

anecdotal but glaringly difficult instances that should cause us all concern. We are hearing anecdotal information that the Border Patrol is finding material that is clearly written in Arabic, and is clearly Islamic fundamentalist, at the border. People have left it there or it has been left behind by people coming across the border, it appears. So that is obviously an extreme concern.

But your story reflects the fact that these borders are simply not controlled and we don't have the capacity to handle the people when we do catch them. That is going to take a rethinking of the effort. It is going to take a lot of resources. As we move forward as a Congress, we have to think about: Are we putting too many resources in other accounts when we should be focusing on the border? I will take two examples.

One is TSA, our transportation security, which we see in our airports. How many people can we afford there versus the border? The first responder funds that are going out not necessarily on the basis of threat but on the basis of formula, can we afford that in light of the fact we have a threat, which is the border, or should we take another look at other approaches to funding a significant increase in the border security effort?

I look forward to working with the members of the Judiciary Committee. Our role is the money role. We look to you folks to give us the authorizing leadership, which I know you have in the past. You certainly have and certainly other members in your committee are leaders in this area. We look forward to any ideas or thoughts you have which you want to bring forward.

I do think on this bill we should have a fairly open and substantive debate as to how we are going to move forward on the issue of border security. Clearly the White House is committed to this. It is going to take resources.

Mr. SESSIONS. I thank the Senator, also the Chair of the Budget Committee. He answered very well when he said we can't always fund the new things we want to do by pumping new money into them. Sometimes we need to ask ourselves if there is not some money being spent in a way that is less useful, and utilize that money where we have to utilize it.

I am proud to serve with him on that Budget Committee.

THE TEACHER EXCELLENCE FOR ALL CHILDREN ACT OF 2005

Mr. DURBIN. Mr. President, good teachers lead to good students. In fact, recent evidence suggests that providing great teachers may be the single most important thing that we can do to give our children the good education they deserve.

Most of our teachers are hard-working, selfless, and dedicated to helping our children learn. We are asking them for more, however. We con-

tinue to demand that our teachers develop greater subject matter expertise, but we have yet to figure out how to help teachers learn while they are still needed in the classroom full time. In addition, to meet growing student need we will need to bring over 2 million new teachers into our public schools over the next decade.

We must attract, develop, and retain as many talented teachers as we can muster. We must act now to begin meeting this critical national crisis.

That is why I am proud to introduce with Senator KENNEDY the Teacher Excellence For All Children Act of 2005. The TEACH Act provides financial incentives to attract and retain our best teachers and principals. The TEACH Act helps schools recognize and reward the best teachers. The TEACH Act encourages good teachers to work in the schools that need good teachers the most, and it also encourages teachers to specialize in the subjects which need the most teachers. Finally, the TEACH Act helps new teachers transition into the classroom, it helps veteran teachers keep their skills sharp, and it attracts talented new principals into our schools.

Developing great teachers takes time, but this is an investment that we as a nation must make. I therefore encourage my colleagues to support the TEACH Act now. Our children deserve nothing less.

FAMILIES OF SEPTEMBER 11'S FINAL REPORT

Mr. LEAHY. Mr. President, less than 2 weeks after the horrific events of September 11, Congress passed a law to establish the September 11 Victim Compensation Fund, providing assistance to victims and their families during an unimaginably difficult time. I was pleased to work with my colleagues to create this needed resource for the families of this national tragedy. The families of victims that died in the September 11 attacks also came together and created their own nonprofit organization, Families of September 11.

Although no amount of compensation can replace a lost loved one, Families of September 11 and Ken Feinberg, the Special Master in charge of overseeing the Fund, worked diligently to improve the rules governing the September 11 Victim Compensation Fund, to give the victims and their families more flexibility and to provide information to victims and their families about how and where they could find support. Working together, Mr. Feinberg and Families of September 11 reached out to the victims and their families to make sure they understood their rights and to assist them in filing their claims. This task was made all the more difficult because many victims and survivors of those terrorist attacks had to confront the logistical burden and emotional pain of filing a death or injury claim.

Last October, Mr. Feinberg submitted to the Department of Justice a final report summarizing the accomplishments and work of the September 11 Victim Compensation Fund. While the September 11 Victim Compensation Fund has reached its final deadline, Families of September 11 continues its mission, including supporting legislation on security and intelligence reform. This week, Families of September 11 also submitted a final report to the Department of Justice, sharing the experiences of the victims and their families, including those who chose not to participate in the September 11 Victim Compensation Fund. The report in its entirety may be read at <http://www.familiesofseptember11.org>.

