VOINOVICH), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Mississippi (Mr. LOTT), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Mr. BREAUX), the Senator from Minnesota (Mr. DAYTON), the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. THOMAS), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 160, a resolution designating the month of October 2001, as ''Family History Month.''

S. RES. 161

At the request of Mrs. MURRAY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 161, a resolution designating October 17, 2001, as a ''Day of National Concern About Young People and Gun Violence.''

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. THOMAS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

AMENDMENT NO. 1583

At the request of Mrs. CLINTON, the names of the Senator from Nebraska (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from New Jersey (Mr. CORZINE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Illinois (Mr. DURBIN), and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 1583 proposed to H.R. 2590, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL.

S. 1444. A bill to establish a Federal air marshals program under the Attorney General; to the Committee on Commerce, Science, and Transportation.

Mr. MCCONNELL. Madam President, two unmistakable American voices have emerged from the aftermath of September 11.

One voice expressed a newfound hesitancy to fly. Passengers have canceled scheduled flights en masse and I, for one, can hardly blame them. Just this week we heard chilling reports that more acts of terror may be planned in our skies, and, even after the tragic events of September 11, we continue to hear anecdotes of lax security at our Nation's airports. Almost overnight, air travel, a way of life for millions of Americans every day, is now limping along. Families who gather to celebrate holidays, businesspeople who depend upon air transport, and Americans who simply prefer the speed of airplanes, now all must deal with the awful reality of terrorism. The hard economic truth of September 11 is that it scared so many passengers from airlines that it threatens to destroy our multi-billion dollar aviation industry.

But a second, more inspiring, voice emerged from Americans after the acts of September 11, a visceral, instinctive urge to serve their country in some way after the attack on American soil. Minutes after Tuesday's tragedy, we saw real-life armies of compassion come to the aid of those whose lives were destroyed. We saw police and fire rescue units risk their lives to save their fellow citizens. We saw American families generously pour nearly $200 million of relief money to charitable organizations such as the Red Cross, the United Way, and the Salvation Army. And in memorial services and vigils all over the country, we saw Americans rallying together to pause, to pray, and to pledge that the American spirit will not be broken. Still today, in a remarkable show of patriotism, there is a chorus, especially those in law enforcement, asking ''what can I do?'' to protect and defend our fellow countrymen from future terrorist tragedies.

What we need to do is harness this spirit in order to make our airlines safe again for American families. So, today, I am introducing legislation that authorizes the Attorney General, as our Nation's top law enforcement official, to establish a comprehensive Federal Air Marshal program to secure airports from curbside to cockpit. And to capitalize on the desire of so many Americans to serve our country in the fight against terrorism, the legislation specifically authorizes the Attorney General to use active and retired Federal, State, and local law enforcement officials to serve in the Air Marshal program.

America needs a uniform Federal Air Marshal program to combat potential terrorism from the minute passengers arrive at an airport until the time they arrive safely at their intended destinations. This requires a professional law enforcement team to police airport points of entry, operate x-ray machines, and serve as undercover air security marshals on board commercial aircraft. While we have an existing FAA Federal Air Marshal program on board aircraft, we need to expand Federal aviation security to put Federal marshals on more flights and to stop terrorism on the ground before it can board an aircraft. For a comprehensive Air Marshal program to be most effective, we need to relieve the obligations of airport security from the FAA and the airlines, whose primary purpose is to facilitate and manage air travel, and entrust that obligation to the Department of Justice, whose primary mission is to enforce Federal law, and most important, to safeguard and protect us from terrorism.

Obviously this new Federal Air Marshals program will require additional manpower and financial resources. And that is where we intend to harness the spirit espoused by so many of our law enforcement personnel throughout the country. The new Federal Air Marshals program not only will recruit new full-time active professional marshals but will augment that program with Deputy Federal Air Marshals drawn from retired military personnel, as well as from active or retired Federal, State, and local law enforcement officers, anyone from a DEA agent to a local law enforcement officer who wants to serve his country by securing our airports and aircraft. It is also crucial that we retain a sufficient measure of cost-sharing with private and State and local entities. Private airlines and airport authorities should share a responsibility, as they do now, to help fund a portion of airport security.

The Attorney General will, of course, determine how to deploy the Deputy Air Marshals most effectively, and will ensure that they are properly trained to perform the task required of them, be it thwarting hijackers on board an aircraft or searching suspicious packages in the terminal. What is certain, however, is that tapping this reservoir of knowledgeable and experienced law enforcement officers to serve this vital national security function will allow us to put more Marshals both in the air and on the ground. Our goal should be to secure as many airports and as many aircraft as possible using the most experienced and professional staff available.

We already have models in place for the type of curbside to cockpit security envisioned in this bill. Our Federal courthouses currently are secured by our United States Marshals, who also employ Court Security Officers, CSOs, to provide security around the perimeter of the building, at each point of entry, and in the courtrooms themselves. These CSOs are themselves retired Federal, State, and local law enforcement personnel. Part of the reason our courthouses enjoy such security today is that this unified system provides for layers of security far before one enters the actual courtroom. Our democracy now demands, in the interest of our national security, that we make sure our cockpits are every bit as secure as our courthouses.

In times and events such as these, the Federal Government is not only the best answer, but the only answer. The challenge we face in securing our airports and airlines is not a matter of free market economics, it is a matter of national security, as the tragic events of September 11 made so

horrifyingly clear. That is why it is imperative that we entrust this national security item with the resources, expertise, and experience of our Nation's top law enforcement agency, and that we do so immediately.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Air Marshals and Safe Sky Act of 2001''.

SEC. 2. PROGRAM ESTABLISHED.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

''§ 570. Federal air marshals program

''(a) DEFINITIONS.—In this section:

''(1) AIRCRAFT.—The term 'aircraft' has the meaning given that term in section 40102 of title 49.

''(2) AIR TRANSPORTATION.—The term 'air transportation' has the meaning given that term in section 40102 of title 49.

''(3) PROGRAM.—The term 'program' means the program established under subsection (c).

''(4) UNITS OF LOCAL GOVERNMENT.The term 'units of local government' includes an airport authority.

''(b) RESPONSIBILITY FOR AIRPORT AND AIRCRAFT SAFETY.—This section shall govern the security at airports and on board commercial aircraft.

''(c) FEDERAL AIR MARSHALS PROGRAM.—

''(1) GOAL.—The goal of the program is to provide maximum security at airports and on board commercial aircraft by having the Federal Government be responsible for all phases of security for air passengers.

