

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.

Mr. NICKLES. Madam President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. Madam President, for the interest of all Senators, I want to make sure people understand what the schedule is for Monday.

We will convene at 12 noon. From 12 o'clock to 2 o'clock, we will take up the Jordan free trade agreement. That has already been established by unanimous consent. There will be a 2-hour debate and, by agreement, a voice vote.

At 2 p.m., there will be a rollcall vote on the Kirk Van Tine nomination, Mr. Van Tine to be general counsel of the Department of Transportation.

Following that vote, we will resume consideration of the Defense authorization bill.

PASSAGE OF S. 1450

I appreciate very much the tremendous cooperation of all Senators. I know this bill was extremely difficult and very complex, very controversial in many respects. I appreciate the work on both sides of the aisle to get us to the point we are now.

I know there are a lot of Senators who would have appreciated the opportunity to offer amendments. It is not our intent to deny Senators the right to offer amendments. Under these circumstances, I am grateful for the acknowledgment that we are in a very difficult time and that cooperation, as 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 in a number of other ways having 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 it 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 this issue in the not-too-distant future. 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.

Secondly, I am very pleased that the Senator from South Carolina, Mr. HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, Senator HUTCHISON, so many others, and Senator KERRY, have worked as closely together as they have on airport security and on airplane security as well. If there is one piece I really wish we could have addressed in this bill more comprehensively, it is that.

I talked to the President about it 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 in the caucus.

I am pleased that at least the \$3 billion that has been committed to air-

port security will allow us to take some of the initial steps. We must rebuild confidence on the part of air travelers. We must ensure that airports and airplanes can be made more secure. We must work together to make that happen soon. We can continue to provide these bills with billions and billions of dollars, but if people are not going to climb on those airplanes, if they are not going to feel comfortable walking through the airports, if they don't know whether the ramps are secure or not, those billions of dollars will not solve the problem.

I am equally as determined to address this issue of security in the days ahead. Senator HOLLINGS has indicated he will continue to work with our colleagues on both sides of the aisle. I intend to work with the administration. I will bring this matter up with the speaker at the next opportunity. We will continue to find ways with which to address security, perhaps as early as next week.

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 get a bill passed that will truly 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 left 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 there now 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.

(The remarks of Mr. GRAHAM pertaining to 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 proceedd 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 illustrate the worst of human nature, however, the actions of people in the wake of the disaster has shown the best.

While the attacks were in the United States, they were directed at the entire civilized world. And the entire world has responded. Today, I would like to draw your attention to the response of a key ally in Central Asia.

In light of the direct threat to world freedom that we faced on September 11, 2001, Kazakhstan has emerged as one of the only "silver-linings" in Central Asia. I am very grateful for the outpouring of support from the President of Kazakhstan, Mr. Nursultan Nazarbayev. Within a day of the attack President Nazarbayev said, "Kazakhstan is ready to support measures undertaken by the United States to fight against terrorism, with all the means necessary." I would also ask unanimous consent to submit the President's entire statement into the Congressional RECORD.

Kazakhstan is predominantly a muslim nation about four times the size of Texas in Central Asia. Surrounded by Russia, China, Turkey, Iran, and Afghanistan. Kazakhstan's continued economic and political stability is critical to the long-term success of the Central Asian nations.

In the first few years after its independence from the former Soviet Union in 1991, Kazakhstan successfully dismantled the fourth largest nuclear arsenal in the world with U.S. support via the Cooperative Threat Reduction Program, CTR. Kazakhstan continues to set a model for the global community in its leadership on unilateral disarmament and nonproliferation.

In addition, I believe our Nation needs to continue to support the Government of Kazakhstan which has begun to transform its economy from the old Soviet based communist model to a market-based economy with significant U.S. foreign direct investment, FDI.

It is for these reasons that I have cosponsored S. 168 that authorizes the extension of nondiscriminatory treatment to the products of Kazakhstan. In summary, the United States must do its part to enhance cooperation and encourage prosperity and stability for the entire Central Asian region.

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: an-

other 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 are all haunted by such stories, each one profound in its deep sadness and, considered together, staggering in their scope.

None of us is untouched by last Tuesday's terror, and it is now painfully clear that many residents of California were part of each tragic moment of that tragic day. Some were trapped in the World Trade Center towers. Some were at work in the Pentagon. And the fates of some were sealed as they boarded planes bound for San Francisco or Los Angeles.

