

and for other purposes; which was ordered to lie on the table.

SA 2176. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2177. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2178. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2179. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2180. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2181. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2182. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2183. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2184. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2185. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2186. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2187. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2188. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2189. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2190. Mr. NICKLES submitted an amendment intended to be proposed to

amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2191. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2192. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2193. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2194. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2195. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2196. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2197. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2198. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2199. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2200. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2201. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2202. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2203. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2204. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2205. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2206. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2207. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2208. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2209. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2210. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2211. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2212. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2213. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 10, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2175. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 1, strike "10 most" and insert "5 most".

SA 2176. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, after line 16, insert the following:

SEC. 205. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE TAXES ON RAILROADS WHICH REMAIN IN GENERAL FUND.

(a) TAXES ON TRAINS.—

(1) IN GENERAL.—Subparagraph (A) of section 4041(a)(1) (relating to tax on diesel fuel in certain cases) is amended—

(A) by striking "or a diesel-powered train" in clauses (i) and (ii), and

(B) by striking "or train" in clause (i).

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 4041(a)(1) is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(B) Subparagraph (C) of section 4041(b)(1) is amended by striking all that follows "section 6421(e)(2)" and inserting a period.

(C) Subsection (d) of section 4041 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) DIESEL FUEL USED IN TRAINS.—There is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

"(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A).

No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081.”.

(D) Subsection (f) of section 4082 is amended by striking “section 4041(a)(1)” and inserting “subsections (d)(3) and (a)(1) of section 4041, respectively”.

(E) Paragraph (3) of section 4083(a) is amended by striking “or a diesel-powered train”.

(F) Paragraph (3) of section 6421(f) is amended to read as follows:

“(3) GASOLINE USED IN TRAINS.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081.”.

(G) Paragraph (3) of section 6427(f) is amended to read as follows:

“(3) REFUND OF CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—For purposes of this subsection, the term ‘nontaxable use’ includes fuel used in a diesel-powered train. The preceding sentence shall not apply to the tax imposed by section 4041(d) and the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 except with respect to fuel sold for exclusive use by a State or any political subdivision thereof.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SA 2177. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 105(c).

SA 2178. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 107(c)(1).

SA 2179. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, line 8, strike “transfer” and insert “transfer, but only if there was an on-budget surplus in the most recent fiscal year ending prior to such transfer”.

SA 2180. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 107, add the following:

(h) NO GENERAL REVENUE SPENDING TO PAY BENEFITS.—Beginning on the date that amounts are transferred to the National

Railroad Retirement Investment Trust pursuant to the amendments made by this section—

(1) no transfers from the general fund in the treasury may be used to pay benefits under the Railroad Retirement Act of 1974; and

(2) such benefits shall only be payable to the extent that sufficient funds exist in the appropriate accounts under such Act or the National Railroad Retirement Investment Trust to make such payments.

SA 2181. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—REPLACEMENT PENSION PLAN

SEC. 301. REPLACEMENT PENSION PLAN.

(a) IN GENERAL.—Notwithstanding any other provision of law, any employer (as defined in section 1(a)(1) of the Railroad Retirement Act of 1974), including the National Railroad Passenger Corporation, may enter into negotiations with employee representatives with respect to a new pension plan for its employees for the purpose of terminating coverage under such Act.

(b) CERTIFICATION OF PLAN.—If the plan described in subsection (a) is certified by the Secretary of Labor and the Secretary of the Treasury as a bona fide plan that meets the criteria of the Employee Retirement Income Security Act of 1974 for pension funds, then, notwithstanding any other provision of law, the individuals described in subsection (a) shall not longer be entitled to benefits under the Railroad Retirement Act of 1974.

(c) TECHNICAL AND CONFORMING CHANGES.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of the Treasury, as soon as practicable but in any event not later than 180 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Social Security Act, the Railroad Retirement Act of 1974, and the Internal Revenue Code of 1986 which are necessary to reflect throughout such Acts and Code the purposes of this section.