''(2) ESTABLISHMENT OF FEDERAL AIR MARSHALS PROGRAM.—

''(A) ESTABLISHMENT.—The Attorney General shall establish a Federal Air Marshals program consisting of Federal Air Marshals, including the Federal Air Marshals participating in the Federal Air Marshals Program being administered by the Federal Aviation Administration before the effective date of this section, and Deputy Federal Air Marshals in order to provide maximum security at airports and on board commercial aircraft.

''(B) FEDERAL AIR MARSHALS.—Federal Air Marshals shall serve for the purpose of enforcing Federal laws that regulate security at airports and on board commercial aircraft, including laws relating to acts of terrorism, hijacking, or aircraft piracy and laws relating to violent, abusive, or disruptive behavior by passengers in air transportation.

''(C) DEPUTY FEDERAL AIR MARSHALS.—

''(i) IN GENERAL.—The Attorney General shall deputize individuals described in clause (ii) as Deputy Federal Air Marshals for the purpose of augmenting and assisting Federal Air Marshals.

''(ii) PERSONNEL.—The Attorney General shall utilize retired military personnel, retired Federal, State, and local law enforcement personnel, and active-duty Federal, State, and local law enforcement personnel from other government departments and agencies as Deputy Federal Air Marshals.

''(iii) COMPENSATION.—The Attorney General may employ personnel described in clause (ii)—

''(I) as volunteers;

''(II) by paying a reasonable per diem;

''(III) by employing a fee-for-service or contract arrangement; or

''(IV) using any other method authorized by law.

''(4) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

''(A) the United States Government (including the Administrator of the Federal Aviation Administration or his designated representative); and

''(B) State and local governments in any geographic area in which the program may operate.

''(5) CERTIFICATION, TRAINING AND EXAMINATION OF AIR MARSHALS; PRIOR APPROVAL OF EMPLOYER TO SERVE AS DEPUTY AIR MARSHAL.—

''(A) IN GENERAL.—Under the program, the Attorney General shall provide appropriate training and supervision of all air marshals, as well as appropriate background and fitness examination of eligible candidates as part of their certification.

''(B) EMPLOYER APPROVAL.—Active Federal, State, or local law enforcement officers who serve as Deputy Federal Air Marshals shall receive approval to participate in the program from their employer.

''(d) POWERS AND STATUS OF FEDERAL AIR MARSHALS AND DEPUTY AIR MARSHALS.—

''(1) IN GENERAL.—Subject to paragraph (2), Federal Air Marshals and Deputy Federal Air Marshals may arrest and apprehend an individual suspected of violating any Federal law relating to security at airports or on board aircraft, including any individual who violates a provision subject to a civil penalty under section 46301, 46302, 46303, 46314, 46318, 46502, 46504, 46505, or 46507 of title 49, or who commits an act described in section 46506 of title 49, or who violates a provision subject to a criminal penalty under sections 32 and 37 of title 18.

''(2) LIMITATION.—The powers granted to a Deputy Federal Air Marshal shall be limited to enforcing Federal laws relating to security at airports or on board aircraft.

''(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

''(1) grant any Federal Air Marshal or Deputy Federal Air Marshal the power to enforce any Federal law that is not described in subsection (d); or

''(2) limit the authority that a Federal, State, or local law enforcement officer may otherwise exercise in the officer's capacity under any other applicable law.

''(f) REGULATIONS.—The Attorney General shall promulgate such regulations as may be necessary to carry out this section.

''(g) COST SHARING.—The costs of the program shall be paid by—

''(1) the airlines in an amount not less than the amount (as adjusted for inflation after the effective date of this section) the airlines were paying for airport security on the date before the effective date of this section;

''(2) State and units of local government in an amount not less than the amount (as adjusted for inflation after the effective date of this section) the States and units of local government were paying for airport security on the date before the effective date of this section; and

''(3) the Federal Government.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out this section such sums as may be necessary.

''(2) LIMITATION.—The Federal share of carrying out this section shall be limited to the cost of the program after payments by airlines and States and units of local government pursuant to subsection (g).''.

SEC. 3. REPEAL.

Section 44903 of title 49, United States Code, is repealed.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. FRIST, and Mr. HUTCHINSON):

S. 1445: A bill to amend the Higher Education Act of 1965 to expand the opportunities of higher education via telecommunications; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I am pleased to have this opportunity to introduce the Internet Equity and Education Act of 2001 in the Senate. This important legislation, which is based on the findings of the bipartisan Web-Based Education Commission on which I served, will accomplish the critical goal of giving more students in both rural and urban areas access to distance education by expanding Internet-based educational opportunities at the post-secondary level.

Specifically, this legislation, which is cosponsored by Senators DORGAN, FRIST and HUTCHINSON, will remove three regulatory barriers that are slowing the growth of distance education in our nation. First, it will modify the Department of Education's ''50 percent rule'' that requires institutions that are eligible for Title IV student aid programs under the Higher Education Act to offer at least 50 percent of their instruction in a classroom-based environment. This legislation will instead allow institutions to offer more than 50 percent of their classes by telecommunications methods if the institution already participates in the student loan programs and their student loan default rate is less than 10 percent for the three preceding years. This ensures that distance education options are available to schools with a proven track record of successfully administering federal financial aid programs.

Second, it will eliminate the ''12 hour rule.'' This rule defines a week of instructional time to mean 12 hours of ''regularly scheduled instruction, examinations, or preparation for examination'' for programs that are offered in non-standard terms. This legislation will instead require that programs offered on a non-standard term, such as those offered by the University of Wyoming and the Western Governors University, be held to the same accountability standards as those offered on a traditional semester or quarter basis.

Third, this legislation will clarify the incentive compensation restrictions that were passed by Congress in 1992 with the intent of prohibiting colleges and universities that participate in federal student financial aid programs from paying any commission, bonus, or other incentive payments to third parties based on their success in enrolling new students. These restrictions, while well intentioned, have had the unintended consequence of preventing some

higher education institutions from using third-party Web portals. This practice, which is fairly common and often necessary for many distance education and Internet based education programs, provides prospective students with access to information about the programs they offer and admissions requirements. This legislation clarifies the incentive compensation prohibitions in the Higher Education Act by allowing the use of third-party Web portals and allowing schools to appropriately reward employees for their job performance. The bill preserves the intent of the 1992 law by stating that non-salary payments to those directly involved in recruiting students or awarding financial aid are not allowed. It will also allow the Secretary of Education to impose appropriate sanctions against an institution if a violation occurs. This change to the regulation will continue to ensure that Federal student aid programs are free from fraud and abuse, while allowing prospective students to gain information about all of the post-secondary educational opportunities that are available.

