

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.

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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

deter gun violence and therefore reduces the chance that adolescents are exposed to such crimes.

In addition, Congress can make it more difficult for potential criminals to gain access to dangerous firearms. Under current law, when an individual buys a handgun from a licensed dealer, there are federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a handgun from another private citizen who is not a licensed gun dealer, there is no requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, making it easy for criminals, terrorists, and other prohibited buyers to evade background checks and buy guns from private citizens often at organized gun shows. This loophole creates a gateway to the illegal market because criminals know they will not be subject to a background check when purchasing from another private citizen even at a gun show. It is important that Congress close this "gun show loophole" to help stop the flow of dangerous firearms to prohibited buyers who may use them in violent crimes.

Much more can be done to break the cycle of gun violence that plagues many of our communities. I urge my colleagues to take up and pass common sense legislation that will help to achieve this goal.

TRIBUTE TO SGT RUSSELL J. VERDUGO

Mr. GRASSLEY. Mr. President, today I rise in honor of a fallen soldier who has paid the highest price in defense our freedom, SSG Russell J. Verdugo of the 767th Ordnance Company died on the 23rd of May, 2005 in Baghdad, Iraq when an improvised explosive device detonated as he was responding to a call to dismantle the bomb. I would like to take this moment to salute his patriotism and his sacrifice.

Russell Verdugo deserves the highest gratitude of this body and the entire Nation. His sacrifice reminds us that freedom is so precious because of its incredibly high cost. My prayers go out to his mother, Susan Stanley, and his wife, Kari, who grieve the loss of a son and a husband and to all of the family, friends, and neighbors who are touched by his passing. I ask my colleagues to join me in remembering Sergeant Verdugo. The love of country and the dedication to service shared by many of it citizens is the great strength of our Nation, and we can all be very proud of patriots such as Russell Verdugo.

NOMINATION OF ALICE S. FISHER

Mr. GRASSLEY. Mr. President, I have notified Senate leadership of my

intent to object to any unanimous consent request relating to the nomination of Alice S. Fisher to the position of Assistant Attorney General. This action has nothing to do with Ms. Fisher or her qualifications for the position to which she has been nominated. I have taken this action because there are a number of outstanding issues regarding the activities and operation of the Justice Department that should be resolved before considering this nomination. I am hopeful that, with the cooperation of the Justice Department, these issues can be resolved shortly.

ADDITIONAL STATEMENTS

HONORING THE RETIREMENT OF PAUL SINDERS

• Mr. LUGAR. Mr. President, I rise today to inform my colleagues of the retirement of a fixture of Clay city schools for the past 41 years and faithful friend, Mr. Paul Sinders.

Paul Sinders began his career as an educator in the fall of 1964 at the Clay City Elementary School. He taught fifth grade and moved to Clay City Jr./Sr. High School the following year. This marked the beginning of a remarkable career in which Paul served the Clay community school system in countless capacities. He taught science, math, and health to the junior high students before moving on to instruct health, physical education, and driver education classes in the high school. Additionally, he took time to coach the boys freshman and junior varsity basketball teams, and represented the school as athletic director and guidance director. In 1977, Paul took the reigns as principal of Clay City Jr./Sr. High School.

For the past 28 years Paul has worked extremely long hours overseeing the operations of Clay City High School. In 1992, he was selected as the Principal of the Year in the IASP District 8. In addition, he served as president of the Indiana Association of School Principals of District 8 in 1994-1995. Currently, Paul is on the board of directors for the Clay County Community Foundation and the Wabash Valley Youth for Christ. He is on the advisory board for the Clay City Center for Family Medicine and is a Support Committee Member for the Clay City Area Youth for Christ. He is a member of the Indiana Association of School Principals and Phi Delta Kappa.

Throughout his illustrious career, Paul has been blessed with the consistent support of his wife, Shari, and his children: Annette Ream, Chip Sinders, Natalie Wolfe, Bethany Stoelting, and Justin Sinders. I join his family, friends, and colleagues now in adding my blessing as he embarks on this new chapter in his life.

COMMENDING CHIEF JUDGE JOHN W. BISSELL, U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY

• Mr. CORZINE. Mr. President, I express my sincere appreciation to Chief Judge John W. Bissell for his more than 20 years of outstanding service as a Federal District Court Judge in New Jersey. He is a truly distinguished jurist who represents the best of the New Jersey legal community. Judge Bissell has a depth of experience and a knowledge of both civil and criminal law that few can rival. He also has a keen legal mind and a compassionate understanding of people. Judge Bissell approaches each and every case before him with thoughtfulness and care. Indeed, he has excelled because of his deep appreciation that every case, no matter how small, matters greatly to all those who appear before him. And I believe that it is this understanding that has made Judge Bissell an outstanding Federal District Court Judge.

On behalf of the people of New Jersey, I express my sincere gratitude to Judge Bissell for his many years of distinguished service.●

MOCK ELECTION BUT REAL RESULTS

Mr. CRAPO. Mr. President, as we wind down from a Presidential election year and gear up for yet another cycle of congressional elections, it seems appropriate to take a moment and consider how important an educated electorate is to this country. It is the bedrock upon which our Founding Fathers built a fledgling government, creating a Constitution that functions with protean efficiency—inextricably bound to the necessity of knowledgeable and civic-minded citizens. I am proud to make public mention of the Moscow, ID, chapter of the League of Women Voters, which has won an award from the League of Women Voters of the United States for its efforts to educate future voters in north Idaho.

The League of Women Voters promotes a mock election program through its State and local chapters across the Nation. The Moscow chapter conducted what can only be described as a phenomenal month-long series of events and outreach that culminated in late October in the most successful "mock election" in Idaho and one of the top in the Nation. They were able to register and have almost 2900 first through twelfth-graders in the Moscow area vote. And I am relieved to add that I was reelected by these young people.

The chapter worked to bring together local, county, and State officials, teachers, parents, and volunteers to provide these students with a comprehensive and highly educational election experience. The students were given issues ballots, information about the candidates, Web site curriculum, sample ballots and had to abide by all