SA 2182. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 24 and 25, insert the following:

“(3) TREATMENT AS A MULTIEMPLOYER PENSION FUND.—For purposes of the Employee Retirement Income Security Act of 1974, the Trust shall be treated as a multiemployer plan (as defined in section 3(37) of such Act).

SA 2183. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pen-

sion reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102.

SA 2184. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—REPEAL OF GENERAL FUND SUBSIDY TO RAILROAD RETIREMENT ACCOUNT

SEC. 301. REPEAL OF GENERAL FUND SUBSIDY TO RAILROAD RETIREMENT ACCOUNT.

(a) REPEAL.—Subsection (c)(1)(A) of section 224 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231n note) is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect on the date that amounts are transferred to the National Railroad Retirement Investment Trust pursuant to the amendments made by section 107.

SA 2185. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Railroad Retirement and Survivors’ Improvement Act of 2001”.

SEC. 2. EXPANSION OF WIDOW’S AND WIDOWER’S BENEFITS.

(a) IN GENERAL.—Section 4(g) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(g)) is amended by adding at the end the following new subdivision:

“(10)(i) If for any month the unreduced annuity provided under this section for a widow or widower is less than the widow’s or widower’s initial minimum amount computed pursuant to paragraph (ii) of this subdivision, the unreduced annuity shall be increased to that initial minimum amount. For the purposes of this subdivision, the unreduced annuity is the annuity without regard to any deduction on account of work, without regard to any reduction for entitlement to an annuity under section 2(a)(1) of this Act, without regard to any reduction for entitlement to a benefit under title II of the Social Security Act, and without regard to any reduction for entitlement to a public service pension pursuant to section 202(e)(7), 202(f)(2), or 202(g)(4) of the Social Security Act.

“(ii) For the purposes of this subdivision, the widow or widower’s initial minimum amount is the amount of the unreduced annuity computed at the time an annuity is awarded to that widow or widower, except that—

“(A) in subsection (g)(1)(i) ‘100 per centum’ shall be substituted for ‘50 per centum’; and

“(B) in subsection (g)(2)(ii) ‘130 per centum’ shall be substituted for ‘80 per centum’ both places it appears.

“(iii) If a widow or widower who was previously entitled to a widow’s or widower’s

annuity under section 2(d)(1)(ii) of this Act becomes entitled to a widow's or widower's annuity under section 2(d)(1)(i) of this Act, a new initial minimum amount shall be computed at the time of award of the widow's or widower's annuity under section 2(d)(1)(i) of this Act."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect on the first day of the first month that begins more than 30 days after enactment, and shall apply to annuity amounts accruing for months after the effective date in the case of annuities awarded—

(A) on or after that date; and

(B) before that date, but only if the annuity amount under section 4(g) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(g)) was computed under such section, as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 357).

(2) SPECIAL RULE FOR ANNUITIES AWARDED BEFORE THE EFFECTIVE DATE.—In applying the amendment made by this section to annuities awarded before the effective date, the calculation of the initial minimum amount under new section 4(g)(10)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(g)(10)(ii)), as added by subsection (a), shall be made as of the date of the award of the widow's or widower's annuity.

SEC. 3. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE TAXES ON RAILROADS WHICH REMAIN IN GENERAL FUND.

(a) TAXES ON TRAINS.—

(1) IN GENERAL.—Subparagraph (A) of section 4041(a)(1) of the Internal Revenue Code of 1986 (relating to tax on diesel fuel in certain cases) is amended—

(A) by striking "or a diesel-powered train" in clauses (i) and (ii), and

(B) by striking "or train" in clause (i).

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 4041(a)(1) of such Code is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(B) Subparagraph (C) of section 4041(b)(1) of such Code is amended by striking all that follows "section 6421(e)(2)" and inserting a period.

(C) Subsection (d) of section 4041 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) DIESEL FUEL USED IN TRAINS.—There is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

"(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A). No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081."

(D) Subsection (f) of section 4082 of such Code is amended by striking "section 4041(a)(1)" and inserting "subsections (d)(3) and (a)(1) of section 4041, respectively".