As some of you may know, I have a very personal interest in the issue of distance education. I saw how effective it can be because my wife, Diana, received her masters degree in adult education by taking classes through the University of Wyoming while living here in Washington. After witnessing the high quality of the course work, the responsiveness to students' needs, and the ''technology flexibility'' that enabled Diana's experience, I have become a strong advocate for distance learning.

I am especially pleased to be able to sponsor this legislation at a time when the University of Wyoming is experiencing record breaking enrollment in Online UW, the web-based educational arm of the University of Wyoming Outreach School. I was impressed to learn that as of August 28, 2001 class enrollments totaled 1,164, which is a dramatic increase over the 140 students who enrolled in the spring of 1999 when the University launched this program. In addition to the enrollment growth, the number of courses that are being offered is also expanding. During the fall 2001 semester 43 online courses are available at the University of Wyoming, supporting seven degree programs or certificates. It is my hope that with the passage of this legislation, programs like those at the University of Wyoming will be able to expand even further to serve more interested students.

In closing, I would like to take this opportunity to extend my thanks to Congressman JOHNNY ISAKSON and his staff. As the Vice Chair of the Web-Based Education Commission, Congressman ISAKSON introduced this legislation in the House earlier this year and has successfully steered it through the House Education and the Workforce Committee, where it passed overwhelmingly on August 1, 2001. I look forward to the same success here in the Senate so that we might open up the possibilities of distance education to a new generation of students.

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. BAYH, Mr. NELSON of Florida, and Mr. ROCKEFELLER):

S. 1448. A bill to enhance intelligence and intelligence-related activities of the United States Government in the prevention of terrorism, and for other purposes; to the Select Committee on Intelligence.

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. BAYH, Ms. MIKULSKI, Mr. DURBIN, Mr. NELSON of Florida, and Mr. ROCKEFELLER):

S. 1449. A bill to establish the National Office for Combatting Terrorism; to the Committee on Governmental Affairs.

Mr. GRAHAM. Madam President, it has now been 10 days since our Nation was struck by a well-coordinated series of terrorist attacks. It has been 10 days since we all witnessed the horror of hijacked airliners crashing into the World Trade Center and the Pentagon. It has been 10 days since we vowed to track down and bring to justice those who assisted, financed, and harbored these terrorists and to treat them as terrorists.

Today, as the investigation proceeds, I believe it is time we begin to look beyond the crisis of September 11. It is time we begin to develop a long-term response to the continued threat of terrorism.

Terrorism ultimately is not a crisis. It is a cancerous condition, a condition that all Americans must come to grips with as we strive to return to normalcy.

Today, with several of my colleagues, I am introducing a pair of bills that offer a prescription for the condition of terrorism.

The first bill will make changes to a number of laws, including the Foreign Intelligence Surveillance Act of 1978, to enhance our ability to infiltrate terrorist cells, to collect information necessary to guarantee America's security, and to coordinate more effectively our domestic efforts against terrorism.

There are four primary goals of this legislation. The first relates to data collection to assure that our foreign intelligence should be brought into line with the laws that control domestic law enforcement actions. In a number of areas, we have different standards if we are collecting information for domestic law enforcement than when we are collecting analogous information for purposes of foreign intelligence.

Second, many regulations have not kept pace with the rapid changes we have seen, particularly in communication technology, and need to be updated.

Third, as we saw on September 11, most terrorist acts have both a criminal and an intelligence component. Our foreign intelligence and domestic law enforcement agencies need to be able to share information in order to protect our citizens.

Fourth, there are some strategic changes we need to make in the laws, such as better training of our local law enforcement so that they can play their appropriate role in responding to terrorism before the act to prevent terrorist actions, as opposed to just, as we are doing now at the Pentagon and in New York City, picking up the pieces of the consequences of a terrorist act that has been executed.

I emphasize that the Senate Select Committee on Intelligence has been working on these proposals for several months. We have worked closely with the appropriate Federal agencies, as well as within the Senate Judiciary Committee, the Governmental Affairs Committee, and the Armed Services Committee.

It is my hope that we will develop a consensus around the proposals other Members of Congress may have that the Attorney General has recently submitted. We do not purport that our list is exclusive. We think it represents a well-researched, solid beginning against a very serious challenge to our Nation, and we look forward to fully reviewing those recommendations that have been made within the last 72 hours by the Attorney General.

I also want to make it clear that I am mindful of the concerns we are beginning to hear from various organizations that we might overreact and impinge upon the civil liberties of our people. We would hand the ultimate victory to terrorists if we were to allow them to coerce our great Nation into compromising our highest values, personal freedom, and civil rights.

Madam President, in many ways we are here today much as the country was in the 1920s. It was at that time that America launched a national crusade against organized crime. The Nation committed itself to rooting out the corrupt captains of crime who had infiltrated labor unions, run gambling operations, trafficked in illegal drugs and, in the course of their activities, accumulated great wealth and, in many communities, great political influence.

We can take pride that over several decades an earlier generation of American leaders managed to put many of these domestic enemies behind bars and diminish their influence and their corrosive effect on our society.

I take this experience of the 20th century, our ability to begin to roll back the influence of organized crime in the United States, as a hopeful sign, a sign that we can pass on to our children and our grandchildren a world that has greatly diminished the threat we now face from terrorists. It is our hope that these two legislative proposals will be a step in that direction.

Under our proposal, the President will appoint the Director of the National Office for Combating Terrorism

subject to Senate confirmation. This individual will be accountable to the President, to the Congress, and to the Nation.

One of the key responsibilities of this new office would be budget coordination to assure that all of the agencies—and there are now as many as 40 agencies that have some piece of antiterrorism activity—are operating from a coordinated plan and that resources to carry out their portions of the plan are properly coordinated. To do that will require the statutory authority from Congress.

Madam President, the second bill has as its objective to assure that the dozens of Federal agencies that have counterterrorism as one of their missions are working together in a coordinated way to detect and disarm terrorists.

There have been over the past several years several independent commissions which have reviewed the issue of terrorism. Two of our former colleagues, Senators Rudman and Hart, have headed one of those commissions. All of those commissions have endorsed the principle of a stronger central coordination of the Federal Government's efforts against terrorism.

Just this past week, the General Accounting Office issued yet another study of this issue. I quote a portion of that General Accounting Office study:

> Key interagency functions are resident in several different organizations, resulting in fragmented leadership and coordination. These circumstances hinder unity of effort and limit accountability. However, the current attention being focused on this issue provides an opportunity to improve the overall leadership and coordination of programs to combat terrorism.

In other words, we need to assign responsibility to someone who will be the leader of our national effort to make certain that all of the agencies are on the field, from the Central Intelligence Agency to the FBI, and are following a common set of objectives. I am pleased that President Bush endorsed this approach in his address to the Nation.

