

Sec. 8. Provides that the amendments made by Section 4 take effect on January 1 of the year following the date of enactment of the Act.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1812. A bill to repeat the provision of the September 11th Victim Compensation Fund of 2001 that requires the reduction of a claimant's compensation by the amount of any collateral source compensation payments the claimant is entitled to receive, and for other purposes; to the Committee on the Judiciary.

Mr. CORZINE. Madam President, today along with Senator TORRICELLI I am introducing legislation to ensure that the families who suffered tremendous losses in the terrorist attacks on September 11th receive the compensation they deserve and need to move forward with their lives. The bill would eliminate provisions in current law that reduce the compensation to which they are entitled because of contributions received from other sources.

New Jersey has been tragically affected by the terrorist attacks of September 11. This past weekend, I met with over 400 family members who lost a loved one on the 11th. These people are dealing with unimaginable pain, and many are struggling as they try to provide for the security of their families.

To obtain assistance, families are being forced to navigate through extensive paperwork burdens. They have filled out countless forms and made countless calls seeking answers about the benefits to which they are entitled. Yet many fear that, notwithstanding their efforts, they will be unable to secure the assistance that they need so badly.

The American people want to help these victims, and Congress has acted in an effort to make that happen. Soon after September 11, as part of broader legislation to support the airline industry, Congress established a fund to compensate the victims of the attacks, the September 11 Victim Compensation Fund.

Under that legislation, victims and their families can choose to seek compensation from the Fund, in return for relinquishing their right to file suit against an airline. Those victims who opt-in are eligible for full economic and non-economic damages, but not punitive damages. The amount of compensation will be determined by a Special Master, Kenneth Feinberg.

The purpose of the Fund is to ensure that victims are fully compensated without having to go to court, a process that could take many years for families who urgently need assistance. I support this goal. Unfortunately, in our desire to both aid the industry by limiting their liability and to provide compensation to the victims and their families, we rushed the legislation to enactment without sufficient consideration of how the Fund would operate.

As a result, the law contains a glaring flaw. It includes a "collateral

source" rule, which requires the Special Master to deduct the amount of life insurance and pension payments from the amount of compensation that would otherwise be available to victims and families under the Fund. This rule, in my view, is a serious mistake, and threatens to deny needed compensation for many of these victims.

It is wrong to treat victims of the disaster on September 11 any differently. Reducing their awards not only harms these families, it also runs counter to the goals of the original legislation. After all, if families cannot obtain the compensation they need through the Victims Compensation Fund, some of them will be forced to go straight to court. That will delay the compensation they need, and subject airlines to costs and liability that Congress sought to protect them against.

I would note, that in addition to repealing the collateral source rule, my legislation makes clear that charitable donations should not be considered collateral sources and should not count against compensation awarded under the Fund. This not only ensures that families get the compensation they need, but it ensures that those who have made charitable contributions are not treated unfairly. After all, those who have generously sent checks to charitable organizations did not think that their contributions would reduce Federal compensation. In effect, such a reduction would be a tax on people who have contributed their own funds in an effort to help. In addition, without such a clarification, charities may withhold funds for victims until after they recover from the fund, in order to avoid an offset.

Recovery under the Victims' Compensation Fund is not the only relief that these grieving families need. Although charities have provided some assistance to families over the past three months, that funding has only been a stopgap measure. These families need immediate tax relief. I am pleased that just before Thanksgiving the Senate passed a comprehensive victims' tax relief bill, but unfortunately the House has only passed a more narrow version of the legislation.

These families need immediate relief so that they can plan and provide for their families. They need: a waiver of federal income tax liability for this year and last year; payroll tax relief—this is particularly important to low-wage workers, who are less likely to benefit from the waiver of income tax liability, and are also less likely to have left their families with life insurance and pensions; reduced estate taxes; exclusion of survivor, disability and emergency relief benefits from taxation; and finally, we need to make it easier for charitable organizations to make disaster relief payments to help victims and their families with both short-term and long-term needs, such as scholarships for victims' children.