(E) Paragraph (3) of section 4083(a) of such Code is amended by striking "or a diesel-powered train".

(F) Paragraph (3) of section 6421(f) of such Code is amended to read as follows:

"(3) GASOLINE USED IN TRAINS.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081."

(G) Paragraph (3) of section 6427(f) of such Code is amended to read as follows:

"(3) REFUND OF CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—For purposes of this subsection, the term 'nontaxable use' includes fuel used in a diesel-powered train. The preceding sentence shall not apply to the tax imposed by section 4041(d) and the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 except with respect to fuel sold for exclusive use by a State or any political subdivision thereof."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SA 2186. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FAIR AND EQUITABLE RESOLUTION OF LABOR INTEGRATION ISSUES.

(a) PURPOSE.—The purpose of this section is to require procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the disruption caused by the attack on the United States on September 11, 2001.

(b) DEFINITIONS.—In this Act:

(1) AIR CARRIER.—The term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) COVERED AIR CARRIER.—The term "covered air carrier" means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term "covered employee" means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term "covered transaction" means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

(c) SENIORITY INTEGRATION.—In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(d) ENFORCEMENT.—Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

SA 2187. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FAIR AND EQUITABLE RESOLUTION OF LABOR INTEGRATION ISSUES.

(a) PURPOSE.—The purpose of this section is to require procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the disruption caused by the attack on the United States on September 11, 2001.

(b) DEFINITIONS.—In this Act:

(1) AIR CARRIER.—The term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) COVERED AIR CARRIER.—The term "covered air carrier" means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term "covered employee" means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term "covered transaction" means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

(c) SENIORITY INTEGRATION.—In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(d) ENFORCEMENT.—Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

SA 2188. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ FAIR AND EQUITABLE RESOLUTION OF LABOR INTEGRATION ISSUES.

(a) PURPOSE.—The purpose of this section is to require procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the disruption caused by the attack on the United States on September 11, 2001.

(b) DEFINITIONS.—In this Act:

(1) AIR CARRIER.—The term “air carrier” means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) COVERED AIR CARRIER.—The term “covered air carrier” means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term “covered employee” means an employee who—

(A) is not a temporary employee; and
(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term “covered transaction” means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;
(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or
(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

(c) SENIORITY INTEGRATION.—In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(d) ENFORCEMENT.—Any aggrieved person (including any labor organization that represents

the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

SA 2189. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

“SEC. 2. Notwithstanding any other provision of this Act, the \$15,000,000,000 transfer authorized under section 107(a) shall not take effect unless the Secretary of the Treasury finds that no portion of the transferred funds are attributable to the surplus in Social Security.”.

SA 2190. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 204(d) and insert the following:

(d) DETERMINATION OF RATE.—Chapter 22 is amended by adding at the end the following new subchapter:

“Subchapter E—Tier 2 Tax Rate Determination

“Sec. 3241. Determination of tier 2 tax rate based on account benefits ratio.

“SEC. 3241. DETERMINATION OF TIER 2 TAX RATE BASED ON ACCOUNT BENEFITS RATIO.

“(a) IN GENERAL.—For purposes of sections 3201(b), 3211(b), and 3221(b), the applicable percentage for any calendar year is the percentage determined in accordance with the table in subsection (b).

“(b) TAX RATE SCHEDULE.—

Account benefits ratio	Applicable percentage for sections 3211(b) and 3221(b)		Applicable percentage for section 3201(b)
	At least	But less than	
2.5	2.5	22.1	4.9
3.0	3.0	18.1	4.9
3.0	3.5	15.1	4.9
3.5	4.0	14.1	4.9
4.0	6.1	13.1	4.9
6.1	6.5	12.6	4.4
6.5	7.0	12.1	3.9
7.0	7.5	11.6	3.4
7.5	8.0	11.1	2.9
8.0	8.5	10.1	1.9
8.5	9.0	9.1	0.9
9.0		8.2	0

“(c) ACCOUNT BENEFITS RATIO.—For purposes of this section, the term ‘account benefits ratio’ means, with respect to any calendar year, the amount determined by the Railroad Retirement Board by dividing the fair market value of the assets in the Railroad Retirement Account and of the National Railroad Retirement Investment Trust (and for years before 2002, the Social Security Equivalent Benefits Account) as of

the close of the most recent fiscal year ending before such calendar year by the total benefits and administrative expenses paid from the Railroad Retirement Account and the National Railroad Retirement Investment Trust during such fiscal year.