Mr. President, I ask that a copy of the Executive Summary of this report be in the RECORD for lawmakers and the public to review.

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

EXECUTIVE SUMMARY: FINAL REPORT OF FAMILIES OF SEPTEMBER 11 ON THE SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Families of September 11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 terrorist attacks. We gather and disseminate helpful information, refer victims' families, survivors, and others affected by the events of 9/11 to assistance providers, offer online chat sessions, and address such issues as victims' assistance, methods of response to trauma from terrorist attacks, and the effects of terrorism on children. We support public policies that effectively respond to the threat of terrorism, including support for the 9/11 Commission Recommendations, development of appropriate agency procedures, legislation related to aviation, border, port and transportation security, and intelligence reform.

Our Final Report on the September 11th Victim Compensation Fund follows the format of "Final Report of the Special Master for the September 11th Victim Compensation Fund of 2001." Just as the Special Master's Final Report provides the perspective of the administrator of the Fund, our Report gives voice to those victims and family members who participated in the Fund as well as those who elected not to. Although much of our report serves as counterpoint to the Special Master's observations and conclusions, we agree with much of what is said in his report and our Report should be read with an acknowledgement that the Special Master was asked to and did construct a program in extremely difficult circumstances. The enabling legislation that created the Fund was hastily crafted, imprecise in significant ways, and sometimes internally inconsistent. The Special Master was faced not only with the uncertain nature of the legislation, but with a host of other competing influences: e.g., the enormity of the losses, emotionally overwhelmed victims and families, a stunned public, and conflicting compensation policy ideologies. The Special Master and those who worked with him deserve great credit for their tireless and devoted work under these daunting circumstances, particularly in the administration of the Fund after promulgation by the Department of Justice of the Final Rules.

In many respects, the Fund was a success. Much of this success was due to the efforts of the Special Master and his staff in meeting with individual family members, demonstrating flexibility where possible in making determinations of awards, and expressing

compassion for family members in the process. But, the Special Master's view, expressed in the introduction to his Final Report, that "the Fund was an unqualified success" is not shared by many who participated in the Fund and most of those who did not. The options available to the victims and families of September 11 were substantially impaired by the Victim Compensation Act and subsequent legislation. Lawsuits were confined to a narrow population of potentially responsible parties whose liability exposure was limited to available and inadequate insurance (e.g., the airlines). Evidence for use in litigation was sure to be (has been) compromised by government intervention (e.g., assertions of national security and criminal prosecution grounds for non-disclosure). Families were, thus, faced with a Hobson's choice and for most the Fund was the better one.

In December 2004, Families of September 11 conducted a Web-based survey of its members consisting of fourteen questions and an opportunity to make narrative comments designed to elicit information that might be helpful in assessing whether there should be a compensation mechanism in place before another terrorist attack occurs. One hundred forty-four (144) members responded. Though not designed to conform with scientifically reliable protocols, the results are of interest and are included in our Report.

Much of the Special Master's report is devoted to efforts made by him and his staff to assure that families could obtain detailed information about their likely recovery from the Fund and assist families in the process. Although our Report applauds him for these efforts, it points out that had there been pre-existing comprehensive legislation in place, the Special Master's extraordinary efforts to educate potential participants about and assist them with the Fund would not have been necessary and the enormous anxiety created by the uncertainties surrounding the Fund would have been avoided.

The regulations promulgated by the Department of Justice established "grid" awards with "extraordinary circumstances" thresholds of proof to overcome them and no review process. Claimants were accustomed to the very different and more substantial notions of "hearings" and "due process" embedded in our legal culture and were left disappointed and uncomfortable by the Fund design. Mr. Feinberg and his staff should, however, receive high marks for the way they played the cards dealt them.

The victims and their families were faced with enormous uncertainty in the weeks and months following September 11, 2001, during which the Department of Justice promulgated regulations and the Special Master developed claims handling procedures. It is this uncertainty that Families of September 11 believes must be eliminated by enactment of forward-looking legislation. The victims of future terrorist attacks will need to go on living, as have the victims of the September 11 attacks and should have the comfort of knowing immediately after a terrorist event occurs that they have rights to compensation sufficient to allow them to do so and a clear and certain path to obtaining those rights.

