inequity. Last year, the VA headstone and grave markers legislation that I authored unanimously passed the Senate as an amendment to the FY 2001 Department of Defense Authorization bill. However, the House-passed version

of the Department of Defense Authorization bill did not include a comparable VA grave marker provision, and regrettably this measure was stripped in conference committee. Last week, once again, the Senate passed a provision based on legislation that I introduced in the Senate that would authorize the Secretary of the VA to furnish grave markers to deceased veterans, regardless of whether the grave is privately marked. And, once again, the House failed to adopt this reasonable provision, and this important measure was the subject of negotiations between the House and Senate to resolve this matter.

The legislation before us today allows grave markers for veterans who pass away after the date of enactment. This is good news for veterans today. However, I continue to be concerned about the more than 5 million veterans who passed away over the past decade and whose families have tried in vain to obtain an official commemoration from the VA. My legislation was retroactive and would have assisted all affected veterans families back to 1990—when the aforementioned change in federal law occurred. As part of the compromise agreement between the Senate, House, and the Administration, this legislation would allow for the Secretary of Veterans Affairs to “implement this provision in a flexible manner in light of requests for grave markers pre-dating this provision.” While I am pleased that this compromise will allow for the Secretary of Veterans Affairs to help the Guzzo family and may help other families who have struggled to receive official recognition for their deceased loved one’s service through administrative means, this problem should have been addressed by a change in law—not through an ad-hoc, case-by-case, administrative procedure. Nonetheless, while this is not by any means a perfect agreement, it will allow deceased veterans’ families to obtain this official grave marker in the future.

I would like to take a moment to thank and recognize the tremendous leadership of Chairman ROCKEFELLER with regard to this issue and to veterans issues in general. Chairman ROCKEFELLER and his talented staff, in particular, were extremely helpful in working with me to ensure that the service of our Nation’s veterans are suitably recognized. I would also like to commend Congresswoman NANCY JOHNSON and her efforts to reach a workable compromise with respect to this issue. Finally, I would like to commend and recognize the hard work and vigilance of the Guzzo family, particularly Tom Guzzo, in ensuring that Agostino Guzzo’s service to our Nation—and the military service of countless other veterans—can from now on be recognized by the U.S. Government with this final, modest gesture from a grateful Nation.

ABM TREATY WITHDRAWAL

Mr. KERRY. Mr. President, I want to take just a few moments today to place President Bush’s announcement that he is withdrawing the United States from the 1972 ABM Treaty into a broader context, to try and redefine a debate about our security which too often has been argued at the margins.

The undergirding objective behind any American foreign policy should be to make Americans safer, to make our position in the world more secure, not less. That is the only objective measurement of foreign policy, and it is by that measurement that I want to offer any construction concerns about today’s announcement.

First, let me be clear: I support the development of an effective defense against ballistic missiles that it deployed with maximum transparency and consultation with U.S. allies and with other major powers, including Russia and China. I’ve voted as has the Senate, to support an approach which delivers that kind of security measure. In the end, it boils down to common sense: If there is a real potential of a rogue nation firing a few missiles at any city in the U.S., responsible leadership requires that we make our best, most thoughtful efforts to defend against that threat. The same is true of accidental launch. If it ever happened, no leader could ever explain not having chosen to defend against the disaster when doing so made sense.

The broader question we must ask today is what constitutes not just effective defense against the ballistic missile threat, but whether in its entirety we are pursuing a national security strategy which makes us as safe as we can be against the whole range of threats we face as a nation, and what should have been clear before September 11 and what is evident with frightening clarity today is that there are urgent and immediate vulnerabilities to our security which can and must be addressed, practically, pragmatically, today.

The President’s announcement today reflects, I fear, misplaced priorities—an unyielding obsession almost with a threat which most measurements would suggest is of lesser likelihood, and an almost cavalier willingness to nickel and dime security priorities of the first order. I remain disappointed that the Bush Administration continues to focus so much on its attention on the issue of missile defense and a missile defense plan which will be enormously expensive while at the same time they cite expense as a reason why they will not today make the investment towards meeting our tremendous homeland security challenges.

Missile defense is important, but it is a response of last resort, when diplomacy and deterrence have failed. No missile defense system can be 100 per-

cent effective, and so we would be remiss to discard entirely the logic of deterrence that has kept us safe for 40 years. Even in periods of intense animosity and tension, under the most unpredictable and isolated of regimes, political and military deterrence have a powerful, determining effect on a nation’s decision to use force. We saw it at work in the Gulf War, when Saddam Hussein was deterred from using his weapons of mass destruction by the sure promise of a devastating response from the United States. For 30 years, the ABM Treaty has helped to anchor nuclear deterrence, and I believe that people of the world have been safer for it. Yes, I would have preferred that the Bush administration continue to work with Russia to find a way to amend, rather than end, the ABM Treaty. It appears that Russia was willing to allow the Bush administration great leeway in pursuing its robust testing plan for missile defense, but the President was unwilling to accept any restrictions on his plans. Given their past statements, it comes as no surprise that the Administration does not seem to have offered much to Russia by way of a compromise or an attempt to amend and preserve the Treaty. What the Administration has done, and it is their prerogative to do so, is gamble successfully on the fact that the Russian leadership would wisely determine not to allow this issue to derail the improvements we have seen in the last 3 months in the U.S.-Russian relationship. President Putin has called this decision on the ABM Treaty a mistake and expressed his regret that President Bush intends to go forward with this, but Putin and others in his administration have pledged that they will continue to work with us on reducing strategic nuclear arsenals and building a new Russian relationship with NATO. The response from Russia could have been much different, much more dangerous and destabilizing, and I believe it would have been, before the events of September 11 changed Russia’s perception of the threats it faces and the importance of cooperating with the United States. But I am gratified that the Russians remain partners in a global effort to increase security.

The situation with China is more murky. While the administration has briefed the Chinese leadership on its missile defense plans, I don’t believe enough time or diplomatic effort has been invested in convincing Beijing that this system is not directed at eroding China’s small nuclear deterrent. The Administration must do more to reach a common understanding with China that there is a real threat from isolated regimes bent on terrorism and accidental or unauthorized launches. If we fail to take this task seriously, we will jeopardize stability in the Pacific.