The President called, by Executive order, for the creation of a position of homeland defense within the White House. He has assigned that responsibility to the current Governor of Pennsylvania, Tom Ridge.

I believe we should build on what the President has recommended by going a step further and making this position a statutory position.

Mr. ROCKEFELLER. Madam President, in the wake of the tragic events of September 11, 2001, it is not with pride exactly, but with a firm resolve that I join with my good friend and colleague Senator BOB GRAHAM, the chairman of the Senate Select Committee on Intelligence, in cosponsoring two important pieces of legislation: Bills to establish the National Office for Combating Terrorism and the Intelligence to Prevent Terrorism Act of 2001.

While we strive to go on and do the work that the people sent us here to do, we cannot help but feel heartsick as a Congress, and I am quite sure as individuals, when we consider the unimaginable loss of human life and the magnitude of the destruction wrought by these malicious and misguided men. But grieve though we must, it is our solemn responsibility as representatives of the American people to look into this abyss and find the lessons that may be there for us.

When a relatively large group of foreign terrorists who had lived and even trained in this country carried out a despicable and unfortunately well-choreographed wave of terror attacks months or years in the planning, it cast a harsh light on a range of deficiencies in our Nation's efforts to combat terrorism. We are made to feel vulnerable by the sheer enormity of the evil and by the realization that any of us could become targets of the next fanatical assault. Our dread might even turn to despondency if we consider the agonizing possibility that our law enforcement and intelligence establishments might have been able to prevent the horror of last Tuesday if they had had adequate mechanisms with which to collaborate on strategy, share information, and assist in investigation and apprehension of men capable of these heinous crimes.

Rather than feeling despondent, however, it is our duty as a Congress to act. This Nation and this Congress can no longer tolerate a situation in which competing missions of agencies—or competing personalities of public officials—put our citizens and our property at risk. We must create an environment of coordination between the intelligence community, our Federal, State, and local law enforcement agencies, the military, public health authorities, and all the other parties who can play a role in combating terrorism. I believe these two pieces of legislation, which establish a centralized authority to coordinate the activities and responsibilities of a multifaceted group of agencies, and provide both the intelligence community and law enforcement with valuable tools to combat terrorism-related crimes, do just this.

Briefly, the bills introduced today in the Senate would do the following:

Establish a ''National Office for Combating Terrorism'' to provide a greater level of coordination among the Nation's law enforcement establishment, the intelligence community, the military, public health authorities, and State and local governments to create a coherent, functional strategy for combating terrorism out of a current system a blue-ribbon Presidential Commission has called fragmented, uncoordinated, and politically unaccountable.

Ensure that terrorism-related intelligence gathered under the Foreign Intelligence Surveillance Act—FISA—is used to further the overall antiterrorism strategy. The legislation clarifies that the Director of Central Intelligence—DCI—is the primary government official responsible for coordination and dissemination of intelligence gathered under, while retaining the FBI as the agency with operational authority for intelligence gathering from foreign nationals.

Require law enforcement agencies to share with the DCI any terrorism-related intelligence information gathered in criminal investigations.

Mandate cooperation between the DCI and the Treasury Department to root out and cut off the international money trail terrorists use to finance their activities.

Develop training programs for State and local law enforcement agencies and public officials to help them detect terrorist activity, and to improve their understanding and use of intelligence shared with them.

Establish a National Virtual Translation Center to enable intelligence information collected anywhere in the world to be transmitted over secure electronic lines, translated and analyzed by experts elsewhere, and shared with relevant law enforcement and government personnel throughout this country, as well as by policymakers in Washington and intelligence agents overseas.

Make explicit that U.S. Government officers, acting in their official capacity, may recruit any person who has information about terrorist, terrorist groups, or those who assist or harbor them—including foreign governments.

The reactions to last week's attacks have ranged from shock, to horror, to sadness, to rage, and now, as I said at the beginning of my remarks, to resolve. Just over a week after the worst act of terrorism, indeed, the worst crime, in the history of the country, we are united as a people behind our President, our armed forces, and our law enforcement agencies, resolved to root out and defeat terrorism wherever this particular breed of hatred is fostered. Part of that resolve may be seen in the package of legislation introduced here today, although it would be incorrect to characterize this legislation as a reaction to the nightmare of September 11. These bills are the product of a longstanding concern about a lack of coordination between our law enforcement and intelligence resources and are the result of several months of hard work on the part of Chairman GRAHAM, several other members of our committee, and Intelligence Committee staff. I believe these bills represent good first steps.

I have not had the privilege of being a member of the Intelligence Committee for very long, but from the very first day I have been enormously impressed with the careful balance the committee strikes between the intelligence gathering needs of this nation, and the civil liberties enjoyed by its citizens. However, in this time of heightened tension and increased security, I must admit that I share some of the concerns of many Americans, from across the political spectrum, who fear that well-meaning reforms may unduly infringe on the liberties we cherish.

While I am confident that in crafting this legislation Senator GRAHAM has taken those concerns very much to heart and has protected the rights of law-abiding Americans, I will closely monitor the progress of this legislation. I cannot overestimate the importance of ensuring that in our zeal to prevent another terrorist assault on this Nation we do not contribute to an atmosphere of fear and mistrust of our fellow citizens.

I will also be looking for an understanding of these concerns from our colleagues on the various committees of referral, and in the Senate as a whole. We must commit ourselves and our Nation that, despite the grave seriousness of combating terrorism, we will always safeguard civil liberties as we consider this or any other piece of legislation introduced to combat terrorism. What is needed—and what this package of legislation provides—is greater coordination, efficiency, and effectiveness among our existing antiterrorism resources, without a surrender of the rights and liberties that make this the greatest nation in the history of the world.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. 1450. A bill to preserve the continued viability of the United States air transportation system; considered and passed.

Mr. DASCHLE. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Air Transportation Safety and System Stabilization Act''.

TITLE I—AIRLINE STABILIZATION

SEC. 101. AVIATION DISASTER RELIEF.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall take the following actions to compensate air carriers for losses incurred by the air carriers as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

(1) Subject to such terms and conditions as the President deems necessary, issue Federal credit instruments to air carriers that do not, in the aggregate, exceed $10,000,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) Compensate air carriers in an aggregate amount equal to $5,000,000,000 for—

(A) direct losses incurred beginning on September 11, 2001, by air carriers as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such a stoppage; and

(B) the incremental losses incurred beginning September 11, 2001, and ending December 31, 2001, by air carriers as a direct result of such attacks.