I offer today this tribute to the dozens of Californians who perished on that awful morning. I want to assure the victims' families that their fathers and mothers, sons and daughters, aunts, uncles, brothers and sisters will not be forgotten. As a nation, we hold them close.

Words alone cannot convey the depth of our dismay, but the names of those Californians who lost their lives provide a stark and simple symbol of our anger and our pain. The list that follows may well grow. I will honor each one in every way that I can.

David Angell of Pasadena; Lynn Angell of Pasadena; Seima Aoyama of Los Angeles; Barbara Aresteguis of Los Angeles; Melissa Barnes of Redlands; Alan Beaven of Emeryville; Berry Berenson of Los Angeles; Carolyn Beug of Los Angeles; Yeneneh Betru of Burbank; Mark Bingham of San Francisco; Deora Bodley of Santa Clara; Touri Bolourchi of Beverly Hills; Daniel Brandhourst of Hollywood Hills; David Brandhourst of Hollywood Hills; Thomas Burnett of San Ramon; Suzanne Calley of San Martin; Jefferey Collman of Novato; Dorothy Dearaujo of Long Beach; Darlene Flagg of Corona; Dee Flagg of Corona; Wilson Flagg of Corona; Lisa Frost of Rancho Santa Margarita; Ronald Gamboa of Los Angeles; Andrew Garcia of Portola Valley; Edmund Glazer of Chatsworth; Lauren Grandcolas of San Rafael; Andrew Curry Green of Los Angeles; Richard Guadagno of Humboldt County; Stanley Hall of Rancho Palos Verdes; Gerald Hardacre of Carlsbad; John Hofer of Bellflower; Stephen Hyland of Claremont; Barbara Keating of Palm Springs; Chandler Keller of El Segundo; Jude Larson of Los Angeles; Natalie Larson of Los Angeles; Daniel John Lee of Van Nuys; Maclovio Lopez of Norwalk; Dora Menchaca of Santa Monica; Nicole Miller of San Jose; Laurie A. Neira of Los Angeles; Ruben Ornela of Los Angeles; Jerrold Paskins of Anaheim Hills; Thomas Pecorelli of Los Angeles; Robert Penniger of Poway; Mari-Rae Sopper of Santa Barbara; Alicia Titus of San Francisco; Otis Tolbert of Lemoore; Pendyala Vamsikrishna of Los Angeles; Timothy Ward of San Diego; and John Wenckus of Torrance.

In the name of these Californians, and in the name of all the other innocent victims, it is time for the terrorism to stop.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS

Mr. MCCAIN. Mr. President, I thank the managers of this bill for their hard work in putting forth this legislation which provides Federal funding for numerous vital programs in the Treasury Department and the General Government. However, once again, I find myself in the unpleasant position of speaking before my colleagues about parochial projects in another appropriations bill.

This bill spends at a level 5.9 percent higher than the level enacted in fiscal year 2001, which is greater than the 4 percent increase in discretionary spending than the President wanted to adhere to.

In real dollars, this is \$328 billion in additional spending above the amount requested by the President, and a \$1.8 billion increase in spending from last year. So far this year, with just seven appropriations bills already passed including this bill, spending levels have already exceeded the President's budget request by more than \$7.6 billion. I must remind my colleagues that the Administration has urged us to maintain our fiscal discipline to ensure that we will continue to have adequate funds to prosecute our war against terrorism, to aid those in need, and to cover other related costs.

In this bill, I have identified just over \$200 million in earmarks, which is less than the cost of the earmarks, totaling \$356 million, in the bill passed last year. Therefore, I applaud the efforts of the appropriators in keeping parochial spending to a minimum in this bill but more must be done.

While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process. It is my view that the people who run these programs should be the ones who decide how best to spend the appropriated funds. After all, they know what their most pressing needs are.

For example, under funding for the Department of Treasury, some examples of earmarks include: \$1,000,000 for work on joint technology projects with New Mexico State University's Physical Sciences Laboratory; and \$750,000 for the Center for Agriculture Policy and Trade Studies located at North Dakota State University.

Under funding for the General Government, some of the earmarks include: \$2,500,000 for the Native American Digital Telehealth Project and the Upper Great Plains Native American Telehealth Program at the University of North Dakota; and \$5,000,000 to help