“(d) NOTICE.—No later than December 1 of each calendar year, the Secretary shall publish a notice in the Federal Register of the rates of tax determined under this section which are applicable for the following calendar year.”.

SA 2191. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

“SEC. 2. Notwithstanding any other provision of Act, the reduction in the retirement age authorized by section 102 shall not take effect until the Secretary of the Treasury finds that there has been a comparable reduction in the Social Security retirement age.”.

SA 2192. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

“SEC. 2. Notwithstanding any other provision of this Act, the \$15,000,000,000 transfer authorized under section 107(a) shall not take effect unless the Secretary of the Treasury finds that no portion of the transferred funds are attributable to the surplus in Social Security or in Medicare.”.

SA 2193. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

“SEC. 2. Notwithstanding any other provision of Act, the Board of Trustees created under section 105 shall invest the funds of the Trust only in a manner that maximizes return on investment, consistent with prudent risk management. Any railroad employee, retiree, survivor, or company may bring a civil action to enforce this section.”.

SA 2194. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

In the table on page 39, line 9, strike 22.1 and insert “such percentage as the Secretary determines is necessary to restore the average account benefit ratio to 2.5.”.

SA 2195. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike Sec. 107(c).

SA 2196. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

"SEC. 2. Notwithstanding any other provision of this Act, any reduction in tax or increase in benefits shall take effect only to the degree that the Secretary of the Treasury finds that the actual earnings of the Railroad Retirement Investment Trust Fund are sufficient to fund them."

SA 2197. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 105(c).

SA 2198. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

"SEC. 2. Notwithstanding any other provision of Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 10 percent as compared to the combined balances of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment assumption II as of the day before the date of enactment of this Act."

SA 2199. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

"SEC. 2. Notwithstanding any other provision of Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 20 percent as compared to the combined balances of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment as-

sumption II as of the day before the date of enactment of this Act."

SA 2200. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

"SEC. 2. Notwithstanding any other provision of Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 40 percent as compared to the combined balances of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment assumption II as of the day before the date of enactment of this Act."

SA 2201. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

"SEC. 2. Notwithstanding any other provision of Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 75 percent as compared to the combined balance of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment assumption II as of the day before the date of enacting of this Act."

SA 2202. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 105(c).

SA 2203. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EFFECTIVE DATE REQUIRES BALANCED BUDGET.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect on the first day of the first fiscal year with respect to a budget that follows the year when an actual on-budget surplus that exceeds amounts in the Medicare trust funds has been achieved..

SA 2204. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EFFECTIVE DATE REQUIRES BALANCED BUDGET.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect on the first day of the first fiscal year with respect to which the President submits a budget pursuant to section 1105 of title 31, United States Code, that provides an on-budget surplus that exceeds amounts in the Medicare trust funds.

SA 2205. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EFFECTIVE DATE REQUIRES BALANCED BUDGET.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect on the first day of the first fiscal year with respect to which the President submits a budget pursuant to section 1105 of title 31, United States Code, that provides an on-budget surplus.

SA 2206. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EFFECTIVE DATE REQUIRES BALANCED BUDGET.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect on the first day of the first fiscal year with respect to which the President submits a budget pursuant to section 1105 of title 31, United States Code, that provide a unified budget surplus.

SA 2207. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following.

SEC. . SENSE OF THE SENATE REGARDING ACCELERATION OF RAIL TO WASHINGTON DULLES INTERNATIONAL AIRPORT.