(b) EMERGENCY DESIGNATION.—Congress designates the amount of new budget authority and outlays in all fiscal years resulting from this title as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)). Such amount shall be available only to the extent that a request, that includes designation of such amount as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

SEC. 102. AIR TRANSPORTATION STABILIZATION BOARD.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) BOARD.—The term ''Board'' means the Air Transportation Stabilization Board established under subsection (b).

(2) FINANCIAL OBLIGATION.—The term ''financial obligation'' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with financing under this section and section 101(a)(1).

(3) LENDER.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Security Act of 1933, including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(4) OBLIGOR.—The term ''obligor'' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(b) AIR TRANSPORTATION STABILIZATION BOARD.—

(1) ESTABLISHMENT.—There is established a board (to be known as the ''Air Transportation Stabilization Board'') to review and decide on applications for Federal credit instruments under section 101(a)(1).

(2) COMPOSITION.—The Board shall consist of—

(A) the Secretary of Transportation or the designee of the Secretary;

(B) the Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman, who shall be the Chair of the Board;

(C) the Secretary of the Treasury or the designee of the Secretary; and

(D) the Comptroller General of the United States, or the designee of the Comptroller General, as a nonvoting member of the Board.

(c) FEDERAL CREDIT INSTRUMENTS.—

(1) IN GENERAL.—The Board may enter into agreements with 1 or more obligors to issue Federal credit instruments under section 101(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is an air carrier for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudently incurred; and

(C) such agreement is a necessary part of maintaining a safe, efficient, and viable commercial aviation system in the United States.

(2) TERMS AND LIMITATIONS.—

(A) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 101(a)(1) in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

(B) PROCEDURES.—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplemented by the Board in its discretion, for the issuance of Federal credit instruments under section 101(a)(1).

(d) FINANCIAL PROTECTION OF GOVERNMENT.—

(1) IN GENERAL.—To the extent feasible and practicable, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this title.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent to which any participating corporation accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this title, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating corporation, would participate in the gains of the participating corporation or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) DEPOSIT IN TREASURY.—All amounts collected by the Secretary of the Treasury under this subsection shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. SPECIAL RULES FOR COMPENSATION.

(a) DOCUMENTATION.—Subject to subsection (b), the amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the amount of losses described in section 101(a)(2) that the air carrier demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that the air carrier incurred. The Secretary of Transportation and the Comptroller General of the United States may audit such statements and may request any information that the Secretary and the Comptroller General deems necessary to conduct such audit.

(b) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—The maximum total amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the lesser of—

(1) the amount of such air carrier's direct and incremental losses described in section 101(a)(2); or

(2) in the case of—

(A) flights involving passenger-only or combined passenger and cargo transportation, the product of—

(i) $4,500,000,000; and

(ii) the ratio of—

(I) the available seat miles of the air carrier for the month of August 2001 as reported to the Secretary; to

(II) the total available seat miles of all such air carriers for such month as reported to the Secretary; and

(B) flights involving cargo-only transportation, the product of—

(i) $500,000,000; and

(ii) the ratio of—

(I) the revenue ton miles or other auditable measure of the air carrier for cargo for the latest quarter for which data is available as reported to the Secretary; to

(II) the total revenue ton miles or other auditable measure of all such air carriers for cargo for such quarter as reported to the Secretary.

(c) PAYMENTS.—The President may provide compensation to air carriers under section 101(a)(2) in 1 or more payments up to the amount authorized by this title.

SEC. 104. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.

(a) IN GENERAL.—The President may only issue a Federal credit instrument under section 101(a)(1) to an air carrier after the air carrier enters into a legally binding agreement with the President that, during the 2-year period beginning September 11, 2001, and ending September 11, 2003, no officer or employee of the air carrier whose total compensation exceeded $300,000 in calendar year 2000 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to September 11, 2001)—

(1) will receive from the air carrier total compensation which exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier in calendar year 2000; and

(2) will receive from the air carrier severance pay or other benefits upon termination of employment with the air carrier which exceeds twice the maximum total compensation received by the officer or employee from the air carrier in calendar year 2000.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term ''total compensation'' includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier to an officer or employee of the air carrier.

SEC. 105. CONTINUATION OF CERTAIN AIR SERVICE.

(a) ACTION OF SECRETARY.—The Secretary of Transportation should take appropriate action to ensure that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service and that essential air service to small communities continues without interruption.

(b) ESSENTIAL AIR SERVICE.—There is authorized to be appropriated to the Secretary to carry out the essential air service program under subchapter II of chapter 417 of title 49, United States Code, $120,000,000 for fiscal year 2002.

(c) SECRETARIAL OVERSIGHT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to require an air carrier receiving direct financial assistance under this Act to maintain scheduled air service to any point served by that carrier before September 11, 2001.

(2) AGREEMENTS.—In applying paragraph (1), the Secretary may require air carriers receiving direct financial assistance under this Act to enter into agreements which will ensure, to the maximum extent practicable, that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service.

SEC. 106. REPORTS.

(a) REPORT.—Not later than February 1, 2001, the President shall transmit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the financial status of the air carrier industry and the amounts of assistance provided under this title to each air carrier.

(b) UPDATE.—Not later than the last day of the 7-month period following the date of enactment of this Act, the President shall update and transmit the report to the Committees.

SEC. 107. DEFINITIONS.

In this title, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning such term has under section 40102 of title 49, United States Code.

(2) FEDERAL CREDIT INSTRUMENT.—The term ''Federal credit instrument'' means any guarantee or other pledge by the Board issued under section 101(a)(1) to pledge the full faith and credit of the United States to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(3) INCREMENTAL LOSS.—The term ''incremental loss'' does not include any loss that the President determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.

TITLE II—AVIATION INSURANCE

SEC. 201. DOMESTIC INSURANCE AND REIMBURSEMENT OF INSURANCE COSTS.

(a) IN GENERAL.—Section 44302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) by striking ''foreign-flag aircraft—'' and all that follows through the period at the end of subparagraph (B) and inserting ''foreign-flag aircraft.'';

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following:

''(b) REIMBURSEMENT OF INSURANCE COST INCREASES.—

''(1) IN GENERAL.—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

''(2) PAYMENT FROM REVOLVING FUND.—A reimbursement under this subsection shall be paid from the revolving fund established by section 44307.

''(3) FURTHER CONDITIONS.—The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

''(4) TERMINATION OF AUTHORITY.—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph.'';

(4) in subsection (c) (as so redesignated)—

(A) in the first sentence by inserting '', or reimburse an air carrier under subsection (b) of this section,'' before ''only with the approval''; and

(B) in the second sentence—

(i) by inserting ''or the reimbursement'' before ''only after deciding''; and

(ii) by inserting ''in the interest of air commerce or national security or'' before ''to carry out the foreign policy''; and

(5) in subsection (d) (as so redesignated) by inserting ''or reimbursing an air carrier'' before ''under this chapter''.

