(3) Determination.—Not later than 120 days after that date on which a claim is filed under this title, 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) 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) Exclusivity.—

(1) IN GENERAL.—A claim 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 crashes 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 aircraft crash;

(B) an individual who was a member of the flight crew or a passenger on American Airlines flight 11 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) REMEDIES.—

(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 bring 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 amending such claim on or 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 the Special Master makes a determination under this section, the Attorney General shall promulgate regulations to carry out the procedures for hearing and the presentation of evidence; for the payment of amounts for compensation under this title.

(b) Payment Authority.—This title constitutes budget authority in advance of appropriations Acts and represents the obligations 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 this Act or other appropriation Acts and represents the obligations of the Federal Government to provide for the payment of amounts for compensation under this title, the Attorney General shall promulgate regulations to carry out the title, including regulations with respect to—

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

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

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

(IV) procedures to assist an individual in filing a claim under this title; and

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

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 a claim 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 in any civil action against any air carrier shall not be in an amount greater than the limits of 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 175, and United Airlines flights 93 and 175, on September 11, 2001. Notwithstanding section 4407(a) of title 49, United States Code, that 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 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.
was demonstrated again this afternoon, is essential if we are able to respond as we now have to the crisis we are facing, not only in the aviation industry but in the economy of this country and the way we have to do with the tragedy.

In my view, there were two essential pieces of legislation missing from this bill. Others have already addressed it. Senators Carnahan, Murray, Cantwell, and Kennedy, and others have been working on a proposal to deal with the disaster adjustment assistance and extended COBRA coverage. It is essential that we provide dislocated workers some income security, some training, access to health benefits. We did a little bit of that in this bill. It was a first step, but we really have a long way to go if we are going to address in a comprehensive and meaningful way the tremendous problems that families all over this country are now facing as a result of layoffs as a result of bankruptcies, as a result of the economic slowdown. For all of the reasons we have heard, we simply cannot allow the circumstances to go unattended. It is critical that we do so sooner rather than later.

I have talked to Senators Kennedy and Carnahan and others. I have talked with some Senators on this side of the aisle, especially Senator Lott. It is my hope and my determination to address the seriousness of the problem as well as a recognition that this problem must be addressed.

Secondly, I am very pleased that the Senator from South Carolina, Mr. Hollings, Senator McCain, Senator Rockefeller, Senator Hutchinson, so many others, and Senator Kerry, have worked as closely together as they have on this in a number of other distant years. We must. We simply cannot go without the acknowledgment of the seriousness of the problem as well as a recognition that this problem must be addressed.

I talked to the President about this this morning. It is his intention to address the issue in a much more comprehensive way as well. I have no doubt we can work with him on security. The Presiding Officer very eloquently and passionately addressed the issue of security this morning and the cuts now facing as a result of layoff as a result of bankruptcies, as a result of the economic slowdown. For all of the reasons we have heard, we simply cannot allow the circumstances to go unattended. It is critical that we do so sooner rather than later.

The bill the Commerce Committee has now introduced is a bill I believe very confidently will address many of these issues, so confidently that I have cosponsored it along with many other Senators. I am hopeful that in the not-too-distant future it can be a subject for debate and consideration in the Senate Chamber and that we can work to open up the bill and provide the kind of infrastructure and security that will be required to raise the confidence level that is necessary.

Security, additional compensation, and a safety net for all of those workers who have been put out so far are issues that I am committed to address and that I know the Senate is committed to address. I will continue to work with my colleague Senator Lott, who is every bit as concerned about many of these issues as I am.

We will continue to find ways to work together to do what we know we must to put this country back and to recognize the needs of families, workers, and businesses across the country.

MORNING BUSINESS

Mr. GRAHAM. Madam President, I ask unanimous consent that the President's entire statement into the Record under "Statements on Introuced Bills and Joint Resolutions."

Mr. GRAHAM. I suggest the absence of a quorum.

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

The Senator from Florida.

Mr. GRAHAM. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak for up to 10 minutes.

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

The Senator from Florida.

Mr. GRAHAM. Madam President, I ask unanimous consent that the introduction of S. 1448 and S. 1449 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions."

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeds to call the roll.

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

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

KAZAKHSTAN

Ms. LANDRIEU. Madam President, the events of last week by terrorists left all of us in shock and horror, but also, the actions of people in the wake of the disaster has shown the best.

THE CALIFORNIANS WHO PERISHED ON SEPTEMBER 11, 2001

Mrs. BOXER. Madam President, as the American people struggle to come to terms with the horrific events of Tuesday, September 11, we are reminded again and again of the countless individual tragedies still playing out in every corner of our country; another firefighter is laid to rest, a classroom copes with the loss of a teacher, a baby is born who will never know her father, a family accepts that a loved one will never be found.

We have heard such stories, each one profound in its deep sadness and, considered together, staggering in their scope.