Issues of accountability and responsibility by those in the chain of causation linked to the injuries and deaths on September 11, 2001, and the suffering that followed are of great importance to the survivors of the attacks. The Fund, its enabling legislation, and related congressional and administrative actions had the effect of limiting that accountability and responsibility. Our Report expresses concern that this model tends to increase the risk of future terrorist attacks and needs to be reassessed and remedied.

The Special Master made determinations on 7,403 claims completing its work by the statutory deadline in June 2004. Congress now has the benefit of more than 11,000 comments made to the Justice Department during the rule-making process; the comments of the Special Master; the opinions of lawyers, economists, academics, mental health professionals, victims and survivors of the attacks; and the developing history of terrorism and its effects on our society. In its report, Families of September 11 encourages Congress and the Administration to:

a. Use the perspectives of time and experience in implementation of the Victim Compensation Fund to consider carefully issues it was forced to address hastily in the immediate aftermath of the terrorist attacks of September 11, 2001;

b. assess how well the rules adopted in 2002 to implement the legislation met Congressional intent;

c. consider the incentives and disincentives to reducing the risks of terrorist attacks implicit in the legislation; and

d. fashion legislation that will reduce those risks and ensure that victims of future terrorist attacks and their families are made whole.

Copies of the "Final Report of Families of September 11 on the September 11th Victim Compensation Fund of 2001" may be obtained by contacting Families of September 11 at the address below or by going to its website at www.familiesofseptember11.org.

Families of September 11, Inc., 1560
Broadway, Suite 305, New York, NY
10036, 212-575-1878.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A gay white male was severely beaten and sent to the hospital by two men in a Columbus gay bar. The victim and a friend noticed the men in the bar when they arrived. At the end of the evening the two males started calling the victim various derogatory names, and pushed him out of the bar. Once outside, the men continued to beat the victim, using liquor bottles. Since the beating, the victim has had his tires slashed and received a letter in his mailbox telling him to "watch his back." A police report was filed, but no arrests have been made.

I believe that the 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 is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

BREAKING THE CYCLE OF GUN VIOLENCE

Mr. LEVIN. Mr. President, I would like to bring the results of a recent

study on gun violence by a University of Michigan researcher to the attention of my colleagues. The study found that adolescents who are exposed to gun violence are more likely to carry out serious acts of violence.

The study, completed by University of Michigan doctoral student Jeffrey Bingenheimer, analyzed data from more than 1,500 adolescents. The participants underwent a series of interviews over the course of several years as part of the Project on Human Development in Chicago Neighborhoods. Among other things, initial interviews focused on exposure to firearm violence, including being shot or shot at or seeing someone else shot or shot at within the previous year. Subsequent interviews were designed to uncover whether the participant had engaged in violent acts themselves. These acts of violence were defined in the study as shooting at or shooting someone, being in a gang fight, attacking someone with a weapon, or carrying a hidden weapon. Reportedly, 23 percent of those interviewed reported being exposed to gun violence and 12 percent indicated that they had carried out violent acts themselves. Statistical analysis of the resulting data revealed that adolescents who were exposed to gun violence were more than twice as likely to carry out violent acts within the following two years.

Describing the results of his study, Mr. Bingenheimer stated, "The primary implication of these findings is that violence can be transmitted from person to person by means of exposure in the community. This makes the 'epidemic of violence' metaphor seem particularly apt, and is consistent with sociological theories of violent crime as a contagious social process."

While Congress cannot simply legislate an end to the gun violence epidemic, we can do more to support local law enforcement officials as they work to prevent gun violence in our communities. One important program, known as COPS, was created by President Clinton in 1994 to assist State and local law enforcement agencies in hiring additional police officers to reduce crime through the use of community policing. Nationwide, the COPS program has awarded more than \$11 billion in grants, resulting in the hiring of 118,000 additional police officers. Unfortunately, authorization for the COPS program was permitted to expire at the end of fiscal year 2000. Although the program has survived through continued annual appropriations, its funding has been significantly cut. I am a co-sponsor of the COPS Reauthorization Act which would continue the COPS program for another six years at a funding level of \$1.15 billion per year, nearly double the amount appropriated for fiscal year 2005. Among other things, this funding would allow State and local governments to hire an additional 50,000 police officers. Having more officers on our streets helps to