(b) COVERAGE.—

(1) IN GENERAL.—Section 44303 of such title is amended—

(A) in the matter preceding paragraph (1) by inserting '', or reimburse insurance costs, as'' after ''insurance and reinsurance''; and

(B) in paragraph (1) by inserting ''in the interest of air commerce or national security or'' before ''to carry out the foreign policy''.

(2) DISCRETION OF THE SECRETARY.—For acts of terrorism committed on or to an air carrier during the 180-day period following the date of enactment of this Act, the Secretary of Transportation may certify that the air carrier was a victim of an act of terrorism and in the Secretary's judgment, based on the Secretary's analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed $100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds $100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this paragraph) under a cause of action arising out of such act.

(c) REINSURANCE.—Section 44304 of such title is amended—

(1) by striking ''(a) GENERAL AUTHORITY.—''; and

(2) by striking subsection (b).

(d) PREMIUMS.—Section 44306 of such title is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) ALLOWANCES IN SETTING PREMIUM RATES FOR REINSURANCE.—In setting premium rates for reinsurance, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practices, except for payments by the air carrier for the stimulation or solicitation of insurance business.''.

(e) CONFORMING AMENDMENT.—Section 44305(b) of such title is amended by striking ''44302(b)'' and inserting ''44302(c)''.

SEC. 202. EXTENSION OF PROVISIONS TO VENDORS, AGENTS, AND SUBCONTRACTORS OF AIR CARRIERS.

Notwithstanding any other provision of this title, the Secretary may extend any provision of chapter 443 of title 49, United States Code, as amended by this title, and the provisions of this title, to vendors, agents, and subcontractors of air carriers. For the 180-day period beginning on the date of enactment of this Act, the Secretary may extend or amend any such provisions so as to ensure that the entities referred to in the preceding sentence are not responsible in cases of acts of terrorism for losses suffered by third parties that exceed the amount of such entities' liability coverage, as determined by the Secretary.

TITLE III—TAX PROVISIONS

SEC. 301. EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS; TREATMENT OF LOSS COMPENSATION.

(a) EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS.—

(1) IN GENERAL.—In the case of an eligible air carrier, any airline-related deposit required under section 6302 of the Internal Revenue Code of 1986 to be made after September 10, 2001, and before November 15, 2001, shall be treated for purposes of such Code as timely made if such deposit is made on or before November 15, 2001. If the Secretary of the Treasury so prescribes, the preceding sentence shall be applied by substituting for ''November 15, 2001'' each place it appears—

(A) ''January 15, 2002'', or

(B) such earlier date after November 15, 2001, as such Secretary may prescribe.

(2) ELIGIBLE AIR CARRIER.—For purposes of this subsection, the term ''eligible air carrier'' means any domestic corporation engaged in the trade or business of transporting (for hire) persons by air if such

transportation is available to the general public.

(3) AIRLINE-RELATED DEPOSIT.—For purposes of this subsection, the term ''airline-related deposit'' means any deposit of—

(A) taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air), and

(B) taxes imposed by chapters 21, 22, and 24 with respect to employees engaged in a trade or business referred to in paragraph (2).

(b) TREATMENT OF LOSS COMPENSATION.—Nothing in any provision of law shall be construed to exclude from gross income under the Internal Revenue Code of 1986 any compensation received under section 101(a)(2) of this Act.

TITLE IV—VICTIM COMPENSATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''September 11th Victim Compensation Fund of 2001''.

SEC. 402. DEFINITIONS.

In this title, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents of such citizen.

(2) AIR TRANSPORTATION.—The term ''air transportation'' means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

(3) CLAIMANT.—The term ''claimant'' means an individual filing a claim for compensation under section 405(a)(1).

(4) COLLATERAL SOURCE.—The term ''collateral source'' means all collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(5) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(6) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual determined to be eligible for compensation under section 405(c).

(7) NONECONOMIC LOSSES.—The term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(8) SPECIAL MASTER.—The term ''Special Master'' means the Special Master appointed under section 404(a).

SEC. 403. PURPOSE.

It is the purpose of this title to provide compensation to any individual (or relatives of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

SEC. 404. ADMINISTRATION.

(a) IN GENERAL.—The Attorney General, acting through a Special Master appointed by the Attorney General, shall—

(1) administer the compensation program established under this title;

(2) promulgate all procedural and substantive rules for the administration of this title; and

(3) employ and supervise hearing officers and other administrative personnel to perform the duties of the Special Master under this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the administrative and support costs for the Special Master in carrying out this title.

SEC. 405. DETERMINATION OF ELIGIBILITY FOR COMPENSATION.

(a) FILING OF CLAIM.—

(1) IN GENERAL.—A claimant may file a claim for compensation under this title with the Special Master. The claim shall be on the form developed under paragraph (2) and shall state the factual basis for eligibility for compensation and the amount of compensation sought.

(2) CLAIM FORM.—

(A) IN GENERAL.—The Special Master shall develop a claim form that claimants shall use when submitting claims under paragraph (1). The Special Master shall ensure that such form can be filed electronically, if determined to be practicable.

(B) CONTENTS.—The form developed under subparagraph (A) shall request—

(i) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent's death, as a result of the terrorist-related aircraft crashes of September 11, 2001;

(ii) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes; and

(iii) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes.

(3) LIMITATION.—No claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407.

(b) REVIEW AND DETERMINATION.—

(1) REVIEW.—The Special Master shall review a claim submitted under subsection (a) and determine—

(A) whether the claimant is an eligible individual under subsection (c);

(B) with respect to a claimant determined to be an eligible individual—

(i) the extent of the harm to the claimant, including any economic and noneconomic losses; and

(ii) the amount of compensation to which the claimant is entitled based on the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

(2) NEGLIGENCE.—With respect to a claimant, the Special Master shall not consider negligence or any other theory of liability.

(3) DETERMINATION.—Not later than 120 days after that date on which a claim is filed under subsection (a), the Special Master shall complete a review, make a determination, and provide written notice to the claimant, with respect to the matters that were the subject of the claim under review. Such a determination shall be final and not subject to judicial review.

(4) RIGHTS OF CLAIMANT.—A claimant in a review under paragraph (1) shall have—

(A) the right to be represented by an attorney;

(B) the right to present evidence, including the presentation of witnesses and documents; and

(C) any other due process rights determined appropriate by the Special Master.

(5) NO PUNITIVE DAMAGES.—The Special Master may not include amounts for punitive damages in any compensation paid under a claim under this title.