(a.) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should—

(1) Act expeditiously to facilitate the extension of rail service to Washington Dulles International Airport.

(2) Encourage the Administrator of the Federal Transit Administration to work with the Commonwealth of Virginia, Northern Virginia municipalities, and the Metropolitan Washington Area Transit Authority to develop and implement a financing plan for the Dulles Corridor rail transit project.

SA 2208. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, 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 “Terrorist Response Tax Exemption Act”.

SEC. 2 EXCLUSION OF CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to * * *

“(A) were dangerous to human life and a violation of the criminal laws of the United States or of any State, and

“(B) would appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation, or affect the conduct of a government by assassination or kidnapping.

“(3) COMPENSATION.—The term ‘compensation’ does not include pensions and retirement pay.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 3401(a)(1) of the Internal Revenue Code of 1986 is amended by inserting “or section 112A (relating to certain terrorist attack zone compensation of civilian uniformed personnel)” after “United States”).

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 112 the following new item:

“Sec. 112A. Certain terrorist attack zone compensation of civilian uniformed personnel.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SA 2209. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following.

SEC. . SENSE OF THE SENATE REGARDING ACCELERATION OF RAIL TO WASHINGTON DULLES INTERNATIONAL AIRPORT.

(a.) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should—

(1) Act expeditiously to facilitate the extension of rail service to Washington Dulles International Airport.

(2) Encourage the Administrator of the Federal Transit Administration to work with the Commonwealth of Virginia, Northern Virginia municipalities, and the Metropolitan Washington Area Transit Authority to develop and implement a financing plan for the Dulles Corridor rapid transit project.

SA 2210. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. NATIONAL EMERGENCY GRANTS.

In section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(4)), add after (3):

(4) to provide assistance to the Governor to provide personal income compensation to an unemployed worker, if—

(A) the worker is unable to work due to direct Federal Government intervention, as a result of a direct response to the terrorist attacks which occurred on September 11th, 2001, leading to—

(i) closure of the facility at which the worker was employed, prior to the intervention; or

(ii) a restriction on how business may be conducted at the facility; and

(B) the facility is located within an area, which not later than October 1, 2001, was declared a major disaster area or an emergency by the President, pursuant to section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Relief Act (42 U.S.C. 5170 and 5191), due to a terrorist attack on the United States on September 11, 2001.

(5) to provide assistance to the Governor to provide business income compensation to an independently owned business or proprietorship if—

(A) the business or proprietorship is unable to earn revenue due to direct Federal intervention, as a result of a direct response to the terrorist attacks which occurred on September 11th, 2001, leading to—

(i) closure of the facility at which the business or proprietorship was located, prior to the intervention; or

(ii) a restriction on how customers may access the facility; and

(B) the facility is located within an area, which not later than October 1, 2001, was declared a major disaster area or an emergency by the President, pursuant to section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Relief Act (42 U.S.C. 5170 and 5191), due to a terrorist attack on the United States on September 11, 2001.

SA 2211. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension, reform, and for other purposes; which was ordered to lie on the table; as follows:

Insert the following.

SECTION . SHORT TITLE.

This Act may be cited as the “Terrorist Response Tax Exemption Act”.

SEC. . EXCLUSION OF CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 112 the following new section:

“SEC. 112A. CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

“(a) IN GENERAL.—Gross income does not include compensation received by a civilian uniformed employee for any month during any part of which such employee provides security, safety, fire management, or medical services in a terrorist attack zone.

“(b) DEFINITIONS.—For purposes of this section—

“(1) CIVILIAN UNIFORMED EMPLOYEE.—The term ‘civilian uniformed employee’ means any nonmilitary individual employed by a Federal, State, or local government (or any agency or instrumentality thereof) for the purpose of maintaining public order, establishing and maintaining public safety, or responding to medical emergencies.