Many of these proposals are based on provisions in current law that provide

tax relief to soldiers who die in combat and government employees who die in terrorist attacks outside the United States. Extending these provisions to the victims of the terrorist attacks is appropriate because the attacks of September 11 were attacks on our entire nation.

Last week some families came down here to meet with the New Jersey delegation and House and Senate leadership to plead for immediate assistance, so that they can pay their mortgages, keep children in school, and keep their heads above water. They made their case powerfully and effectively, and we in Congress must not let them down.

I urge my colleagues to stand up for these victims and support my legislation. I asks unanimous consent the text of the bill be printed in the RECORD.

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

S. 1812

*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 "September 11th Victim Compensation Fund Fairness Act".

**SEC. 2. REPEAL OF COLLATERAL COMPENSATION PROVISION.**

(a) REPEAL OF COLLATERAL COMPENSATION PROVISION.—Section 405(b)(6) of the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note) is hereby repealed.

(b) APPLICATION OF THE SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.—The compensation program established under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note) shall be administered as if section 405(b)(6) of that Act had not been enacted.

**SEC. 3. AMENDMENT OF COLLATERAL SOURCE DEFINITION.**

Paragraph (6) of section 402 of the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following: "The term 'collateral source' does not include payments or other assistance received from a nonprofit organization, if such organization is described in paragraph (3) or (4) of section 501(c) of the Internal Revenue Code of 1986 and is exempt from tax under section 501(a) of such Code."

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2481. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table.

SA 2482. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2483. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1650, to amend the Public Health Service Act to change provisions regarding emergencies; which was referred to

the Committee on Health, Education, Labor, and Pensions.

SA 2484. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1765, to improve the ability of the United States to prepare for and respond to a biological threat or attack; which was ordered to lie on the table.

SA 2485. Mr. TORRICELLI (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table.

SA 2486. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2487. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2488. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2489. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2490. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2491. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2492. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. INOUE, Mr. BAUCUS, Mr. WELLSTONE, and Mr. DASCHLE) submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2493. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. INOUE, Mr. BAUCUS, Mr. WELLSTONE, and Mr. DASCHLE) submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2494. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2495. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2496. Mr. SANTORUM (for himself, Mr. DURBIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2497. Mr. SMITH, of Oregon submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2498. Mr. SMITH, of Oregon submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2499. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2500. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2501. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2502. Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BURNS, Mr. CRAPO, Mrs. HUTCHISON, Mr. ENZI, Mr. THOMAS, Mr. KYL, Mr. SMITH, of Oregon, Mr. HATCH, Mr. ALLARD, and Mr. CAMPBELL) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2503. Mr. REID (for Mr. KENNEDY (for himself, Mr. WARNER, Mr. FRIST, Mrs. CLINTON, Mr. WELLSTONE, Ms. COLLINS, Mrs. MURRAY, and Mr. DOMENICI)) proposed an amendment to the bill S. 1729, to provide assistance with respect to the mental health needs of individuals affected by the terrorist attacks of September 11, 2001.

SA 2504. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table.

SA 2505. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2506. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2507. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2508. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2509. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2510. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2511. Mr. DASCHLE (for himself and Mr. LUGAR) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2512. Mr. CRAIG (for himself and Mr. GREGG) proposed an amendment to amendment SA 2511 submitted by Mr. DASCHLE and intended to be proposed to the amendment SA 2471 proposed by Mr. DASCHLE to the bill (S. 1731) supra.

SA 2513. Mr. BOND (for himself, Mr. GRASSLEY, Mr. ENZI, Mr. HAGEL, and Mr. MILLER) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2514. Mr. SMITH, of Oregon submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2515. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 1499, An act to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 2481.** Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Homestead Preservation Act".

##### SEC. 2. MORTGAGE PAYMENT ASSISTANCE.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Labor (referred to in this section as the "Secretary") shall establish a program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be—

(A) an adversely affected worker who is receiving benefits under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); or

(B) an individual who would be an individual described in subparagraph (A) but who resides in a State that has not entered into an agreement under section 239 of such Act (19 U.S.C. 2311);

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and