(6) COLLATERAL COMPENSATION.—The Special Master shall reduce the amount of compensation determined under paragraph (1)(B)(ii) by the amount of the collateral source compensation the claimant has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

(c) ELIGIBILITY.—

(1) IN GENERAL.—A claimant shall be determined to be an eligible individual for purposes of this subsection if the Special Master determines that such claimant—

(A) is an individual described in paragraph (2); and

(B) meets the requirements of paragraph (3).

(2) INDIVIDUALS.—A claimant is an individual described in this paragraph if the claimant is—

(A) an individual who—

(i) was present at the World Trade Center, (New York, New York), the Pentagon (Arlington, Virginia), or the site of the aircraft crash at Shanksville, Pennsylvania at the time, or in the immediate aftermath, of the terrorist-related aircraft crashes of September 11, 2001; and

(ii) suffered physical harm or death as a result of such an air crash;

(B) an individual who was a member of the flight crew or a passenger on American Airlines flight 11 or 77 or United Airlines flight 93 or 175, except that an individual identified by the Attorney General to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or a representative of such individual shall not be eligible to receive compensation under this title; or

(C) in the case of a decedent who is an individual described in subparagraph (A) or (B), the personal representative of the decedent who files a claim on behalf of the decedent.

(3) REQUIREMENTS.—

(A) SINGLE CLAIM.—Not more than one claim may be submitted under this title by an individual or on behalf of a deceased individual.

(B) LIMITATION ON CIVIL ACTION.—

(i) IN GENERAL.—Upon the submission of a claim under this title, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. The preceding sentence does not apply to a civil action to recover collateral source obligations.

(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407.

SEC. 406. PAYMENTS TO ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under this title, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

(b) PAYMENT AUTHORITY.—This title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts for compensation under this title.

(c) ADDITIONAL FUNDING.—

(1) IN GENERAL.—The Attorney General is authorized to accept such amounts as may be contributed by individuals, business concerns, or other entities to carry out this title, under such terms and conditions as the Attorney General may impose.

(2) USE OF SEPARATE ACCOUNT.—In making payments under this section, amounts contained in any account containing funds provided under paragraph (1) shall be used prior to using appropriated amounts.

SEC. 407. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Special Master, shall promulgate regulations to carry out this title, including regulations with respect to—

(1) forms to be used in submitting claims under this title;

(2) the information to be included in such forms;

(3) procedures for hearing and the presentation of evidence;

(4) procedures to assist an individual in filing and pursuing claims under this title; and

(5) other matters determined appropriate by the Attorney General.

SEC. 408. LIMITATION ON AIR CARRIER LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages, arising from the terrorist-related aircraft crashes of September 11, 2001, against any air carrier shall not be in an amount greater than the limits of the liability coverage maintained by the air carrier.

(b) FEDERAL CAUSE OF ACTION.—

(1) AVAILABILITY OF ACTION.—There shall exist a Federal cause of action for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001. Notwithstanding section 40120(c) of title 49, United States Code, this cause of action shall be the exclusive remedy for damages arising out of the hijacking and subsequent crashes of such flights.

(2) SUBSTANTIVE LAW.—The substantive law for decision in any such suit shall be derived from the law, including choice of law principles, of the State in which the crash occurred unless such law is inconsistent with or preempted by Federal law.

(3) JURISDICTION.—The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over all actions brought for any claim (including any claim for loss of property, personal injury, or death) resulting from or relating to the terrorist-related aircraft crashes of September 11, 2001.

(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

SEC. 409. RIGHT OF SUBROGATION.

The United States shall have the right of subrogation with respect to any claim paid by the United States under this title.

TITLE V—AIR TRANSPORTATION SAFETY

SEC. 501. INCREASED AIR TRANSPORTATION SAFETY.

Congress affirms the President's decision to spend $3,000,000,000 on airline safety and security in conjunction with this Act in order to restore public confidence in the airline industry.

SEC. 502. CONGRESSIONAL COMMITMENT.

Congress is committed to act expeditiously, in consultation with the Secretary of Transportation, to strengthen airport security and take further measures to enhance the security of air travel.

TITLE VI—SEPARABILITY

SEC. 601. SEPARABILITY.

If any provision of this Act (including any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of this Act (including any amendment made by this Act) and the application thereof to other persons or circumstances shall not be affected thereby.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1451. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; to the Committee on Energy and Natural Resources.

Mr. REID. Madam President, I rise today for myself and for Senator ENSIGN to introduce the Clark County Public Shooting Range Conveyance Act.

Clark County and the Las Vegas Valley have experienced tremendous population growth over the past decade from about 770,000 in 1990 to over 1.4 million people today. This growth has had a tremendous impact on uses of the outlying public lands, including traditional recreational activities such as hunting, fishing and target shooting. There are literally dozens, if not hundreds, of makeshift shooting ranges across Las Vegas Valley which pose extreme danger to nearby homes and increasingly busy roads.

My bill provides the foundation for the establishment of a world-class shooting range, sports park and firearms training facility by conveying 2,880 acres of public land to Clark County. This facility will be used by residents of, and visitors to the Las Vegas Valley for recreation, education, competitive and marksmanship events, and training related to firearms. Firearms training facilities owned and operated by the Metropolitan Police Department and the North Las Vegas Police Department are also being encroached upon by residential and commercial development. Special facilities will be provided at the Clark County facility to accommodate law enforcement training for firearms qualification and certification.

This facility will provide a great public benefit by creating a safe centralized location for this important purpose. It will enhance public safety by reducing indiscriminate shooting. This facility will also provide economic incentives to the Las Vegas Valley in the form of jobs and support services.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY TO CLARK COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the Las Vegas area has experienced such rapid growth in the last few years that traditional locations for target shooting are now too close to populated areas for safety;

(2) there is a need to designate a centralized location in the Las Vegas valley where target shooters can practice safely; and

(3) a central facility is also needed for persons training in the use of firearms, such as local law enforcement and security personnel.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a suitable location for the establishment of a centralized shooting facility in the Las Vegas valley; and

(2) to provide the public with—

(A) opportunities for education and recreation; and

(B) a location for competitive events and marksmanship training.

(c) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall convey to Clark County, Nevada, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (d).

(d) LAND DESCRIPTIONS.—The parcels of land to be conveyed under subsection (c) are the parcels of land described as follows:

(1) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 25, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(2) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 26, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(3) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 27, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(4) Approximately 640 acres of land in Clark County, Nevada, in sec. 34, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(5) Approximately 640 acres of land in Clark County, Nevada, in sec. 35, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(6) Approximately 640 acres of land in Clark County, Nevada, in sec. 36, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(e) USE OF LAND.—

(1) IN GENERAL.—The parcels of land conveyed under subsection (c)—

(A) shall be used by Clark County for the purposes described in subsection (b) only; and

(B) shall not be disposed of by the county.

(2) REVERSION.—If Clark County ceases to use any parcel for the purposes described in subsection (b), title to the parcel shall revert to the United States, at the option of the United States.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) RELEASE OF LAND.—Congress—

(1) finds that the parcels of land conveyed under subsection (c), comprising a portion of the Quail Springs Wilderness Study Area, NV–050–411, managed by the Bureau of Land Management and reported to Congress in 1991, have been adequately studied for wilderness designation under section 603 of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1782); and

(2) declares that those parcels are no longer subject to the requirements contained in subsection (c) of that section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. GRASSLEY, Mr. LEAHY, and Ms. CANTWELL):

S. 1452. A bill to provide for electronic access by the Department of State and Immigration and Naturalization Service to certain information in the criminal history records of the Federal Bureau of Investigation to determine whether or not a visa applicant or applicant for admission has a

criminal record; to the Committee on the Judiciary.

Mr. KENNEDY. Madam President, it is a privilege to join my colleagues Senators BROWNBACK, LEAHY, GRASSLEY, and CANTWELL in introducing immigration legislation that will enhance our intelligence capabilities and improve our border security.

These critical functions are an important part of the massive challenges now facing the country in the wake of last week's terrorist attacks. These functions are the shared responsibility of the FBI, the INS, and the State Department. This legislation will provide U.S. consular officers and the INS, including inspectors at our ports of entry, with electronic access to information located within certain FBI databases, such as the National Crime Information Center's Interstate Identification Index, the Wanted Persons File, and other files maintained by the National Crime Information Center. Electronic access to this information will enable the State Department and the INS to act immediately to identify high-risk criminals seeking admission to the United States or seeking other immigration benefits.

Clearly, we must improve the security and intelligence capabilities of the Nation. But we must do so without violating the basic rights and liberties of the American people. Our legislation includes provisions to protect individual privacy. It authorizes the Secretary of State to draft regulations which will appropriately limit the use of the FBI's information. These regulations will require the information to be safeguarded from unnecessary dissemination, so that it is used only for the purpose of making decisions on the issuance or denial of visas or immigration benefits, and so that its confidentiality will be maintained to protect the privacy rights of those who are the subject of the information.

These steps are needed now. We must also examine other ideas to improve safety at the Nation's borders and strengthen our overall ability as much as possible to prevent future terrorist attacks.

I urge all of my colleagues to support this important legislation.

By Ms. SNOWE (for herself and Mr. STEVENS):

S. 1455. A bill to amend title 49, United States Code, to regulate the training of aliens to operate jet-propelled aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Madam President, I am sure I am not alone in finding that one of the more disturbing revelations of the investigation into the September 11 terrorist attack on the World Trade Center and Pentagon is that over half of the hijackers received flight instruction at American facilities. Investigators have named ten separate flying schools across the United States, from California to Oklahoma to Florida, where the hijacking suspects may have engaged in flight training in one form or another. In addition, it is believed that one of these suspects was able to gain legal entry into the United States through the assistance of a flight school that provided immigration documentation.

I know that this ironic turn of events, the schools dedicated to the safety of the airline industry were unwittingly utilized to facilitate the worst airline disaster in history, has school administrators and instructors asking themselves, ''What if . . .'' as they look in the mirror every morning.

We need to take action now to remove the doubts of the instructors as well as restore confidence in student pilots engaged in valid training. That is why I am introducing legislation to require thorough background checks on foreign nationals seeking advanced flight or jet aircraft training in American flight schools.

At present the Federal Aviation Administration FAA, regulates course content at these schools and does it well, the U.S. has the best training program in the world and pilot certification from the FAA is considered the industry ''gold standard.'' That is why a large number of foreign students are attracted to American schools. And we want to continue to encourage foreign participation at our schools, it assures aviation safety world wide.

However, the FAA does not regulate who can participate in pilot training, be it glider plane basics or 757 advanced training. More specifically, the requirement for foreign students is limited to demonstrated English proficiency and proper immigration documentation.

Given the events of September 11, it is imperative that the screening process for pilot trainees be improved. As such, the legislation I am introducing today mandates the completion of security checks before foreign nationals may commence advanced jet training. Specifically, by requiring that the Attorney General carry out background investigations on individuals seeking such training, the legislation ensures a comprehensive review against records held by such agencies as the FBI, INS, and DEA will be carried out prior to starting training on any simulator or jet powered aircraft. Also, given the recent tragedies in New York, Washington DC, and Pennsylvania, all foreign nationals currently in training would be required to stop until a satisfactory background check is completed.

I want to urge my colleagues to join me in taking this small but critical step to prevent a repeat of unintentionally training those who would terrorize our cities and skies and ask for their support in increasing security requirements for flight training.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 162—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. DODD (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 162

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Dayton, Mrs. Feinstein, Mr. Inouye, Mr. Cochran, and Mr. Santorum.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Dodd, Mr. Schumer, Mr. Dayton, Mr. Stevens, and Mr. Cochran.

SENATE RESOLUTION 163—DESIGNATING THE WEEK OF SEPTEMBER 23, 2001, THROUGH SEPTEMBER 29, 2001, AS ''NATIONAL OVARIAN CANCER AWARENESS WEEK''

Ms. LANDRIEU (for herself, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. CARNAHAN, Mrs. HUTCHISON, Ms. CANTWELL, Mrs. FEINSTEIN, Ms. STABENOW, Ms. MIKULSKI, Mrs. LINCOLN, Mrs. BOXER, Mr. HATCH, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 163

Whereas 1 out of every 55 women will develop ovarian cancer at some point during her life;

Whereas over 70 percent of women with ovarian cancer will not be diagnosed until the cancer has spread beyond the ovaries;

Whereas prompt diagnosis of ovarian cancer is crucial to effective treatment, with the chances of curing the disease before it has spread beyond the ovaries ranging from 85 to 90 percent, as compared to between 20 and 25 percent after the cancer has spread;

Whereas several easily identifiable factors, particularly a family history of ovarian cancer, can help determine how susceptible a woman is to developing the disease;

Whereas effective early testing is available to women who have a high risk of developing ovarian cancer;

Whereas heightened public awareness can make treatment of ovarian cancer more effective for women who are at-risk; and

Whereas the Senate, as an institution, and Members of Congress, as individuals, are in unique positions to help raise awareness about the need for early diagnosis and treatment for ovarian cancer: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 23, 2001, through September 29, 2001, as ''National Ovarian Cancer Awareness Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Ovarian Cancer Awareness Week with appropriate ceremonies and activities.