“(2) TERRORIST ATTACK ZONE.—The term ‘terrorist attack zone’ means any area designated by the President or any applicable

State or local authority (as determined by the Secretary) to be an area in which occurred a violent act or acts which—

“(A) were dangerous to human life and a violation of the criminal laws of the United States or of any State, and

“(B) would appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation, or affect the conduct of a government by assassination or kidnapping.

“(3) COMPENSATION.—The term ‘compensation’ does not include pensions and retirement pay.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 3401(a)(1) of the Internal Revenue Code of 1986 is amended by inserting “or section 112A (relating to certain terrorist attack zone compensation of civilian uniformed personnel)” after “United States”).

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 112 the following new item:

“Sec. 112A. Certain terrorist attack zone compensation of civilian uniformed personnel.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SA 2212. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL EMERGENCY GRANTS

In section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(4)), add after (3):

(4) to provide assistance to the Governor to provide personal income compensation to an unemployed worker, if—

(A) the worker is unable to work due to direct Federal Government intervention, as a result of a direct response to the terrorist attacks which occurred on September 11, 2001, leading to—

(i) closure of the facility at which the worker was employed, prior to the intervention; or

(ii) a restriction on how business may be conducted at the facility; and

(B) the facility is located within an area, which not later than October 1, 2001, was declared a major disaster area or an emergency by the President, pursuant to section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Relief Act (42 U.S.C. 5170 and 5191), due to a terrorist attack on the United States on September 11, 2001.

(5) to provide assistance to the Governor to provide business income compensation to an independently owned business or proprietorship if—

(A) the business or proprietorship is unable to earn revenue due to direct Federal intervention, as a result of a direct response to the terrorist attacks which occurred on September 11, 2001, leading to—

(i) closure of the facility at which the business or proprietorship was located, prior to the intervention; or

(ii) a restriction on how customers may access the facility; and

(B) the facility is located within an area, which not later than October 1, 2001, was declared a major disaster area or an emergency by the President, pursuant to section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Relief Act (42 U.S.C. 5170 and 5191), due to a terrorist attack on the United States on September 11, 2001.

SA 2213. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—HUMAN CLONING PROHIBITION

SEC. 01. SHORT TITLE.

This title may be cited as the "Human Cloning Prohibition Act of 2001".

SEC. 02. FINDINGS.

Congress finds that—

(1) the National Bioethics Advisory Commission (referred to in this title as the "NBAC") has reviewed the scientific and ethical implications of human cloning and has determined that the cloning of human beings is morally unacceptable;

(2) the NBAC recommended that Federal legislation be enacted to prohibit anyone from conducting or attempting human cloning, whether using Federal or non-Federal funds;

(3) the NBAC also recommended that the United States cooperate with other countries to enforce mutually supported prohibitions on human cloning;

(4) the NBAC found that somatic cell nuclear transfer (also known as nuclear transplantation) may have many important applications in medical research;

(5) the Institute of Medicine has found that nuclear transplantation may enable stem cells to be developed in a manner that will permit such cells to be transplanted into a patient without being rejected;

(6) the NBAC concluded that any regulatory or legislative actions undertaken to prohibit human cloning should be carefully written so as not to interfere with other important areas of research, such as stem cell research; and

(7)(A) biomedical research and clinical facilities engage in and affect interstate commerce;

(B) the services provided by clinical facilities move in interstate commerce;

(C) patients travel regularly across State lines in order to access clinical facilities; and

(D) biomedical research and clinical facilities engage scientists, doctors, and other staff in an interstate market, and contract for research and purchase medical and other supplies in an interstate market.

SEC. 03. PURPOSES.

It is the purpose of this title to prohibit any attempt to clone a human being while protecting important areas of medical research, including stem cell research.

SEC. 04. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—PROHIBITION ON HUMAN CLONING

"Sec.

"301. Prohibition on human cloning.

"§ 301. Prohibition on human cloning

"(a) DEFINITIONS.—In this section:

"(1) HUMAN CLONING.—The term 'human cloning' means asexual reproduction by implanting or attempting to implant the product of nuclear transplantation into a uterus.

"(2) HUMAN SOMATIC CELL.—The term 'human somatic cell' means a mature, diploid cell that is obtained or derived from a living or deceased human being at any stage of development.

"(3) NUCLEAR TRANSPLANTATION.—The term 'nuclear transplantation' means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

"(4) NUCLEUS.—The term 'nucleus' means the cell structure that houses the chromosomes, and thus the genes.

"(5) OOCYTE.—The term 'oocyte' means the female germ cell, the egg.

"(b) PROHIBITIONS ON HUMAN CLONING.—It shall be unlawful for any person or other legal entity, public or private—

"(1) to conduct or attempt to conduct human cloning;

"(2) to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning in the United States or elsewhere; or

"(3) to use funds made available under any provision of Federal law for an activity prohibited under paragraph (1) or (2).

"(c) PROTECTION OF MEDICAL RESEARCH.—Nothing in this section shall be construed to restrict areas of biomedical and agricultural research or practices not expressly prohibited in this section, including research or practices that involve the use—

"(1) nuclear transplantation to produce human stem cells;

"(2) techniques to create exact duplicates of molecules, DNA, cells, and tissues;

"(3) mitochondrial, cytoplasmic or gene therapy; or

"(4) nuclear transplantation techniques to create nonhuman animals.

"(d) PENALTIES.—

"(1) IN GENERAL.—Whoever intentionally violates any provision of subsection (b) shall be fined under this title and imprisoned not more than 10 years.

"(2) CIVIL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be subject to a civil penalty of \$1,000,000 or three times the gross pecuniary gain resulting from the violation, whichever is greater.

"(3) CIVIL ACTIONS.—If a person is violating or about to violate the provisions of subsection (b), the Attorney General may commence a civil action in an appropriate Federal district court to enjoin such violation.

"(4) FORFEITURE.—Any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of subsection (b), or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 46 of title 18, United States Code.

"(5) ADVISORY OPINIONS.—The Attorney General shall, upon request, render binding advisory opinions regarding the scope, applicability, interpretation, and enforcement of this section with regard to specific research projects or practices.

"(e) COOPERATION WITH FOREIGN COUNTRIES.—It is the sense of Congress that the President should cooperate with foreign countries to enforce mutually supported restrictions on the activities prohibited under subsection (b).

"(f) RIGHT OF ACTION.—Nothing in this section shall be construed to give any individual or person a private right of action.

"(g) PREEMPTION OF STATE LAW.—The provisions of this section shall preempt any State or local law that prohibits or restricts research regarding, or practices constituting, nuclear transplantation, mitochondrial or cytoplasmic therapy, or the cloning of molecules, DNA, cells, tissues, organs, plants, animals, or humans."

(b) ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH.—Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by adding at the end the following:

"SEC. 498C. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH.

"(a) DEFINITIONS.—In this section:

"(1) HUMAN SOMATIC CELL.—The term 'human somatic cell' means a mature, diploid cell that is obtained or derived from a living or deceased human being at any stage of development.

"(2) NUCLEAR TRANSPLANTATION.—The term 'nuclear transplantation' means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

"(3) NUCLEUS.—The term 'nucleus' means the cell structure that houses the chromosomes, and thus the genes.

"(4) OOCYTE.—The term 'oocyte' means the female germ cell, the egg.

"(b) APPLICABILITY OF FEDERAL ETHICAL STANDARDS TO NUCLEAR TRANSPLANTATION RESEARCH.—Research involving nuclear transplantation shall be conducted in accordance with the applicable provisions of part 46 of title 45, Code of Federal Regulations (as in effect on the date of enactment of the Human Cloning Prohibition Act of 2001).

"(c) CIVIL PENALTIES.—Whoever intentionally violates subsection (b) shall be subject to a civil penalty of not more than \$250,000.

"(d) ENFORCEMENT.—The Secretary of Health and Human Services shall have the exclusive authority to enforce this section."

AGRICULTURAL, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—Motion To Proceed

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 237, S. 1731, the farm bill.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 237, S. 1731, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 237, S. 1731, the farm bill: