

In the House of Representatives, U. S.,

December 8, 2006.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 6111) entitled “An Act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending”, with the following

HOUSE AMENDMENTS TO SENATE AMENDMENT:

In lieu of the matter stricken by the amendment of the Senate, strike out all after the enacting clause of the House engrossed bill, and insert the following:

1 ***SECTION 1. SHORT TITLE, ETC.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Tax*
3 *Relief and Health Care Act of 2006”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *this Act is as follows:*

Sec. 1. Short title, etc.

***DIVISION A—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF
PROVISIONS, AND OTHER TAX PROVISIONS***

Sec. 100. Reference.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN PROVISIONS

Sec. 101. Deduction for qualified tuition and related expenses.

Sec. 102. Extension and modification of new markets tax credit.

Sec. 103. Election to deduct State and local general sales taxes.

Sec. 104. Extension and modification of research credit.

- Sec. 105. Work opportunity tax credit and welfare-to-work credit.*
- Sec. 106. Election to include combat pay as earned income for purposes of earned income credit.*
- Sec. 107. Extension and modification of qualified zone academy bonds.*
- Sec. 108. Above-the-line deduction for certain expenses of elementary and secondary school teachers.*
- Sec. 109. Extension and expansion of expensing of brownfields remediation costs.*
- Sec. 110. Tax incentives for investment in the District of Columbia.*
- Sec. 111. Indian employment tax credit.*
- Sec. 112. Accelerated depreciation for business property on Indian reservations.*
- Sec. 113. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.*
- Sec. 114. Cover over of tax on distilled spirits.*
- Sec. 115. Parity in application of certain limits to mental health benefits.*
- Sec. 116. Corporate donations of scientific property used for research and of computer technology and equipment.*
- Sec. 117. Availability of medical savings accounts.*
- Sec. 118. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.*
- Sec. 119. American Samoa economic development credit.*
- Sec. 120. Extension of bonus depreciation for certain qualified Gulf Opportunity Zone property.*
- Sec. 121. Authority for undercover operations.*
- Sec. 122. Disclosures of certain tax return information.*
- Sec. 123. Special rule for elections under expired provisions.*

TITLE II—ENERGY TAX PROVISIONS

- Sec. 201. Credit for electricity produced from certain renewable resources.*
- Sec. 202. Credit to holders of clean renewable energy bonds.*
- Sec. 203. Performance standards for sulfur dioxide removal in advanced coal-based generation technology units designed to use subbituminous coal.*
- Sec. 204. Deduction for energy efficient commercial buildings.*
- Sec. 205. Credit for new energy efficient homes.*
- Sec. 206. Credit for residential energy efficient property.*
- Sec. 207. Energy credit.*
- Sec. 208. Special rule for qualified methanol or ethanol fuel.*
- Sec. 209. Special depreciation allowance for cellulosic biomass ethanol plant property.*
- Sec. 210. Expenditures permitted from the Leaking Underground Storage Tank Trust Fund.*
- Sec. 211. Treatment of coke and coke gas.*

TITLE III—HEALTH SAVINGS ACCOUNTS

- Sec. 301. Short title.*
- Sec. 302. FSA and HRA terminations to fund HSAs.*
- Sec. 303. Repeal of annual deductible limitation on HSA contributions.*
- Sec. 304. Modification of cost-of-living adjustment.*
- Sec. 305. Contribution limitation not reduced for part-year coverage.*
- Sec. 306. Exception to requirement for employers to make comparable health savings account contributions.*
- Sec. 307. One-time distribution from individual retirement plans to fund HSAs.*

TITLE IV—OTHER PROVISIONS

- Sec. 401. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.*
- Sec. 402. Credit for prior year minimum tax liability made refundable after period of years.*
- Sec. 403. Returns required in connection with certain options.*
- Sec. 404. Partial expensing for advanced mine safety equipment.*
- Sec. 405. Mine rescue team training tax credit.*
- Sec. 406. Whistleblower reforms.*
- Sec. 407. Frivolous tax submissions.*
- Sec. 408. Addition of meningococcal and human papillomavirus vaccines to list of taxable vaccines.*
- Sec. 409. Clarification of taxation of certain settlement funds made permanent.*
- Sec. 410. Modification of active business definition under section 355 made permanent.*
- Sec. 411. Revision of State veterans limit made permanent.*
- Sec. 412. Capital gains treatment for certain self-created musical works made permanent.*
- Sec. 413. Reduction in minimum vessel tonnage which qualifies for tonnage tax made permanent.*
- Sec. 414. Modification of special arbitrage rule for certain funds made permanent.*
- Sec. 415. Great Lakes domestic shipping to not disqualify vessel from tonnage tax.*
- Sec. 416. Use of qualified mortgage bonds to finance residences for veterans without regard to first-time homebuyer requirement.*
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- Sec. 420. Modification of refunds for kerosene used in aviation.*
- Sec. 421. Regional income tax agencies treated as States for purposes of confidentiality and disclosure requirements.*
- Sec. 422. Designation of wines by semi-generic names.*
- Sec. 423. Modification of railroad track maintenance credit.*
- Sec. 424. Modification of excise tax on unrelated business taxable income of charitable remainder trusts.*
- Sec. 425. Loans to qualified continuing care facilities made permanent.*
- Sec. 426. Technical corrections.*

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- Sec. 101. Physician payment and quality improvement.*
- Sec. 102. Extension of floor on Medicare work geographic adjustment.*
- Sec. 103. Update to the composite rate component of the basic case-mix adjusted prospective payment system for dialysis services.*
- Sec. 104. Extension of treatment of certain physician pathology services under Medicare.*

- Sec. 105. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.*
- Sec. 106. Hospital Medicare reports and clarifications.*
- Sec. 107. Payment for brachytherapy.*
- Sec. 108. Payment process under the competitive acquisition program (CAP).*
- Sec. 109. Quality reporting for hospital outpatient services and ambulatory surgical center services.*
- Sec. 110. Reporting of anemia quality indicators for Medicare part B cancer anti-anemia drugs.*
- Sec. 111. Clarification of hospice satellite designation.*

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- Sec. 104. Moratorium on oil and gas leasing in certain areas of Gulf of Mexico.*
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Sec. 355. Silver State off-highway vehicle trail.

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- Sec. 1334. *Bispyribac-sodium*.
- Sec. 1335. *Dinotefuran*.
- Sec. 1336. *Etoxazole*.
- Sec. 1337. *Bioallethrin*.
- Sec. 1338. *S-Bioallethrin*.
- Sec. 1339. *Tetramethrin*.
- Sec. 1340. *Tralomethrin*.
- Sec. 1341. *Flumiclorac-pentyl*.

- Sec. 1342. *1-Propene-2-methyl homopolymer.*
- Sec. 1343. *Acronal-S-600.*
- Sec. 1344. *Lucirin TPO.*
- Sec. 1345. *Sokalan PG IME.*
- Sec. 1346. *Lycopene 10 percent.*
- Sec. 1347. *Mixtures of CAS Nos. 181274-15-7 and 208465-21-8.*
- Sec. 1348. *2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)-1-propanone.*
- Sec. 1349. *1,6-Hexanediamine, N,N- bis(2,2,6,6-tetramethyl-4-piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with n-butyl-1-butanamine and N-butyl- 2,2,6,6-tetramethyl-4-piperidinamine.*
- Sec. 1350. *Vat Black 25.*
- Sec. 1351. *Acid Orange 162.*
- Sec. 1352. *Methyl salicylate.*
- Sec. 1353. *1,2-Octanediol.*
- Sec. 1354. *Menthone glycerin acetal.*
- Sec. 1355. *Pontamine Green 2b.*
- Sec. 1356. *Bayderm bottom 10 UD.*
- Sec. 1357. *Bayderm finish DLH.*
- Sec. 1358. *Levagard DMPP.*
- Sec. 1359. *Bayderm bottom DLV.*
- Sec. 1360. *Certain ethylene-vinyl acetate copolymers.*
- Sec. 1361. *Cyazofamid.*
- Sec. 1362. *Flonicamid.*
- Sec. 1363. *Zeta-cypermethrin.*
- Sec. 1364. *2-Ethylhexyl 4-methoxycinnamate.*
- Sec. 1365. *Certain flame retardant plasticizers.*
- Sec. 1366. *Baypure DS.*
- Sec. 1367. *Bayowet C4.*
- Sec. 1368. *Certain bicycle parts.*
- Sec. 1369. *Other cycles.*
- Sec. 1370. *Certain bicycle parts.*
- Sec. 1371. *Certain bicycle parts.*
- Sec. 1372. *(2-Chloroethyl)phosphonic acid (Ethephon).*
- Sec. 1373. *Preparations containing, 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexene-1-one (Clethodim).*
- Sec. 1374. *Urea, polymer with formaldehyde (pergopak).*
- Sec. 1375. *Ortho nitroaniline.*
- Sec. 1376. *2,2 -(2,5-thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole).*
- Sec. 1377. *Certain chemicals and chemical mixtures.*
- Sec. 1378. *Acid Red 414.*
- Sec. 1379. *Solvent Yellow 163.*
- Sec. 1380. *4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt.*
- Sec. 1381. *Reactive Red 123.*
- Sec. 1382. *Reactive Blue 250.*
- Sec. 1383. *Reactive Black 5.*
- Sec. 1384. *5-[(2-Cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile.*
- Sec. 1385. *Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]-acetic acid, pentyl ester.*

- Sec. 1386. [(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]]]bisbenzenesulfonic acid, disodium salt.
- Sec. 1387. [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b']difuran-3-yl)phenoxy]-acetic acid, 2-ethoxyethyl ester.
- Sec. 1388. 3-Phenyl-7-(4-propoxyphenyl)-benzo[1,2-b:4,5-b']difuran-2,6-dione.
- Sec. 1389. 2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt.
- Sec. 1390. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt.
- Sec. 1391. 7-[[2-[(Aminocarbonyl)amino]-4-[[4-[[2-[[4-[[3-[(aminocarbonyl)amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt.
- Sec. 1392. 4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt.
- Sec. 1393. [4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b']difuran-3-yl]phenoxy]-acetic acid, 2-ethoxyethyl ester.
- Sec. 1394. Basic Yellow 40 chloride based.
- Sec. 1395. Direct Yellow 119.
- Sec. 1396. Naugard 412s.
- Sec. 1397. Triacetoneamine.
- Sec. 1398. Ipconazole.
- Sec. 1399. Omite tech.
- Sec. 1400. Pantera technical.
- Sec. 1401. p-Toluenesulfonyl chloride.
- Sec. 1402. Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide.
- Sec. 1403. p-Aminobenzamide (4-aminobenzamide).
- Sec. 1404. p-Chloroaniline.
- Sec. 1405. 4-Chloro-2-nitroaniline.
- Sec. 1406. o-Chloro-p-toluidine (3-chloro-4-methylaniline).
- Sec. 1407. 2-Chloroacetoacetanilide.
- Sec. 1408. p-Acetoacetanisidide.
- Sec. 1409. 1-Hydroxy-2-naphthoic acid.
- Sec. 1410. Pigment Green 7 crude, not ready for use as a pigment.
- Sec. 1411. 1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione).
- Sec. 1412. Diisopropyl succinate.
- Sec. 1413. 2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol.
- Sec. 1414. Direct Black 22.
- Sec. 1415. Methylene bis-benzotriazolyl tetramethylbutylphenol.
- Sec. 1416. Bis-ethylhexyloxyphenol methoxyphenol triazine.
- Sec. 1417. Reactive Orange 132.
- Sec. 1418. Acid Black 244.
- Sec. 1419. Certain cores used in remanufacture.
- Sec. 1420. ADTP.
- Sec. 1421. DCBTF.
- Sec. 1422. Noviflumuron.
- Sec. 1423. Parachlorobenzotrifluoride.
- Sec. 1424. Mixtures of insecticide.
- Sec. 1425. Mixture of fungicide.

- Sec. 1426. *1,2-Benzisothiazol-3(2H)-one.*
- Sec. 1427. *Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6CI) beads with low ash.*
- Sec. 1428. *Mixtures of fungicide.*
- Sec. 1429. *2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt.*
- Sec. 1430. *Charge control agent 7.*
- Sec. 1431. *Pro-jet Black 820 liquid feed.*
- Sec. 1432. *Pro-jet Magenta M700.*
- Sec. 1433. *Pro-jet Fast Black 287 NA liquid feed.*
- Sec. 1434. *Pro-jet Fast Black 286 stage.*
- Sec. 1435. *Pro-jet Cyan 485 stage.*
- Sec. 1436. *Pro-jet Black 661 liquid feed.*
- Sec. 1437. *Pro-jet Black Cyan 854 liquid feed.*
- Sec. 1438. *Erasers.*
- Sec. 1439. *Artificial flowers.*
- Sec. 1440. *Suspension system stabilizer bars.*
- Sec. 1441. *Rattan webbing.*
- Sec. 1442. *Tractor body parts.*
- Sec. 1443. *AC electric motors of an output exceeding 74.6 W but not exceeding 85 W.*
- Sec. 1444. *AC electric motors of an output exceeding 74.6 W but not exceeding 105 W.*
- Sec. 1445. *AC electric motors of an output exceeding 74.6 W but not exceeding 95 W.*
- Sec. 1446. *Certain AC electric motors.*
- Sec. 1447. *Viscose rayon yarn.*
- Sec. 1448. *Certain twisted yarn of viscose rayon.*
- Sec. 1449. *Allyl ureido monomer.*
- Sec. 1450. *Synthetic elastic staple fiber.*
- Sec. 1451. *Certain fiberglass sheets.*
- Sec. 1452. *Halophosphor calcium diphosphate.*
- Sec. 1453. *Certain rayon staple fibers.*
- Sec. 1454. *Synthetic quartz or fused silica photomask substrates.*
- Sec. 1455. *Certain integrated machines for manufacturing pneumatic tires.*
- Sec. 1456. *Tramway cars.*
- Sec. 1457. *Certain artificial filament single yarn (other than sewingthread).*
- Sec. 1458. *Certain electrical transformers rated at 25VA.*
- Sec. 1459. *Certain electrical transformers rated at 40VA.*

CHAPTER 2—REDUCTIONS

- Sec. 1461. *Floor coverings and mats of vulcanized rubber.*
- Sec. 1462. *Manicure and pedicure sets.*
- Sec. 1463. *Nitrocellulose.*
- Sec. 1464. *Sulfentrazone technical.*
- Sec. 1465. *Clock radio combos.*
- Sec. 1466. *Thiamethoxam technical.*
- Sec. 1467. *Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning.*
- Sec. 1468. *Certain men's footwear covering the ankle with coated or laminated textile fabrics.*
- Sec. 1469. *Certain footwear not covering the ankle with coated or laminated textile fabrics.*
- Sec. 1470. *Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning.*

- Sec. 1471. *Certain women's footwear.*
- Sec. 1472. *Numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material.*
- Sec. 1473. *Tetrakis.*
- Sec. 1474. *Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer.*
- Sec. 1475. *Diethyl ketone.*
- Sec. 1476. *Acephate.*
- Sec. 1477. *Flumioxazin.*
- Sec. 1478. *Garenoxacin mesylate.*
- Sec. 1479. *Butylated hydroxyethylbenzene.*
- Sec. 1480. *Certain automotive catalytic converter mats.*
- Sec. 1481. *3,3'-Dichlorobenzidine dihydrochloride.*
- Sec. 1482. *TMC114.*
- Sec. 1483. *Biaxially oriented polypropylene dielectric film.*
- Sec. 1484. *Biaxially oriented polyethylene terephthalate dielectric film.*
- Sec. 1485. *Certain bicycle parts.*
- Sec. 1486. *Certain bicycle parts.*
- Sec. 1487. *Bifenthrin.*
- Sec. 1488. *Reduced Vat 1.*
- Sec. 1489. *4-Chlorobenzonitrile.*
- Sec. 1490. *Nail clippers and nail files.*
- Sec. 1491. *Electric automatic shower cleaners.*
- Sec. 1492. *Mesotrione technical.*
- Sec. 1493. *Certain crank-gear and other bicycle parts.*

Subtitle B—Existing Suspensions and Reductions

- Sec. 1501. *Extensions of existing suspensions and other modifications.*

Subtitle C—Effective Date

- Sec. 1511. *Effective date.*

TITLE II—RELIQUIDATIONS

- Sec. 2001. *Reliquidation of certain entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania.*
- Sec. 2002. *Certain entries of pasta.*
- Sec. 2003. *Clarification of reliquidation provision.*
- Sec. 2004. *Reliquidation of certain drawback claim.*
- Sec. 2005. *Payment of interest on amounts owed pursuant to reliquidation of certain entries.*

TITLE III—TECHNICAL CORRECTIONS AND OTHER PROVISIONS

Subtitle A—Technical corrections

- Sec. 3001. *Amendments to the HTS.*
- Sec. 3002. *Technical correction to the Tariff Act of 1930.*
- Sec. 3003. *Amendments to the Pension Protection Act of 2006.*
- Sec. 3004. *NMSBA.*
- Sec. 3005. *Certain monochrome glass envelopes.*
- Sec. 3006. *Flexible magnets and composite goods containing flexible magnets.*
- Sec. 3007. *Cellar treatment of wine.*

Subtitle B—Other Provisions

Sec. 3011. Consideration of certain civil actions delayed because of the terrorist attacks of September 11, 2001.

Sec. 3012. Effective date of modifications to the Harmonized Tariff Schedule.

TITLE IV—EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF VIETNAM

Sec. 4001. Findings.

Sec. 4002. Termination of application of title IV of the Trade Act of 1974 to Vietnam.

Sec. 4003. Procedure for determining prohibited subsidies by Vietnam.

Sec. 4004. Consultations upon initiation of investigation.

Sec. 4005. Public participation and consultation.

Sec. 4006. Arbitration and imposition of quotas.

Sec. 4007. Definitions.

TITLE V—HAITI

Sec. 5001. Short title.

Sec. 5002. Trade benefits for Haiti.

Sec. 5003. ITC study.

Sec. 5004. Sense of Congress on interpretation of textile and apparel provisions for Haiti.

Sec. 5005. Technical amendments.

Sec. 5006. Effective date.

TITLE VI—AFRICAN GROWTH AND OPPORTUNITY ACT

Sec. 6001. Short title.

Sec. 6002. Preferential treatment of apparel products of lesser developed countries.

Sec. 6003. Technical corrections.

Sec. 6004. Effective date for AGOA.

TITLE VII—ANDEAN TRADE PREFERENCE ACT

Sec. 7001. Short title.

Sec. 7002. ATPA extension.

Sec. 7003. Technical amendments.

TITLE VIII—GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM

Sec. 8001. Limitations on waivers of competitive need limitation.

Sec. 8002. Extension of GSP program.

1 **DIVISION A—EXTENSION AND**
2 **EXPANSION OF CERTAIN TAX**
3 **RELIEF PROVISIONS, AND**
4 **OTHER TAX PROVISIONS**

5 **SEC. 100. REFERENCE.**

6 *Except as otherwise expressly provided, whenever in*
7 *this division an amendment or repeal is expressed in terms*
8 *of an amendment to, or repeal of, a section or other provi-*
9 *sion, the reference shall be considered to be made to a section*
10 *or other provision of the Internal Revenue Code of 1986.*

11 **TITLE I—EXTENSION AND MODI-**
12 **FICATION OF CERTAIN PROVI-**
13 **SIONS**

14 **SEC. 101. DEDUCTION FOR QUALIFIED TUITION AND RE-**
15 **LATED EXPENSES.**

16 (a) *IN GENERAL.*—Section 222(e) is amended by strik-
17 *ing “2005” and inserting “2007”.*

18 (b) *CONFORMING AMENDMENTS.*—Section
19 *222(b)(2)(B) is amended—*

20 (1) *by striking “a taxable year beginning in*
21 *2004 or 2005” and inserting “any taxable year begin-*
22 *ning after 2003”, and*

23 (2) *by striking “2004 AND 2005” in the heading*
24 *and inserting “AFTER 2003”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2005.*

4 **SEC. 102. EXTENSION AND MODIFICATION OF NEW MAR-**
5 **KETS TAX CREDIT.**

6 (a) *EXTENSION.*—*Section 45D(f)(1)(D) is amended by*
7 *striking “and 2007” and inserting “, 2007, and 2008”.*

8 (b) *REGULATIONS REGARDING NON-METROPOLITAN*
9 *COUNTIES.*—*Section 45D(i) is amended by striking “and”*
10 *at the end of paragraph (4), by striking the period at the*
11 *end of paragraph (5) and inserting “, and”, and by adding*
12 *at the end the following new paragraph:*

13 “(6) which ensure that non-metropolitan coun-

14 ties receive a proportional allocation of qualified eq-

15 uity investments.”.

16 (c) *EFFECTIVE DATE.*—*The amendments made by this*
17 *section shall take effect on the date of the enactment of this*
18 *Act.*

19 **SEC. 103. ELECTION TO DEDUCT STATE AND LOCAL GEN-**
20 **ERAL SALES TAXES.**

21 (a) *IN GENERAL.*—*Section 164(b)(5)(I) is amended by*
22 *striking “2006” and inserting “2008”.*

23 (b) *EFFECTIVE DATE.*—*The amendments made by this*
24 *section shall apply to taxable years beginning after Decem-*
25 *ber 31, 2005.*

1 **SEC. 104. EXTENSION AND MODIFICATION OF RESEARCH**

2 **CREDIT.**

3 (a) *EXTENSION.*—

4 (1) *IN GENERAL.*—Section 41(h)(1)(B) is amend-
5 ed by striking “2005” and inserting “2007”.

6 (2) *CONFORMING AMENDMENT.*—Section
7 45C(b)(1)(D) is amended by striking “2005” and in-
8 serting “2007”.

9 (3) *EFFECTIVE DATE.*—The amendments made
10 by this subsection shall apply to amounts paid or in-
11 curred after December 31, 2005.

12 (b) *INCREASE IN RATES OF ALTERNATIVE INCRE-*
13 *MENTAL CREDIT.*—

14 (1) *IN GENERAL.*—Subparagraph (A) of section
15 41(c)(4) (relating to election of alternative incre-
16 mental credit) is amended—

17 (A) by striking “2.65 percent” and insert-
18 ing “3 percent”,

19 (B) by striking “3.2 percent” and inserting
20 “4 percent”, and

21 (C) by striking “3.75 percent” and insert-
22 ing “5 percent”.

23 (2) *EFFECTIVE DATE.*—Except as provided in
24 paragraph (3), the amendments made by this sub-
25 section shall apply to taxable years ending after De-
26 cember 31, 2006.

1 (3) *TRANSITION RULE.*—

2 (A) *IN GENERAL.*—*In the case of a specified*
3 *transitional taxable year for which an election*
4 *under section 41(c)(4) of the Internal Revenue*
5 *Code of 1986 applies, the credit determined*
6 *under section 41(a)(1) of such Code shall be*
7 *equal to the sum of—*

8 (i) *the applicable 2006 percentage mul-*
9 *tiplied by the amount determined under sec-*
10 *tion 41(c)(4)(A) of such Code (as in effect*
11 *for taxable years ending on December 31,*
12 *2006), plus*

13 (ii) *the applicable 2007 percentage*
14 *multiplied by the amount determined under*
15 *section 41(c)(4)(A) of such Code (as in effect*
16 *for taxable years ending on January 1,*
17 *2007).*

18 (B) *DEFINITIONS.*—*For purposes of sub-*
19 *paragraph (A)—*

20 (i) *SPECIFIED TRANSITIONAL TAXABLE*
21 *YEAR.*—*The term “specified transitional*
22 *taxable year” means any taxable year*
23 *which ends after December 31, 2006, and*
24 *which includes such date.*

1 (ii) *APPLICABLE 2006 PERCENTAGE.*—
2 The term “applicable 2006 percentage”
3 means the number of days in the specified
4 transitional taxable year before January 1,
5 2007, divided by the number of days in
6 such taxable year.

7 (iii) *APPLICABLE 2007 PERCENTAGE.*—
8 The term “applicable 2007 percentage”
9 means the number of days in the specified
10 transitional taxable year after December 31,
11 2006, divided by the number of days in
12 such taxable year.

13 (c) *ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED*
14 *RESEARCH EXPENSES.*—

15 (1) *IN GENERAL.*—Subsection (c) of section 41
16 (relating to base amount) is amended by redesignig-
17 nating paragraphs (5) and (6) as paragraphs (6) and
18 (7), respectively, and by inserting after paragraph (4)
19 the following new paragraph:

20 “*(5) ELECTION OF ALTERNATIVE SIMPLIFIED*
21 *CREDIT.*—

22 “*(A) IN GENERAL.*—At the election of the
23 taxpayer, the credit determined under subsection
24 (a)(1) shall be equal to 12 percent of so much of
25 the qualified research expenses for the taxable

1 *year as exceeds 50 percent of the average quali-*
2 *fied research expenses for the 3 taxable years pre-*
3 *ceding the taxable year for which the credit is*
4 *being determined.*

5 “(B) *SPECIAL RULE IN CASE OF NO QUALI-*
6 *FIED RESEARCH EXPENSES IN ANY OF 3 PRE-*
7 *CEDING TAXABLE YEARS.—*

8 “(i) *TAXPAYERS TO WHICH SUBPARA-*
9 *GRAPH APPLIES.—The credit under this*
10 *paragraph shall be determined under this*
11 *subparagraph if the taxpayer has no quali-*
12 *fied research expenses in any one of the 3*
13 *taxable years preceding the taxable year for*
14 *which the credit is being determined.*

15 “(ii) *CREDIT RATE.—The credit deter-*
16 *mined under this subparagraph shall be*
17 *equal to 6 percent of the qualified research*
18 *expenses for the taxable year.*

19 “(C) *ELECTION.—An election under this*
20 *paragraph shall apply to the taxable year for*
21 *which made and all succeeding taxable years un-*
22 *less revoked with the consent of the Secretary. An*
23 *election under this paragraph may not be made*
24 *for any taxable year to which an election under*
25 *paragraph (4) applies.”.*

1 (2) *TRANSITION RULE FOR DEEMED REVOCATION*
2 *OF ELECTION OF ALTERNATIVE INCREMENTAL CRED-*
3 *IT.—In the case of an election under section 41(c)(4)*
4 *of the Internal Revenue Code of 1986 which applies*
5 *to the taxable year which includes January 1, 2007,*
6 *such election shall be treated as revoked with the con-*
7 *sent of the Secretary of the Treasury if the taxpayer*
8 *makes an election under section 41(c)(5) of such Code*
9 *(as added by this subsection) for such year.*

10 (3) *EFFECTIVE DATE.—Except as provided in*
11 *paragraph (4), the amendments made by this sub-*
12 *section shall apply to taxable years ending after De-*
13 *cember 31, 2006.*

14 (4) *TRANSITION RULE FOR NONCALENDAR TAX-*
15 *ABLE YEARS.—*

16 (A) *IN GENERAL.—In the case of a specified*
17 *transitional taxable year for which an election*
18 *under section 41(c)(5) of the Internal Revenue*
19 *Code of 1986 (as added by this subsection) ap-*
20 *plies, the credit determined under section*
21 *41(a)(1) of such Code shall be equal to the sum*
22 *of—*

23 (i) *the applicable 2006 percentage mul-*
24 *tiplied by the amount determined under sec-*
25 *tion 41(a)(1) of such Code (as in effect for*

1 *taxable years ending on December 31,*
2 *2006), plus*

3 *(ii) the applicable 2007 percentage*
4 *multiplied by the amount determined under*
5 *section 41(c)(5) of such Code (as in effect*
6 *for taxable years ending on January 1,*
7 *2007).*

8 *(B) DEFINITIONS AND SPECIAL RULES.—*
9 *For purposes of subparagraph (A)—*

10 *(i) DEFINITIONS.—Terms used in this*
11 *paragraph which are also used in subsection*
12 *(b)(3) shall have the respective meanings*
13 *given such terms in such subsection.*

14 *(ii) DUAL ELECTIONS PERMITTED.—*
15 *Elections under paragraphs (4) and (5) of*
16 *section 41(c) of such Code may both apply*
17 *for the specified transitional taxable year.*

18 *(iii) DEFERRAL OF DEEMED ELECTION*
19 *REVOCAION.—Any election under section*
20 *41(c)(4) of the Internal Revenue Code of*
21 *1986 treated as revoked under paragraph*
22 *(2) shall be treated as revoked for the tax-*
23 *able year after the specified transitional*
24 *taxable year.*

1 **SEC. 105. WORK OPPORTUNITY TAX CREDIT AND WELFARE-**
2 **TO-WORK CREDIT.**

3 (a) *IN GENERAL.*—Sections 51(c)(4)(B) and 51A(f)
4 are each amended by striking “2005” and inserting “2007”.

5 (b) *ELIGIBILITY OF EX-FELONS DETERMINED WITH-*
6 *OUT REGARD TO FAMILY INCOME.*—Paragraph (4) of sec-
7 tion 51(d) is amended by adding “and” at the end of sub-
8 paragraph (A), by striking “, and” at the end of subpara-
9 graph (B) and inserting a period, and by striking all that
10 follows subparagraph (B).

11 (c) *INCREASE IN MAXIMUM AGE FOR ELIGIBILITY OF*
12 *FOOD STAMP RECIPIENTS.*—Clause (i) of section
13 51(d)(8)(A) is amended by striking “25” and inserting
14 “40”.

15 (d) *EXTENSION OF PAPERWORK FILING DEADLINE.*—
16 Section 51(d)(12)(A)(ii)(II) is amended by striking “21st
17 day” and inserting “28th day”.

18 (e) *CONSOLIDATION OF WORK OPPORTUNITY CREDIT*
19 *WITH WELFARE-TO-WORK CREDIT.*—

20 (1) *IN GENERAL.*—Paragraph (1) of section
21 51(d) is amended by striking “or” at the end of sub-
22 paragraph (G), by striking the period at the end of
23 subparagraph (H) and inserting “, or”, and by add-
24 ing at the end the following new subparagraph:

25 “(I) a long-term family assistance recipi-
26 ent.”.

1 (2) *LONG-TERM FAMILY ASSISTANCE RECIPI-*
2 *ENT.*—Subsection (d) of section 51 is amended by re-
3 designating paragraphs (10) through (12) as para-
4 graphs (11) through (13), respectively, and by insert-
5 ing after paragraph (9) the following new paragraph:

6 “(10) *LONG-TERM FAMILY ASSISTANCE RECIPI-*
7 *ENT.*—The term ‘long-term family assistance recipi-
8 ent’ means any individual who is certified by the des-
9 ignated local agency—

10 “(A) as being a member of a family receiv-
11 ing assistance under a IV–A program (as defined
12 in paragraph (2)(B)) for at least the 18-month
13 period ending on the hiring date,

14 “(B)(i) as being a member of a family re-
15 ceiving such assistance for 18 months beginning
16 after August 5, 1997, and

17 “(ii) as having a hiring date which is not
18 more than 2 years after the end of the earliest
19 such 18-month period, or

20 “(C)(i) as being a member of a family
21 which ceased to be eligible for such assistance by
22 reason of any limitation imposed by Federal or
23 State law on the maximum period such assist-
24 ance is payable to a family, and

1 “(ii) as having a hiring date which is not
2 more than 2 years after the date of such ces-
3 sation.”.

4 (3) *INCREASED CREDIT FOR EMPLOYMENT OF*
5 *LONG-TERM FAMILY ASSISTANCE RECIPIENTS.*—*Sec-*
6 *tion 51 is amended by inserting after subsection (d)*
7 *the following new subsection:*

8 “(e) *CREDIT FOR SECOND-YEAR WAGES FOR EMPLOY-*
9 *MENT OF LONG-TERM FAMILY ASSISTANCE RECIPIENTS.*—

10 “(1) *IN GENERAL.*—*With respect to the employ-*
11 *ment of a long-term family assistance recipient—*

12 “(A) *the amount of the work opportunity*
13 *credit determined under this section for the tax-*
14 *able year shall include 50 percent of the qualified*
15 *second-year wages for such year, and*

16 “(B) *in lieu of applying subsection (b)(3),*
17 *the amount of the qualified first-year wages, and*
18 *the amount of qualified second-year wages, which*
19 *may be taken into account with respect to such*
20 *a recipient shall not exceed \$10,000 per year.*

21 “(2) *QUALIFIED SECOND-YEAR WAGES.*—*For*
22 *purposes of this subsection, the term ‘qualified second-*
23 *year wages’ means qualified wages—*

24 “(A) *which are paid to a long-term family*
25 *assistance recipient, and*

1 “(B) which are attributable to service ren-
2 dered during the 1-year period beginning on the
3 day after the last day of the 1-year period with
4 respect to such recipient determined under sub-
5 section (b)(2).

6 “(3) *SPECIAL RULES FOR AGRICULTURAL AND*
7 *RAILWAY LABOR.*—If such recipient is an employee to
8 whom subparagraph (A) or (B) of subsection (h)(1)
9 applies, rules similar to the rules of such subpara-
10 graphs shall apply except that—

11 “(A) such subparagraph (A) shall be ap-
12 plied by substituting ‘\$10,000’ for ‘\$6,000’, and

13 “(B) such subparagraph (B) shall be ap-
14 plied by substituting ‘\$833.33’ for ‘\$500’.”

15 (4) *REPEAL OF SEPARATE WELFARE-TO-WORK*
16 *CREDIT.*—

17 (A) *IN GENERAL.*—Section 51A is hereby
18 repealed.

19 (B) *CLERICAL AMENDMENT.*—The table of
20 sections for subpart F of part IV of subchapter
21 A of chapter 1 is amended by striking the item
22 relating to section 51A.

23 (f) *EFFECTIVE DATES.*—

24 (1) *IN GENERAL.*—Except as provided in para-
25 graph (2), the amendments made by this section shall

1 *apply to individuals who begin work for the employer*
2 *after December 31, 2005.*

3 (2) *CONSOLIDATION.*—*The amendments made by*
4 *subsections (b), (c), (d), and (e) shall apply to indi-*
5 *viduals who begin work for the employer after Decem-*
6 *ber 31, 2006.*

7 **SEC. 106. ELECTION TO INCLUDE COMBAT PAY AS EARNED**
8 **INCOME FOR PURPOSES OF EARNED INCOME**
9 **CREDIT.**

10 (a) *IN GENERAL.*—*Section 32(c)(2)(B)(vi)(II) is*
11 *amended by striking “2007” and inserting “2008”.*

12 (b) *EFFECTIVE DATE.*—*The amendment made by this*
13 *section shall apply to taxable years beginning after Decem-*
14 *ber 31, 2006.*

15 **SEC. 107. EXTENSION AND MODIFICATION OF QUALIFIED**
16 **ZONE ACADEMY BONDS.**

17 (a) *IN GENERAL.*—*Paragraph (1) of section 1397E(e)*
18 *is amended by striking “and 2005” and inserting “2005,*
19 *2006, and 2007”.*

20 (b) *SPECIAL RULES RELATING TO EXPENDITURES,*
21 *ARBITRAGE, AND REPORTING.*—

22 (1) *IN GENERAL.*—*Section 1397E is amended—*
23 (A) *in subsection (d)(1), by striking “and”*
24 *at the end of subparagraph (C)(iii), by striking*
25 *the period at the end of subparagraph (D) and*

1 inserting “, and”, and by adding at the end the
2 following new subparagraph:

3 “(E) the issue meets the requirements of
4 subsections (f), (g), and (h).”, and

5 (B) by redesignating subsections (f), (g),
6 (h), and (i) as subsection (i), (j), (k), and (l), re-
7 spectively, and by inserting after subsection (e)
8 the following new subsections:

9 “(f) *SPECIAL RULES RELATING TO EXPENDITURES.*—

10 “(1) *IN GENERAL.*—An issue shall be treated as
11 meeting the requirements of this subsection if, as of
12 the date of issuance, the issuer reasonably expects—

13 “(A) at least 95 percent of the proceeds from
14 the sale of the issue are to be spent for 1 or more
15 qualified purposes with respect to qualified zone
16 academies within the 5-year period beginning on
17 the date of issuance of the qualified zone acad-
18 emy bond,

19 “(B) a binding commitment with a third
20 party to spend at least 10 percent of the proceeds
21 from the sale of the issue will be incurred within
22 the 6-month period beginning on the date of
23 issuance of the qualified zone academy bond, and

1 “(C) such purposes will be completed with
2 due diligence and the proceeds from the sale of
3 the issue will be spent with due diligence.

4 “(2) *EXTENSION OF PERIOD.*—Upon submission
5 of a request prior to the expiration of the period de-
6 scribed in paragraph (1)(A), the Secretary may ex-
7 tend such period if the issuer establishes that the fail-
8 ure to satisfy the 5-year requirement is due to reason-
9 able cause and the related purposes will continue to
10 proceed with due diligence.

11 “(3) *FAILURE TO SPEND REQUIRED AMOUNT OF*
12 *BOND PROCEEDS WITHIN 5 YEARS.*—To the extent that
13 less than 95 percent of the proceeds of such issue are
14 expended by the close of the 5-year period beginning
15 on the date of issuance (or if an extension has been
16 obtained under paragraph (2), by the close of the ex-
17 tended period), the issuer shall redeem all of the non-
18 qualified bonds within 90 days after the end of such
19 period. For purposes of this paragraph, the amount
20 of the nonqualified bonds required to be redeemed
21 shall be determined in the same manner as under sec-
22 tion 142.

23 “(g) *SPECIAL RULES RELATING TO ARBITRAGE.*—An
24 issue shall be treated as meeting the requirements of this

1 subsection if the issuer satisfies the arbitrage requirements
2 of section 148 with respect to proceeds of the issue.

3 “(h) *REPORTING.*—Issuers of qualified academy zone
4 bonds shall submit reports similar to the reports required
5 under section 149(e).”

6 (2) *CONFORMING AMENDMENTS.*—Sections
7 54(l)(3)(B) and 1400N(l)(7)(B)(ii) are each amended
8 by striking “section 1397E(i)” and inserting “section
9 1397E(l)”.

10 (c) *EFFECTIVE DATES.*—

11 (1) *EXTENSION.*—The amendment made by sub-
12 section (a) shall apply to obligations issued after De-
13 cember 31, 2005.

14 (2) *SPECIAL RULES.*—The amendments made by
15 subsection (b) shall apply to obligations issued after
16 the date of the enactment of this Act pursuant to allo-
17 cations of the national zone academy bond limitation
18 for calendar years after 2005.

19 **SEC. 108. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EX-**
20 **PENSES OF ELEMENTARY AND SECONDARY**
21 **SCHOOL TEACHERS.**

22 (a) *IN GENERAL.*—Subparagraph (D) of section
23 62(a)(2) is amended by striking “or 2005” and inserting
24 “2005, 2006, or 2007”.

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2005.*

4 **SEC. 109. EXTENSION AND EXPANSION OF EXPENSING OF**
5 **BROWNFIELDS REMEDIATION COSTS.**

6 (a) *EXTENSION.*—*Subsection (h) of section 198 is*
7 *amended by striking “2005” and inserting “2007”.*

8 (b) *EXPANSION.*—*Section 198(d)(1) (defining haz-*
9 *ardous substance) is amended by striking “and” at the end*
10 *of subparagraph (A), by striking the period at the end of*
11 *subparagraph (B) and inserting “, and”, and by adding*
12 *at the end the following new subparagraph:*

13 *“(C) any petroleum product (as defined in*
14 *section 4612(a)(3)).”.*

15 (c) *EFFECTIVE DATE.*—*The amendments made by this*
16 *section shall apply to expenditures paid or incurred after*
17 *December 31, 2005.*

18 **SEC. 110. TAX INCENTIVES FOR INVESTMENT IN THE DIS-**
19 **TRICT OF COLUMBIA.**

20 (a) *DESIGNATION OF ZONE.*—

21 (1) *IN GENERAL.*—*Subsection (f) of section 1400*
22 *is amended by striking “2005” both places it appears*
23 *and inserting “2007”.*

1 (2) *EFFECTIVE DATE.*—*The amendments made*
2 *by this subsection shall apply to periods beginning*
3 *after December 31, 2005.*

4 (b) *TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.*—

5 (1) *IN GENERAL.*—*Subsection (b) of section*
6 *1400A is amended by striking “2005” and inserting*
7 *“2007”.*

8 (2) *EFFECTIVE DATE.*—*The amendment made by*
9 *this subsection shall apply to bonds issued after De-*
10 *cember 31, 2005.*

11 (c) *ZERO PERCENT CAPITAL GAINS RATE.*—

12 (1) *IN GENERAL.*—*Subsection (b) of section*
13 *1400B is amended by striking “2006” each place it*
14 *appears and inserting “2008”.*

15 (2) *CONFORMING AMENDMENTS.*—

16 (A) *Section 1400B(e)(2) is amended—*

17 (i) *by striking “2010” and inserting*
18 *“2012”, and*

19 (ii) *by striking “2010” in the heading*
20 *thereof and inserting “2012”.*

21 (B) *Section 1400B(g)(2) is amended by*
22 *striking “2010” and inserting “2012”.*

23 (C) *Section 1400F(d) is amended by strik-*
24 *ing “2010” and inserting “2012”.*

25 (3) *EFFECTIVE DATES.*—

1 (A) *EXTENSION.*—*The amendments made*
2 *by paragraph (1) shall apply to acquisitions*
3 *after December 31, 2005.*

4 (B) *CONFORMING AMENDMENTS.*—*The*
5 *amendments made by paragraph (2) shall take*
6 *effect on the date of the enactment of this Act.*

7 (d) *FIRST-TIME HOMEBUYER CREDIT.*—

8 (1) *IN GENERAL.*—*Subsection (i) of section*
9 *1400C is amended by striking “2006” and inserting*
10 *“2008”.*

11 (2) *EFFECTIVE DATE.*—*The amendment made by*
12 *this subsection shall apply to property purchased*
13 *after December 31, 2005.*

14 **SEC. 111. INDIAN EMPLOYMENT TAX CREDIT.**

15 (a) *IN GENERAL.*—*Section 45A(f) is amended by strik-*
16 *ing “2005” and inserting “2007”.*

17 (b) *EFFECTIVE DATE.*—*The amendment made by this*
18 *section shall apply to taxable years beginning after Decem-*
19 *ber 31, 2005.*

20 **SEC. 112. ACCELERATED DEPRECIATION FOR BUSINESS**
21 **PROPERTY ON INDIAN RESERVATIONS.**

22 (a) *IN GENERAL.*—*Section 168(j)(8) is amended by*
23 *striking “2005” and inserting “2007”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall apply to property placed in service after De-*
3 *cember 31, 2005.*

4 **SEC. 113. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY**
5 **FOR QUALIFIED LEASEHOLD IMPROVEMENTS**
6 **AND QUALIFIED RESTAURANT PROPERTY.**

7 (a) *IN GENERAL.*—*Clauses (iv) and (v) of section*
8 *168(e)(3)(E) are each amended by striking “2006” and in-*
9 *serting “2008”.*

10 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
11 *section (a) shall apply to property placed in service after*
12 *December 31, 2005.*

13 **SEC. 114. COVER OVER OF TAX ON DISTILLED SPIRITS.**

14 (a) *IN GENERAL.*—*Section 7652(f)(1) is amended by*
15 *striking “2006” and inserting “2008”.*

16 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
17 *section (a) shall apply to articles brought into the United*
18 *States after December 31, 2005.*

19 **SEC. 115. PARITY IN APPLICATION OF CERTAIN LIMITS TO**
20 **MENTAL HEALTH BENEFITS.**

21 (a) *AMENDMENT TO THE INTERNAL REVENUE CODE*
22 *OF 1986.*—*Section 9812(f)(3) is amended by striking*
23 *“2006” and inserting “2007”.*

24 (b) *AMENDMENT TO THE EMPLOYEE RETIREMENT IN-*
25 *COME SECURITY ACT OF 1974.*—*Section 712(f) of the Em-*

1 *ployee Retirement Income Security Act of 1974 (29 U.S.C.*
 2 *1185a(f)) is amended by striking “2006” and inserting*
 3 *“2007”.*

4 *(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE*
 5 *ACT.—Section 2705(f) of the Public Health Service Act (42*
 6 *U.S.C. 300gg–5(f)) is amended by striking “2006”and in-*
 7 *serting “2007”.*

8 **SEC. 116. CORPORATE DONATIONS OF SCIENTIFIC PROP-**
 9 **ERTY USED FOR RESEARCH AND OF COM-**
 10 **PUTER TECHNOLOGY AND EQUIPMENT.**

11 *(a) EXTENSION OF COMPUTER TECHNOLOGY AND*
 12 *EQUIPMENT DONATION.—*

13 *(1) IN GENERAL.—Section 170(e)(6)(G) is*
 14 *amended by striking “2005” and inserting “2007”.*

15 *(2) EFFECTIVE DATE.—The amendment made by*
 16 *paragraph (1) shall apply to contributions made in*
 17 *taxable years beginning after December 31, 2005.*

18 *(b) EXPANSION OF CHARITABLE CONTRIBUTION AL-*
 19 *LOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH*
 20 *AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED*
 21 *FOR EDUCATIONAL PURPOSES.—*

22 *(1) SCIENTIFIC PROPERTY USED FOR RE-*
 23 *SEARCH.—*

24 *(A) IN GENERAL.—Clause (ii) of section*
 25 *170(e)(4)(B) (defining qualified research con-*

1 *tributions) is amended by inserting “or assem-*
2 *bled” after “constructed”.*

3 *(B) CONFORMING AMENDMENT.—Clause*
4 *(iii) of section 170(e)(4)(B) is amended by in-*
5 *serting “or assembly” after “construction”.*

6 *(2) COMPUTER TECHNOLOGY AND EQUIPMENT*
7 *FOR EDUCATIONAL PURPOSES.—*

8 *(A) IN GENERAL.—Clause (ii) of section*
9 *170(e)(6)(B) is amended by inserting “or assem-*
10 *bled” after “constructed” and “or assembling”*
11 *after “construction”.*

12 *(B) CONFORMING AMENDMENT.—Subpara-*
13 *graph (D) of section 170(e)(6) is amended by in-*
14 *serting “or assembled” after “constructed” and*
15 *“or assembly” after “construction”.*

16 *(3) EFFECTIVE DATE.—The amendments made*
17 *by this subsection shall apply to taxable years begin-*
18 *ning after December 31, 2005.*

19 **SEC. 117. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.**

20 *(a) IN GENERAL.—Paragraphs (2) and (3)(B) of sec-*
21 *tion 220(i) are each amended by striking “2005” each place*
22 *it appears in the text and headings and inserting “2007”.*

23 *(b) CONFORMING AMENDMENTS.—*

24 *(1) Paragraph (2) of section 220(j) is amend-*
25 *ed—*

1 (A) in the text by striking “or 2004” each
2 place it appears and inserting “2004, 2005, or
3 2006”, and

4 (B) in the heading by striking “OR 2004”
5 and inserting “2004, 2005, OR 2006” .

6 (2) Subparagraph (A) of section 220(j)(4) is
7 amended by striking “and 2004” and inserting
8 “2004, 2005, and 2006”.

9 (c) *TIME FOR FILING REPORTS, ETC.*—

10 (1) The report required by section 220(j)(4) of
11 the Internal Revenue Code of 1986 to be made on Au-
12 gust 1, 2005, or August 1, 2006, as the case may be,
13 shall be treated as timely if made before the close of
14 the 90-day period beginning on the date of the enact-
15 ment of this Act.

16 (2) The determination and publication required
17 by section 220(j)(5) of such Code with respect to cal-
18 endar year 2005 or calendar year 2006, as the case
19 may be, shall be treated as timely if made before the
20 close of the 120-day period beginning on the date of
21 the enactment of this Act. If the determination under
22 the preceding sentence is that 2005 or 2006 is a cut-
23 off year under section 220(i) of such Code, the cut-off
24 date under such section 220(i) shall be the last day
25 of such 120-day period.

1 **SEC. 118. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLE-**
2 **TION FOR OIL AND NATURAL GAS PRODUCED**
3 **FROM MARGINAL PROPERTIES.**

4 (a) *IN GENERAL.*—Section 613A(c)(6)(H) is amended
5 by striking “2006” and inserting “2008”.

6 (b) *EFFECTIVE DATE.*—The amendment made by sub-
7 section (a) shall apply to taxable years beginning after De-
8 cember 31, 2005.

9 **SEC. 119. AMERICAN SAMOA ECONOMIC DEVELOPMENT**
10 **CREDIT.**

11 (a) *IN GENERAL.*—For purposes of section 30A of the
12 Internal Revenue Code of 1986, a domestic corporation
13 shall be treated as a qualified domestic corporation to which
14 such section applies if such corporation—

15 (1) is an existing credit claimant with respect to
16 American Samoa, and

17 (2) elected the application of section 936 of the
18 Internal Revenue Code of 1986 for its last taxable
19 year beginning before January 1, 2006.

20 (b) *SPECIAL RULES FOR APPLICATION OF SECTION.*—
21 The following rules shall apply in applying section 30A of
22 the Internal Revenue Code of 1986 for purposes of this sec-
23 tion:

24 (1) *AMOUNT OF CREDIT.*—Notwithstanding sec-
25 tion 30A(a)(1) of such Code, the amount of the credit
26 determined under section 30A(a)(1) of such Code for

1 *any taxable year shall be the amount determined*
2 *under section 30A(d) of such Code, except that section*
3 *30A(d) shall be applied without regard to paragraph*
4 *(3) thereof.*

5 (2) *SEPARATE APPLICATION.—In applying sec-*
6 *tion 30A(a)(3) of such Code in the case of a corpora-*
7 *tion treated as a qualified domestic corporation by*
8 *reason of this section, section 30A of such Code (and*
9 *so much of section 936 of such Code as relates to such*
10 *section 30A) shall be applied separately with respect*
11 *to American Samoa.*

12 (3) *FOREIGN TAX CREDIT ALLOWED.—Notwith-*
13 *standing section 30A(e) of such Code, the provisions*
14 *of section 936(c) of such Code shall not apply with re-*
15 *spect to the credit allowed by reason of this section.*

16 (c) *DEFINITIONS.—For purposes of this section, any*
17 *term which is used in this section which is also used in*
18 *section 30A or 936 of such Code shall have the same mean-*
19 *ing given such term by such section 30A or 936.*

20 (d) *APPLICATION OF SECTION.—Notwithstanding sec-*
21 *tion 30A(h) or section 936(j) of such Code, this section (and*
22 *so much of section 30A and section 936 of such Code as*
23 *relates to this section) shall apply to the first two taxable*
24 *years of a corporation to which subsection (a) applies which*
25 *begin after December 31, 2005, and before January 1, 2008.*

1 **SEC. 120. EXTENSION OF BONUS DEPRECIATION FOR CER-**
2 **TAIN QUALIFIED GULF OPPORTUNITY ZONE**
3 **PROPERTY.**

4 (a) *IN GENERAL.*—Subsection (d) of section 1400N is
5 amended by adding at the end the following new paragraph:

6 “(6) *EXTENSION FOR CERTAIN PROPERTY.*—

7 “(A) *IN GENERAL.*—In the case of any spec-
8 ified Gulf Opportunity Zone extension property,
9 paragraph (2)(A) shall be applied without re-
10 gard to clause (v) thereof.

11 “(B) *SPECIFIED GULF OPPORTUNITY ZONE*
12 *EXTENSION PROPERTY.*—For purposes of this
13 paragraph, the term ‘specified Gulf Opportunity
14 Zone extension property’ means property—

15 “(i) substantially all of the use of
16 which is in one or more specified portions
17 of the GO Zone, and

18 “(ii) which is—

19 “(I) nonresidential real property
20 or residential rental property which is
21 placed in service by the taxpayer on or
22 before December 31, 2010, or

23 “(II) in the case of a taxpayer
24 who places a building described in sub-
25 clause (I) in service on or before De-
26 cember 31, 2010, property described in

1 *section 168(k)(2)(A)(i) if substantially*
2 *all of the use of such property is in*
3 *such building and such property is*
4 *placed in service by the taxpayer not*
5 *later than 90 days after such building*
6 *is placed in service.*

7 *“(C) SPECIFIED PORTIONS OF THE GO*
8 *ZONE.—For purposes of this paragraph, the term*
9 *‘specified portions of the GO Zone’ means those*
10 *portions of the GO Zone which are in any coun-*
11 *ty or parish which is identified by the Secretary*
12 *as being a county or parish in which hurricanes*
13 *occurring during 2005 damaged (in the aggre-*
14 *gate) more than 60 percent of the housing units*
15 *in such county or parish which were occupied*
16 *(determined according to the 2000 Census).*

17 *“(D) ONLY PRE-JANUARY 1, 2010, BASIS OF*
18 *REAL PROPERTY ELIGIBLE FOR ADDITIONAL AL-*
19 *LOWANCE.—In the case of property which is*
20 *qualified Gulf Opportunity Zone property solely*
21 *by reason of subparagraph (B)(ii)(I), paragraph*
22 *(1) shall apply only to the extent of the adjusted*
23 *basis thereof attributable to manufacture, con-*
24 *struction, or production before January 1,*
25 *2010.”.*

1 (b) *EXTENSION NOT APPLICABLE TO INCREASED SEC-*
2 *TION 179 EXPENSING.*—Paragraph (2) of section 1400N(e)
3 *is amended by inserting “without regard to subsection*
4 *(d)(6)” after “subsection (d)(2)”.*

5 (c) *EFFECTIVE DATE.*—The amendments made by this
6 *section shall take effect as if included in section 101 of the*
7 *Gulf Opportunity Zone Act of 2005.*

8 **SEC. 121. AUTHORITY FOR UNDERCOVER OPERATIONS.**

9 Paragraph (6) of section 7608(c) (relating to applica-
10 *tion of section) is amended by striking “2007” both places*
11 *it appears and inserting “2008”.*

12 **SEC. 122. DISCLOSURES OF CERTAIN TAX RETURN INFOR-**
13 **MATION.**

14 (a) *DISCLOSURES TO FACILITATE COMBINED EMPLOY-*
15 *MENT TAX REPORTING.*—

16 (1) *IN GENERAL.*—Subparagraph (B) of section
17 *6103(d)(5) (relating to termination) is amended by*
18 *striking “2006” and inserting “2007”.*

19 (2) *EFFECTIVE DATE.*—The amendment made by
20 *paragraph (1) shall apply to disclosures after Decem-*
21 *ber 31, 2006.*

22 (b) *DISCLOSURES RELATING TO TERRORIST ACTIVI-*
23 *TIES.*—

24 (1) *IN GENERAL.*—Clause (iv) of section
25 *6103(i)(3)(C) and subparagraph (E) of section*

1 6103(i)(7) are each amended by striking “2006” and
2 inserting “2007”.

3 (2) *EFFECTIVE DATE.*—*The amendments made*
4 *by paragraph (1) shall apply to disclosures after De-*
5 *cember 31, 2006.*

6 (c) *DISCLOSURES RELATING TO STUDENT LOANS.*—

7 (1) *IN GENERAL.*—*Subparagraph (D) of section*
8 *6103(l)(13) (relating to termination) is amended by*
9 *striking “2006” and inserting “2007”.*

10 (2) *EFFECTIVE DATE.*—*The amendment made by*
11 *paragraph (1) shall apply to requests made after De-*
12 *cember 31, 2006.*

13 **SEC. 123. SPECIAL RULE FOR ELECTIONS UNDER EXPIRED**
14 **PROVISIONS.**

15 (a) *RESEARCH CREDIT ELECTIONS.*—*In the case of*
16 *any taxable year ending after December 31, 2005, and be-*
17 *fore the date of the enactment of this Act, any election under*
18 *section 41(c)(4) or section 280C(c)(3)(C) of the Internal*
19 *Revenue Code of 1986 shall be treated as having been timely*
20 *made for such taxable year if such election is made not later*
21 *than the later of April 15, 2007, or such time as the Sec-*
22 *retary of the Treasury, or his designee, may specify. Such*
23 *election shall be made in the manner prescribed by such*
24 *Secretary or designee.*

1 (b) *OTHER ELECTIONS.*—*Except as otherwise provided*
2 *by such Secretary or designee, a rule similar to the rule*
3 *of subsection (a) shall apply with respect to elections under*
4 *any other expired provision of the Internal Revenue Code*
5 *of 1986 the applicability of which is extended by reason*
6 *of the amendments made by this title.*

7 **TITLE II—ENERGY TAX**
8 **PROVISIONS**

9 **SEC. 201. CREDIT FOR ELECTRICITY PRODUCED FROM CER-**
10 **TAIN RENEWABLE RESOURCES.**

11 Subsection (d) of section 45 is amended by striking
12 “January 1, 2008” each place it appears and inserting
13 “January 1, 2009”.

14 **SEC. 202. CREDIT TO HOLDERS OF CLEAN RENEWABLE EN-**
15 **ERGY BONDS.**

16 (a) *IN GENERAL.*—Section 54 is amended—

17 (1) by striking “\$800,000,000” in subsection
18 (f)(1) and inserting “\$1,200,000,000”,

19 (2) by striking “\$500,000,000” in subsection
20 (f)(2) and inserting “\$750,000,000”, and

21 (3) by striking “December 31, 2007” in sub-
22 section (m) and inserting “December 31, 2008”.

23 (b) *EFFECTIVE DATES.*—

1 (1) *IN GENERAL.*—*The amendments made by*
2 *paragraphs (1) and (3) of subsection (a) shall apply*
3 *to bonds issued after December 31, 2006.*

4 (2) *ALLOCATIONS.*—*The amendment made by*
5 *subsection (a)(2) shall apply to allocations or re-*
6 *allocations after December 31, 2006.*

7 **SEC. 203. PERFORMANCE STANDARDS FOR SULFUR DIOX-**
8 **IDE REMOVAL IN ADVANCED COAL-BASED**
9 **GENERATION TECHNOLOGY UNITS DESIGNED**
10 **TO USE SUBBITUMINOUS COAL.**

11 (a) *IN GENERAL.*—*Paragraph (1) of section 48A(f)*
12 *(relating to advanced coal-based generation technology) is*
13 *amended by adding at the end the following new flush sen-*
14 *tence:*

15 *“For purposes of the performance requirement speci-*
16 *fied for the removal of SO₂ in the table contained in*
17 *subparagraph (B), the SO₂ removal design level in*
18 *the case of a unit designed for the use of feedstock sub-*
19 *stantially all of which is subbituminous coal shall be*
20 *99 percent SO₂ removal or the achievement of an*
21 *emission level of 0.04 pounds or less of SO₂ per mil-*
22 *lion Btu, determined on a 30-day average.”.*

23 (b) *EFFECTIVE DATE.*—*The amendment made by this*
24 *section shall take apply with respect to applications for cer-*

1 *tification under section 48A(d)(2) of the Internal Revenue*
2 *Code of 1986 submitted after October 2, 2006.*

3 **SEC. 204. DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.**
4

5 *Subsection (h) of section 179D is amended by striking*
6 *“December 31, 2007” and inserting “December 31, 2008”.*

7 **SEC. 205. CREDIT FOR NEW ENERGY EFFICIENT HOMES.**

8 *Subsection (g) of section 45L is amended by striking*
9 *“December 31, 2007” and inserting “December 31, 2008”.*

10 **SEC. 206. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT**
11 **PROPERTY.**

12 *(a) EXTENSION.—Subsection (g) of section 25D is*
13 *amended by striking “December 31, 2007” and inserting*
14 *“December 31, 2008”.*

15 *(b) CLARIFICATION OF TERM.—*

16 *(1) Subsections (a)(1), (b)(1)(A), and*
17 *(e)(4)(A)(i) of section 25D are each amended by strik-*
18 *ing “qualified photovoltaic property expenditures”*
19 *and inserting “qualified solar electric property ex-*
20 *penditures”.*

21 *(2) Section 25D(d)(2) is amended—*

22 *(A) by striking “qualified photovoltaic*
23 *property expenditure” and inserting “qualified*
24 *solar electric property expenditure”, and*

1 (B) in the heading by striking “QUALIFIED
2 PHOTOVOLTAIC PROPERTY EXPENDITURE” and
3 inserting “QUALIFIED SOLAR ELECTRIC PROP-
4 PERTY EXPENDITURE”.

5 **SEC. 207. ENERGY CREDIT.**

6 Section 48 is amended—

7 (1) by striking “January 1, 2008” both places it
8 appears and inserting “January 1, 2009”, and

9 (2) by striking “December 31, 2007” both places
10 it appears and inserting “December 31, 2008”.

11 **SEC. 208. SPECIAL RULE FOR QUALIFIED METHANOL OR**
12 **ETHANOL FUEL.**

13 (a) *EXTENSION.*—Subparagraph (D) of section
14 4041(b)(2) is amended by striking “October 1, 2007” and
15 inserting “January 1, 2009”.

16 (b) *APPLICABLE BLENDER RATE.*—Section
17 4041(b)(2)(C)(ii) is amended by striking “2007” and in-
18 serting “2008”.

19 (c) *CLERICAL AMENDMENT.*—The heading for section
20 4041(b)(2)(B) is amended to read as follows: “QUALIFIED
21 METHANOL AND ETHANOL FUEL PRODUCED FROM COAL”.

1 **SEC. 209. SPECIAL DEPRECIATION ALLOWANCE FOR CEL-**
2 **LULOSIC BIOMASS ETHANOL PLANT PROP-**
3 **ERTY.**

4 (a) *IN GENERAL.*—Section 168 (relating to accelerated
5 cost recovery system) is amended by adding at the end the
6 following:

7 “(1) *SPECIAL ALLOWANCE FOR CELLULOSIC BIOMASS*
8 *ETHANOL PLANT PROPERTY.*—

9 “(1) *ADDITIONAL ALLOWANCE.*—*In the case of*
10 *any qualified cellulosic biomass ethanol plant prop-*
11 *erty—*

12 “(A) *the depreciation deduction provided by*
13 *section 167(a) for the taxable year in which such*
14 *property is placed in service shall include an al-*
15 *lowance equal to 50 percent of the adjusted basis*
16 *of such property, and*

17 “(B) *the adjusted basis of such property*
18 *shall be reduced by the amount of such deduction*
19 *before computing the amount otherwise allowable*
20 *as a depreciation deduction under this chapter*
21 *for such taxable year and any subsequent taxable*
22 *year.*

23 “(2) *QUALIFIED CELLULOSIC BIOMASS ETHANOL*
24 *PLANT PROPERTY.*—*The term ‘qualified cellulosic bio-*
25 *mass ethanol plant property’ means property of a*
26 *character subject to the allowance for depreciation—*

1 “(A) which is used in the United States
2 solely to produce cellulosic biomass ethanol,

3 “(B) the original use of which commences
4 with the taxpayer after the date of the enactment
5 of this subsection,

6 “(C) which is acquired by the taxpayer by
7 purchase (as defined in section 179(d)) after the
8 date of the enactment of this subsection, but only
9 if no written binding contract for the acquisition
10 was in effect on or before the date of the enact-
11 ment of this subsection, and

12 “(D) which is placed in service by the tax-
13 payer before January 1, 2013.

14 “(3) CELLULOSIC BIOMASS ETHANOL.—For pur-
15 poses of this subsection, the term ‘cellulosic biomass
16 ethanol’ means ethanol produced by enzymatic hy-
17 drolysis of any lignocellulosic or hemicellulosic matter
18 that is available on a renewable or recurring basis.

19 “(4) EXCEPTIONS.—

20 “(A) ALTERNATIVE DEPRECIATION PROP-
21 erty.—Such term shall not include any prop-
22 erty described in section 168(k)(2)(D)(i).

23 “(B) TAX-EXEMPT BOND-FINANCED PROP-
24 erty.—Such term shall not include any prop-
25 erty any portion of which is financed with the

1 *proceeds of any obligation the interest on which*
2 *is exempt from tax under section 103.*

3 “(C) *ELECTION OUT.*—*If a taxpayer makes*
4 *an election under this subparagraph with respect*
5 *to any class of property for any taxable year,*
6 *this subsection shall not apply to all property in*
7 *such class placed in service during such taxable*
8 *year.*

9 “(5) *SPECIAL RULES.*—*For purposes of this sub-*
10 *section, rules similar to the rules of subparagraph (E)*
11 *of section 168(k)(2) shall apply, except that such sub-*
12 *paragraph shall be applied—*

13 “(A) *by substituting ‘the date of the enact-*
14 *ment of subsection (l)’ for ‘September 10, 2001’*
15 *each place it appears therein,*

16 “(B) *by substituting ‘January 1, 2013’ for*
17 *‘January 1, 2005’ in clause (i) thereof, and*

18 “(C) *by substituting ‘qualified cellulosic bio-*
19 *mass ethanol plant property’ for ‘qualified prop-*
20 *erty’ in clause (iv) thereof.*

21 “(6) *ALLOWANCE AGAINST ALTERNATIVE MIN-*
22 *IMUM TAX.*—*For purposes of this subsection, rules*
23 *similar to the rules of section 168(k)(2)(G) shall*
24 *apply.*

1 “(7) *RECAPTURE.*—*For purposes of this sub-*
2 *section, rules similar to the rules under section*
3 *179(d)(10) shall apply with respect to any qualified*
4 *cellulosic biomass ethanol plant property which ceases*
5 *to be qualified cellulosic biomass ethanol plant prop-*
6 *erty.*

7 “(8) *DENIAL OF DOUBLE BENEFIT.*—*Paragraph*
8 *(1) shall not apply to any qualified cellulosic biomass*
9 *ethanol plant property with respect to which an elec-*
10 *tion has been made under section 179C (relating to*
11 *election to expense certain refineries).”.*

12 “(b) *EFFECTIVE DATE.*—*The amendment made by this*
13 *section shall apply to property placed in service after the*
14 *date of the enactment of this Act in taxable years ending*
15 *after such date.*

16 **SEC. 210. EXPENDITURES PERMITTED FROM THE LEAKING**
17 **UNDERGROUND STORAGE TANK TRUST**
18 **FUND.**

19 “(a) *IN GENERAL.*—*Subsection (c) of section 9508 is*
20 *amended—*

21 (1) *by striking “section 9003(h)” and inserting*
22 *“sections 9003(h), 9003(i), 9003(j), 9004(f), 9005(c),*
23 *9010, 9011, 9012, and 9013”, and*

1 (2) *by striking “Superfund Amendments and Re-*
2 *authorization Act of 1986” and inserting “Public*
3 *Law 109–168”.*

4 (b) *CONFORMING AMENDMENTS.—Section 9014(2) of*
5 *the Solid Waste Disposal Act is amended by striking*
6 *“Fund, notwithstanding section 9508(c)(1) of the Internal*
7 *Revenue Code of 1986” and inserting “Fund”.*

8 (c) *EFFECTIVE DATE.—The amendments made by this*
9 *section shall take effect on the date of the enactment of this*
10 *Act.*

11 **SEC. 211. TREATMENT OF COKE AND COKE GAS.**

12 (a) *NONAPPLICATION OF PHASEOUT.—Section*
13 *45K(g)(2) is amended by adding at the end the following*
14 *new subparagraph:*

15 “(D) *NONAPPLICATION OF PHASEOUT.—*
16 *Subsection (b)(1) shall not apply.”.*

17 (b) *CLARIFICATION OF QUALIFYING FACILITY.—Sec-*
18 *tion 45K(g)(1) is amended by inserting “(other than from*
19 *petroleum based products)” after “coke or coke gas”.*

20 (c) *EFFECTIVE DATE.—The amendments made by this*
21 *section shall take effect as if included in section 1321 of*
22 *the Energy Policy Act of 2005.*

1 **TITLE III—HEALTH SAVINGS**
2 **ACCOUNTS**

3 **SEC. 301. SHORT TITLE.**

4 *This title may be cited as the “Health Opportunity*
5 *Patient Empowerment Act of 2006”.*

6 **SEC. 302. FSA AND HRA TERMINATIONS TO FUND HSAS.**

7 *(a) IN GENERAL.—Section 106 (relating to contribu-*
8 *tions by employer to accident and health plans) is amended*
9 *by adding at the end the following new subsection:*

10 *“(e) FSA AND HRA TERMINATIONS TO FUND*
11 *HSAS.—*

12 *“(1) IN GENERAL.—A plan shall not fail to be*
13 *treated as a health flexible spending arrangement or*
14 *health reimbursement arrangement under this section*
15 *or section 105 merely because such plan provides for*
16 *a qualified HSA distribution.*

17 *“(2) QUALIFIED HSA DISTRIBUTION.—The term*
18 *‘qualified HSA distribution’ means a distribution*
19 *from a health flexible spending arrangement or health*
20 *reimbursement arrangement to the extent that such*
21 *distribution—*

22 *“(A) does not exceed the lesser of the balance*
23 *in such arrangement on September 21, 2006, or*
24 *as of the date of such distribution, and*

1 “(B) is contributed by the employer directly
2 to the health savings account of the employee be-
3 fore January 1, 2012.

4 Such term shall not include more than 1 distribution
5 with respect to any arrangement.

6 “(3) *ADDITIONAL TAX FOR FAILURE TO MAIN-*
7 *TAIN HIGH DEDUCTIBLE HEALTH PLAN COVERAGE.—*

8 “(A) *IN GENERAL.—If, at any time during*
9 *the testing period, the employee is not an eligible*
10 *individual, then the amount of the qualified*
11 *HSA distribution—*

12 “(i) shall be includible in the gross in-
13 come of the employee for the taxable year in
14 which occurs the first month in the testing
15 period for which such employee is not an el-
16 igible individual, and

17 “(ii) the tax imposed by this chapter
18 for such taxable year on the employee shall
19 be increased by 10 percent of the amount
20 which is so includible.

21 “(B) *EXCEPTION FOR DISABILITY OR*
22 *DEATH.—Clauses (i) and (ii) of subparagraph*
23 *(A) shall not apply if the employee ceases to be*
24 *an eligible individual by reason of the death of*

1 *the employee or the employee becoming disabled*
2 *(within the meaning of section 72(m)(7)).*

3 “(4) *DEFINITIONS AND SPECIAL RULES.—For*
4 *purposes of this subsection—*

5 “(A) *TESTING PERIOD.—The term ‘testing*
6 *period’ means the period beginning with the*
7 *month in which the qualified HSA distribution*
8 *is contributed to the health savings account and*
9 *ending on the last day of the 12th month fol-*
10 *lowing such month.*

11 “(B) *ELIGIBLE INDIVIDUAL.—The term ‘eli-*
12 *gible individual’ has the meaning given such*
13 *term by section 223(c)(1).*

14 “(C) *TREATMENT AS ROLLOVER CONTRIBU-*
15 *TION.—A qualified HSA distribution shall be*
16 *treated as a rollover contribution described in*
17 *section 223(f)(5).*

18 “(5) *TAX TREATMENT RELATING TO DISTRIBUTU-*
19 *TIONS.—For purposes of this title—*

20 “(A) *IN GENERAL.—A qualified HSA dis-*
21 *tribution shall be treated as a payment described*
22 *in subsection (d).*

23 “(B) *COMPARABILITY EXCISE TAX.—*

1 “(i) *IN GENERAL.*—*Except as provided*
2 *in clause (ii), section 4980G shall not apply*
3 *to qualified HSA distributions.*

4 “(ii) *FAILURE TO OFFER TO ALL EM-*
5 *PLOYEES.*—*In the case of a qualified HSA*
6 *distribution to any employee, the failure to*
7 *offer such distribution to any eligible indi-*
8 *vidual covered under a high deductible*
9 *health plan of the employer shall (notwith-*
10 *standing section 4980G(d)) be treated for*
11 *purposes of section 4980G as a failure to*
12 *meet the requirements of section 4980G(b).”.*

13 (b) *CERTAIN FSA COVERAGE DISREGARDED COV-*
14 *ERAGE.*—*Subparagraph (B) of section 223(c)(1) (relating*
15 *to certain coverage disregarded) is amended by striking*
16 *“and” at the end of clause (i), by striking the period at*
17 *the end of clause (ii) and inserting “, and”, and by insert-*
18 *ing after clause (ii) the following new clause:*

19 “(iii) *for taxable years beginning after*
20 *December 31, 2006, coverage under a health*
21 *flexible spending arrangement during any*
22 *period immediately following the end of a*
23 *plan year of such arrangement during*
24 *which unused benefits or contributions re-*
25 *maining at the end of such plan year may*

1 *be paid or reimbursed to plan participants*
2 *for qualified benefit expenses incurred dur-*
3 *ing such period if—*

4 “(I) *the balance in such arrange-*
5 *ment at the end of such plan year is*
6 *zero, or*

7 “(II) *the individual is making a*
8 *qualified HSA distribution (as defined*
9 *in section 106(e)) in an amount equal*
10 *to the remaining balance in such ar-*
11 *rangement as of the end of such plan*
12 *year, in accordance with rules pre-*
13 *scribed by the Secretary.”.*

14 *(c) APPLICATION OF SECTION.—*

15 (1) *SUBSECTION (a).—The amendment made by*
16 *subsection (a) shall apply to distributions on or after*
17 *the date of the enactment of this Act.*

18 (2) *SUBSECTION (b).—The amendment made by*
19 *subsection (b) shall take effect on the date of the en-*
20 *actment of this Act.*

21 **SEC. 303. REPEAL OF ANNUAL DEDUCTIBLE LIMITATION ON**
22 **HSA CONTRIBUTIONS.**

23 *(a) IN GENERAL.—Paragraph (2) of section 223(b)*
24 *(relating to monthly limitation) is amended—*

1 (1) in subparagraph (A) by striking “the lesser
2 of—” and all that follows and inserting “\$2,250.”,
3 and

4 (2) in subparagraph (B) by striking “the lesser
5 of—” and all that follows and inserting “\$4,500.”.

6 (b) CONFORMING AMENDMENT.—Section
7 223(d)(1)(A)(ii)(I) is amended by striking “subsection
8 (b)(2)(B)(ii)” and inserting “subsection (b)(2)(B)”.

9 (c) EFFECTIVE DATE.—The amendments made by this
10 section shall apply to taxable years beginning after Decem-
11 ber 31, 2006.

12 **SEC. 304. MODIFICATION OF COST-OF-LIVING ADJUSTMENT.**

13 Paragraph (1) of section 223(g) (relating to cost-of-liv-
14 ing adjustment) is amended by adding at the end the fol-
15 lowing new flush sentence:

16 “In the case of adjustments made for any taxable year
17 beginning after 2007, section 1(f)(4) shall be applied
18 for purposes of this paragraph by substituting ‘March
19 31’ for ‘August 31’, and the Secretary shall publish
20 the adjusted amounts under subsections (b)(2) and
21 (c)(2)(A) for taxable years beginning in any calendar
22 year no later than June 1 of the preceding calendar
23 year.”.

1 **SEC. 305. CONTRIBUTION LIMITATION NOT REDUCED FOR**
2 **PART-YEAR COVERAGE.**

3 *(a) INCREASE IN LIMIT FOR INDIVIDUALS BECOMING*
4 *ELIGIBLE INDIVIDUALS AFTER BEGINNING OF THE*
5 *YEAR.—Subsection (b) of section 223 (relating to limita-*
6 *tions) is amended by adding at the end the following new*
7 *paragraph:*

8 *“(8) INCREASE IN LIMIT FOR INDIVIDUALS BE-*
9 *COMING ELIGIBLE INDIVIDUALS AFTER THE BEGIN-*
10 *NING OF THE YEAR.—*

11 *“(A) IN GENERAL.—For purposes of com-*
12 *puting the limitation under paragraph (1) for*
13 *any taxable year, an individual who is an eligi-*
14 *ble individual during the last month of such tax-*
15 *able year shall be treated—*

16 *“(i) as having been an eligible indi-*
17 *vidual during each of the months in such*
18 *taxable year, and*

19 *“(ii) as having been enrolled, during*
20 *each of the months such individual is treat-*
21 *ed as an eligible individual solely by reason*
22 *of clause (i), in the same high deductible*
23 *health plan in which the individual was en-*
24 *rolled for the last month of such taxable*
25 *year.*

1 “(B) *FAILURE TO MAINTAIN HIGH DEDUCT-*
2 *IBLE HEALTH PLAN COVERAGE.*—

3 “(i) *IN GENERAL.*—*If, at any time*
4 *during the testing period, the individual is*
5 *not an eligible individual, then—*

6 “(I) *gross income of the indi-*
7 *vidual for the taxable year in which*
8 *occurs the first month in the testing*
9 *period for which such individual is not*
10 *an eligible individual is increased by*
11 *the aggregate amount of all contribu-*
12 *tions to the health savings account of*
13 *the individual which could not have*
14 *been made but for subparagraph (A),*
15 *and*

16 “(II) *the tax imposed by this*
17 *chapter for any taxable year on the in-*
18 *dividual shall be increased by 10 per-*
19 *cent of the amount of such increase.*

20 “(ii) *EXCEPTION FOR DISABILITY OR*
21 *DEATH.*—*Subclauses (I) and (II) of clause*
22 *(i) shall not apply if the individual ceased*
23 *to be an eligible individual by reason of the*
24 *death of the individual or the individual be-*

1 *coming disabled (within the meaning of sec-*
2 *tion 72(m)(7)).*

3 “(iii) *TESTING PERIOD.*—*The term*
4 *‘testing period’ means the period beginning*
5 *with the last month of the taxable year re-*
6 *ferred to in subparagraph (A) and ending*
7 *on the last day of the 12th month following*
8 *such month.”.*

9 (b) *EFFECTIVE DATE.*—*The amendments made by this*
10 *section shall apply to taxable years beginning after Decem-*
11 *ber 31, 2006.*

12 **SEC. 306. EXCEPTION TO REQUIREMENT FOR EMPLOYERS**
13 **TO MAKE COMPARABLE HEALTH SAVINGS AC-**
14 **COUNT CONTRIBUTIONS.**

15 (a) *IN GENERAL.*—*Section 4980G (relating to failure*
16 *of employer to make comparable health savings account con-*
17 *tributions) is amended by adding at the end the following*
18 *new subsection:*

19 “(d) *EXCEPTION.*—*For purposes of applying section*
20 *4980E to a contribution to a health savings account of an*
21 *employee who is not a highly compensated employee (as de-*
22 *finied in section 414(q)), highly compensated employees shall*
23 *not be treated as comparable participating employees.”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2006.*

4 **SEC. 307. ONE-TIME DISTRIBUTION FROM INDIVIDUAL RE-**
5 **TIREMENT PLANS TO FUND HSAS.**

6 (a) *IN GENERAL.*—*Subsection (d) of section 408 (relat-*
7 *ing to taxability of beneficiary of employees' trust) is*
8 *amended by adding at the end the following new paragraph:*

9 “(9) *DISTRIBUTION FOR HEALTH SAVINGS AC-*
10 *COUNT FUNDING.*—

11 “(A) *IN GENERAL.*—*In the case of an indi-*
12 *vidual who is an eligible individual (as defined*
13 *in section 223(c)) and who elects the application*
14 *of this paragraph for a taxable year, gross in-*
15 *come of the individual for the taxable year does*
16 *not include a qualified HSA funding distribu-*
17 *tion to the extent such distribution is otherwise*
18 *includible in gross income.*

19 “(B) *QUALIFIED HSA FUNDING DISTRIBUTION.*—*For purposes of this paragraph, the term*
20 *‘qualified HSA funding distribution’ means a*
21 *distribution from an individual retirement plan*
22 *(other than a plan described in subsection (k) or*
23 *(p)) of the employee to the extent that such dis-*
24 *tribution is contributed to the health savings ac-*
25

1 *count of the individual in a direct trustee-to-*
2 *trustee transfer.*

3 “(C) *LIMITATIONS.*—

4 “(i) *MAXIMUM DOLLAR LIMITATION.*—

5 *The amount excluded from gross income by*
6 *subparagraph (A) shall not exceed the excess*
7 *of—*

8 “(I) *the annual limitation under*
9 *section 223(b) computed on the basis of*
10 *the type of coverage under the high de-*
11 *ductible health plan covering the indi-*
12 *vidual at the time of the qualified*
13 *HSA funding distribution, over*

14 “(II) *in the case of a distribution*
15 *described in clause (i)(II), the amount*
16 *of the earlier qualified HSA funding*
17 *distribution.*

18 “(ii) *ONE-TIME TRANSFER.*—

19 “(I) *IN GENERAL.*—*Except as pro-*
20 *vided in subclause (II), an individual*
21 *may make an election under subpara-*
22 *graph (A) only for one qualified HSA*
23 *funding distribution during the life-*
24 *time of the individual. Such an elec-*
25 *tion, once made, shall be irrevocable.*

1 “(II) *CONVERSION FROM SELF-*
2 *ONLY TO FAMILY COVERAGE.—If a*
3 *qualified HSA funding distribution is*
4 *made during a month in a taxable*
5 *year during which an individual has*
6 *self-only coverage under a high deduct-*
7 *ible health plan as of the first day of*
8 *the month, the individual may elect to*
9 *make an additional qualified HSA*
10 *funding distribution during a subse-*
11 *quent month in such taxable year dur-*
12 *ing which the individual has family*
13 *coverage under a high deductible health*
14 *plan as of the first day of the subse-*
15 *quent month.*

16 “(D) *FAILURE TO MAINTAIN HIGH DEDUCT-*
17 *IBLE HEALTH PLAN COVERAGE.—*

18 “(i) *IN GENERAL.—If, at any time*
19 *during the testing period, the individual is*
20 *not an eligible individual, then the aggre-*
21 *gate amount of all contributions to the*
22 *health savings account of the individual*
23 *made under subparagraph (A)—*

24 “(I) *shall be includible in the*
25 *gross income of the individual for the*

1 *taxable year in which occurs the first*
2 *month in the testing period for which*
3 *such individual is not an eligible indi-*
4 *vidual, and*

5 “(II) *the tax imposed by this*
6 *chapter for any taxable year on the in-*
7 *dividual shall be increased by 10 per-*
8 *cent of the amount which is so includ-*
9 *ible.*

10 “(ii) *EXCEPTION FOR DISABILITY OR*
11 *DEATH.—Subclauses (I) and (II) of clause*
12 *(i) shall not apply if the individual ceased*
13 *to be an eligible individual by reason of the*
14 *death of the individual or the individual be-*
15 *coming disabled (within the meaning of sec-*
16 *tion 72(m)(7)).*

17 “(iii) *TESTING PERIOD.—The term*
18 *‘testing period’ means the period beginning*
19 *with the month in which the qualified HSA*
20 *funding distribution is contributed to a*
21 *health savings account and ending on the*
22 *last day of the 12th month following such*
23 *month.*

24 “(E) *APPLICATION OF SECTION 72.—Not-*
25 *withstanding section 72, in determining the ex-*

1 *tent to which an amount is treated as otherwise*
2 *includible in gross income for purposes of sub-*
3 *paragraph (A), the aggregate amount distributed*
4 *from an individual retirement plan shall be*
5 *treated as includible in gross income to the ex-*
6 *tent that such amount does not exceed the aggre-*
7 *gate amount which would have been so includible*
8 *if all amounts from all individual retirement*
9 *plans were distributed. Proper adjustments shall*
10 *be made in applying section 72 to other distribu-*
11 *tions in such taxable year and subsequent tax-*
12 *able years.”.*

13 ***(b) COORDINATION WITH LIMITATION ON CONTRIBU-***
14 ***TIONS TO HSAS.—Section 223(b)(4) (relating to coordina-***
15 ***tion with other contributions) is amended by striking “and”***
16 ***at the end of subparagraph (A), by striking the period at***
17 ***the end of subparagraph (B) and inserting “, and”, and***
18 ***by inserting after subparagraph (B) the following new sub-***
19 ***paragraph:***

20 ***“(C) the aggregate amount contributed to***
21 ***health savings accounts of such individual for***
22 ***such taxable year under section 408(d)(9) (and***
23 ***such amount shall not be allowed as a deduction***
24 ***under subsection (a)).”.***

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall apply to taxable years beginning after Decem-*
 3 *ber 31, 2006.*

4 ***TITLE IV—OTHER PROVISIONS***

5 ***SEC. 401. DEDUCTION ALLOWABLE WITH RESPECT TO IN-***
 6 ***COME ATTRIBUTABLE TO DOMESTIC PRODUC-***
 7 ***TION ACTIVITIES IN PUERTO RICO.***

8 (a) *IN GENERAL.*—*Subsection (d) of section 199 (relat-*
 9 *ing to definitions and special rules) is amended by redesi-*
 10 *gnating paragraph (8) as paragraph (9) and by inserting*
 11 *after paragraph (7) the following new paragraph:*

12 “(8) *TREATMENT OF ACTIVITIES IN PUERTO*
 13 *RICO.*—

14 “(A) *IN GENERAL.*—*In the case of any tax-*
 15 *payer with gross receipts for any taxable year*
 16 *from sources within the Commonwealth of Puerto*
 17 *Rico, if all of such receipts are taxable under sec-*
 18 *tion 1 or 11 for such taxable year, then for pur-*
 19 *poses of determining the domestic production*
 20 *gross receipts of such taxpayer for such taxable*
 21 *year under subsection (c)(4), the term ‘United*
 22 *States’ shall include the Commonwealth of Puer-*
 23 *to Rico.*

24 “(B) *SPECIAL RULE FOR APPLYING WAGE*
 25 *LIMITATION.*—*In the case of any taxpayer de-*

1 *determined under subsection (c) for such taxable year*
2 *shall not be less than the AMT refundable credit*
3 *amount for such taxable year.*

4 “(2) *AMT REFUNDABLE CREDIT AMOUNT.—For*
5 *purposes of paragraph (1)—*

6 “(A) *IN GENERAL.—The term ‘AMT refund-*
7 *able credit amount’ means, with respect to any*
8 *taxable year, the amount equal to the greater*
9 *of—*

10 “(i) *the lesser of—*

11 “(I) *\$5,000, or*

12 “(II) *the amount of long-term un-*
13 *used minimum tax credit for such tax-*
14 *able year, or*

15 “(ii) *20 percent of the amount of such*
16 *credit.*

17 “(B) *PHASEOUT OF AMT REFUNDABLE*
18 *CREDIT AMOUNT.—*

19 “(i) *IN GENERAL.—In the case of an*
20 *individual whose adjusted gross income for*
21 *any taxable year exceeds the threshold*
22 *amount (within the meaning of section*
23 *151(d)(3)(C)), the AMT refundable credit*
24 *amount determined under subparagraph*
25 *(A) for such taxable year shall be reduced*

1 *by the applicable percentage (within the*
2 *meaning of section 151(d)(3)(B)).*

3 “(ii) *ADJUSTED GROSS INCOME.—For*
4 *purposes of clause (i), adjusted gross income*
5 *shall be determined without regard to sec-*
6 *tions 911, 931, and 933.*

7 “(3) *LONG-TERM UNUSED MINIMUM TAX CRED-*
8 *IT.—*

9 “(A) *IN GENERAL.—For purposes of this*
10 *subsection, the term ‘long-term unused minimum*
11 *tax credit’ means, with respect to any taxable*
12 *year, the portion of the minimum tax credit de-*
13 *termined under subsection (b) attributable to the*
14 *adjusted net minimum tax for taxable years be-*
15 *fore the 3rd taxable year immediately preceding*
16 *such taxable year.*

17 “(B) *FIRST-IN, FIRST-OUT ORDERING*
18 *RULE.—For purposes of subparagraph (A), cred-*
19 *its shall be treated as allowed under subsection*
20 *(a) on a first-in, first-out basis.*

21 “(4) *CREDIT REFUNDABLE.—For purposes of*
22 *this title (other than this section), the credit allowed*
23 *by reason of this subsection shall be treated as if it*
24 *were allowed under subpart C.”.*

25 “(b) *CONFORMING AMENDMENTS.—*

1 (1) *Section 6211(b)(4)(A) is amended by striking*
2 *“and 34” and inserting “34, and 53(e)”.*

3 (2) *Paragraph (2) of section 1324(b) of title 31,*
4 *United States Code, is amended by inserting “or*
5 *53(e)” after “section 35”.*

6 (c) *EFFECTIVE DATE.—The amendments made by this*
7 *section shall apply to taxable years beginning after the date*
8 *of the enactment of this Act.*

9 **SEC. 403. RETURNS REQUIRED IN CONNECTION WITH CER-**
10 **TAIN OPTIONS.**

11 (a) *IN GENERAL.—So much of section 6039(a) as fol-*
12 *lows paragraph (2) is amended to read as follows:*

13 *“shall, for such calendar year, make a return at such time*
14 *and in such manner, and setting forth such information,*
15 *as the Secretary may by regulations prescribe.”.*

16 (b) *STATEMENTS TO PERSONS WITH RESPECT TO*
17 *WHOM INFORMATION IS FURNISHED.—Section 6039 is*
18 *amended by redesignating subsections (b) and (c) as sub-*
19 *section (c) and (d), respectively, and by inserting after sub-*
20 *section (a) the following new subsection:*

21 *“(b) STATEMENTS TO BE FURNISHED TO PERSONS*
22 *WITH RESPECT TO WHOM INFORMATION IS REPORTED.—*
23 *Every corporation making a return under subsection (a)*
24 *shall furnish to each person whose name is set forth in such*
25 *return a written statement setting forth such information*

1 *as the Secretary may by regulations prescribe. The written*
2 *statement required under the preceding sentence shall be*
3 *furnished to such person on or before January 31 of the*
4 *year following the calendar year for which the return under*
5 *subsection (a) was made.”.*

6 *(c) CONFORMING AMENDMENTS.—*

7 *(1) Section 6724(d)(1)(B) is amended by strik-*
8 *ing “or” at the end of clause (xvii), by striking “and”*
9 *at the end of clause (xviii) and inserting “or”, and*
10 *by adding at the end the following new clause:*

11 *“(xix) section 6039(a) (relating to re-*
12 *turns required with respect to certain op-*
13 *tions), and”.*

14 *(2) Section 6724(d)(2)(B) is amended by strik-*
15 *ing “section 6039(a)” and inserting “section*
16 *6039(b)”.*

17 *(3) The heading of section 6039 and the item re-*
18 *lating to such section in the table of sections of sub-*
19 *part A of part III of subchapter A of chapter 61 of*
20 *such Code are each amended by striking “Informa-*
21 *tion” and inserting “Returns”.*

22 *(4) The heading of subsection (a) of section 6039*
23 *is amended by striking “FURNISHING OF INFORMA-*
24 *TION” and inserting “REQUIREMENT OF REPORT-*
25 *ING”.*

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to calendar years beginning after the*
3 *date of the enactment of this Act.*

4 **SEC. 404. PARTIAL EXPENSING FOR ADVANCED MINE SAFE-**
5 **TY EQUIPMENT.**

6 (a) *IN GENERAL.*—*Part VI of subchapter B of chapter*
7 *1 is amended by inserting after section 179D the following*
8 *new section:*

9 **“SEC. 179E. ELECTION TO EXPENSE ADVANCED MINE SAFE-**
10 **TY EQUIPMENT.**

11 “(a) *TREATMENT AS EXPENSES.*—*A taxpayer may*
12 *elect to treat 50 percent of the cost of any qualified ad-*
13 *vanced mine safety equipment property as an expense*
14 *which is not chargeable to capital account. Any cost so*
15 *treated shall be allowed as a deduction for the taxable year*
16 *in which the qualified advanced mine safety equipment*
17 *property is placed in service.*

18 “(b) *ELECTION.*—

19 “(1) *IN GENERAL.*—*An election under this sec-*
20 *tion for any taxable year shall be made on the tax-*
21 *payer’s return of the tax imposed by this chapter for*
22 *the taxable year. Such election shall specify the ad-*
23 *vanced mine safety equipment property to which the*
24 *election applies and shall be made in such manner as*
25 *the Secretary may by regulations prescribe.*

1 “(2) *ELECTION IRREVOCABLE.*—*Any election*
2 *made under this section may not be revoked except*
3 *with the consent of the Secretary.*

4 “(c) *QUALIFIED ADVANCED MINE SAFETY EQUIPMENT*
5 *PROPERTY.*—*For purposes of this section, the term ‘quali-*
6 *fied advanced mine safety equipment property’ means any*
7 *advanced mine safety equipment property for use in any*
8 *underground mine located in the United States—*

9 “(1) *the original use of which commences with*
10 *the taxpayer, and*

11 “(2) *which is placed in service by the taxpayer*
12 *after the date of the enactment of this section.*

13 “(d) *ADVANCED MINE SAFETY EQUIPMENT PROP-*
14 *ERTY.*—*For purposes of this section, the term ‘advanced*
15 *mine safety equipment property’ means any of the fol-*
16 *lowing:*

17 “(1) *Emergency communication technology or*
18 *device which is used to allow a miner to maintain*
19 *constant communication with an individual who is*
20 *not in the mine.*

21 “(2) *Electronic identification and location device*
22 *which allows an individual who is not in the mine*
23 *to track at all times the movements and location of*
24 *miners working in or at the mine.*

1 “(3) *Emergency oxygen-generating, self-rescue*
2 *device which provides oxygen for at least 90 minutes.*

3 “(4) *Pre-positioned supplies of oxygen which (in*
4 *combination with self-rescue devices) can be used to*
5 *provide each miner on a shift, in the event of an acci-*
6 *dent or other event which traps the miner in the mine*
7 *or otherwise necessitates the use of such a self-rescue*
8 *device, the ability to survive for at least 48 hours.*

9 “(5) *Comprehensive atmospheric monitoring sys-*
10 *tem which monitors the levels of carbon monoxide,*
11 *methane, and oxygen that are present in all areas of*
12 *the mine and which can detect smoke in the case of*
13 *a fire in a mine.*

14 “(e) *COORDINATION WITH SECTION 179.—No expendi-*
15 *tures shall be taken into account under subsection (a) with*
16 *respect to the portion of the cost of any property specified*
17 *in an election under section 179.*

18 “(f) *REPORTING.—No deduction shall be allowed under*
19 *subsection (a) to any taxpayer for any taxable year unless*
20 *such taxpayer files with the Secretary a report containing*
21 *such information with respect to the operation of the mines*
22 *of the taxpayer as the Secretary shall require.*

23 “(g) *TERMINATION.—This section shall not apply to*
24 *property placed in service after December 31, 2008.”.*

25 “(b) *CONFORMING AMENDMENTS.—*

1 (1) Section 263(a)(1) is amended by striking
2 “or” at the end of subparagraph (J), by striking the
3 period at the end of subparagraph (K) and inserting
4 “, or”, and by inserting after subparagraph (K) the
5 following new subparagraph:

6 “(L) expenditures for which a deduction is
7 allowed under section 179E.”.

8 (2) Section 312(k)(3)(B) is amended by striking
9 “or 179D” each place it appears in the heading and
10 text thereof and inserting “179D, or 179E”.

11 (3) Paragraphs (2)(C) and (3)(C) of section
12 1245(a) are each amended by inserting “179E,” after
13 “179D,”.

14 (4) The table of sections for part VI of sub-
15 chapter B of chapter 1 is amended by inserting after
16 the item relating to section 179D the following new
17 item:

 “Sec. 179E. Election to expense advanced mine safety equipment.”.

18 (c) *EFFECTIVE DATE.*—The amendments made by this
19 section shall apply to costs paid or incurred after the date
20 of the enactment of this Act.

21 **SEC. 405. MINE RESCUE TEAM TRAINING TAX CREDIT.**

22 (a) *IN GENERAL.*—Subpart D of part IV of subchapter
23 A of chapter 1 (relating to business related credits) is
24 amended by adding at the end the following new section:

1 **“SEC. 45N. MINE RESCUE TEAM TRAINING CREDIT.**

2 “(a) *AMOUNT OF CREDIT.*—For purposes of section 38,
3 *the mine rescue team training credit determined under this*
4 *section with respect to each qualified mine rescue team em-*
5 *ployee of an eligible employer for any taxable year is an*
6 *amount equal to the lesser of—*

7 “(1) *20 percent of the amount paid or incurred*
8 *by the taxpayer during the taxable year with respect*
9 *to the training program costs of such qualified mine*
10 *rescue team employee (including wages of such em-*
11 *ployee while attending such program), or*

12 “(2) *\$10,000.*

13 “(b) *QUALIFIED MINE RESCUE TEAM EMPLOYEE.*—
14 *For purposes of this section, the term ‘qualified mine rescue*
15 *team employee’ means with respect to any taxable year any*
16 *full-time employee of the taxpayer who is—*

17 “(1) *a miner eligible for more than 6 months of*
18 *such taxable year to serve as a mine rescue team*
19 *member as a result of completing, at a minimum, an*
20 *initial 20-hour course of instruction as prescribed by*
21 *the Mine Safety and Health Administration’s Office*
22 *of Educational Policy and Development, or*

23 “(2) *a miner eligible for more than 6 months of*
24 *such taxable year to serve as a mine rescue team*
25 *member by virtue of receiving at least 40 hours of re-*
26 *resher training in such instruction.*

1 “(c) *ELIGIBLE EMPLOYER.*—*For purposes of this sec-*
2 *tion, the term ‘eligible employer’ means any taxpayer which*
3 *employs individuals as miners in underground mines in*
4 *the United States.*

5 “(d) *WAGES.*—*For purposes of this section, the term*
6 *‘wages’ has the meaning given to such term by subsection*
7 *(b) of section 3306 (determined without regard to any dollar*
8 *limitation contained in such section).*

9 “(e) *TERMINATION.*—*This section shall not apply to*
10 *taxable years beginning after December 31, 2008.”.*

11 (b) *CREDIT MADE PART OF GENERAL BUSINESS*
12 *CREDIT.*—*Section 38(b) is amended by striking “and” at*
13 *the end of paragraph (29), by striking the period at the*
14 *end of paragraph (30) and inserting “, plus”, and by add-*
15 *ing at the end the following new paragraph:*

16 “(31) *the mine rescue team training credit deter-*
17 *mined under section 45N(a).”.*

18 (c) *NO DOUBLE BENEFIT.*—*Section 280C is amended*
19 *by adding at the end the following new subsection:*

20 “(e) *MINE RESCUE TEAM TRAINING CREDIT.*—*No de-*
21 *duction shall be allowed for that portion of the expenses oth-*
22 *erwise allowable as a deduction for the taxable year which*
23 *is equal to the amount of the credit determined for the tax-*
24 *able year under section 45N(a).”.*

1 (d) *CLERICAL AMENDMENT.*—*The table of sections for*
 2 *subpart D of part IV of subchapter A of chapter 1 is amend-*
 3 *ed by adding at the end the following new item:*

“*Sec. 45N. Mine rescue team training credit.*”.

4 (e) *EFFECTIVE DATE.*—*The amendments made by this*
 5 *section shall apply to taxable years beginning after Decem-*
 6 *ber 31, 2005.*

7 **SEC. 406. WHISTLEBLOWER REFORMS.**

8 (a) *AWARDS TO WHISTLEBLOWERS.*—

9 (1) *IN GENERAL.*—*Section 7623 (relating to ex-*
 10 *penses of detection of underpayments and fraud, etc.)*
 11 *is amended—*

12 (A) *by striking “The Secretary” and insert-*
 13 *ing “(a) IN GENERAL.—The Secretary”,*

14 (B) *by striking “and” at the end of para-*
 15 *graph (1) and inserting “or”,*

16 (C) *by striking “(other than interest)”, and*

17 (D) *by adding at the end the following new*
 18 *subsection:*

19 “(b) *AWARDS TO WHISTLEBLOWERS.*—

20 “(1) *IN GENERAL.*—*If the Secretary proceeds*
 21 *with any administrative or judicial action described*
 22 *in subsection (a) based on information brought to the*
 23 *Secretary’s attention by an individual, such indi-*
 24 *vidual shall, subject to paragraph (2), receive as an*
 25 *award at least 15 percent but not more than 30 per-*

1 *cent of the collected proceeds (including penalties, in-*
2 *terest, additions to tax, and additional amounts) re-*
3 *sulting from the action (including any related ac-*
4 *tions) or from any settlement in response to such ac-*
5 *tion. The determination of the amount of such award*
6 *by the Whistleblower Office shall depend upon the ex-*
7 *tent to which the individual substantially contributed*
8 *to such action.*

9 “(2) *AWARD IN CASE OF LESS SUBSTANTIAL*
10 *CONTRIBUTION.—*

11 “(A) *IN GENERAL.—In the event the action*
12 *described in paragraph (1) is one which the*
13 *Whistleblower Office determines to be based prin-*
14 *cipally on disclosures of specific allegations*
15 *(other than information provided by the indi-*
16 *vidual described in paragraph (1)) resulting*
17 *from a judicial or administrative hearing, from*
18 *a governmental report, hearing, audit, or inves-*
19 *tigation, or from the news media, the Whistle-*
20 *blower Office may award such sums as it con-*
21 *siders appropriate, but in no case more than 10*
22 *percent of the collected proceeds (including pen-*
23 *alties, interest, additions to tax, and additional*
24 *amounts) resulting from the action (including*
25 *any related actions) or from any settlement in*

1 *response to such action, taking into account the*
2 *significance of the individual's information and*
3 *the role of such individual and any legal rep-*
4 *resentative of such individual in contributing to*
5 *such action.*

6 “(B) *NONAPPLICATION OF PARAGRAPH*
7 *WHERE INDIVIDUAL IS ORIGINAL SOURCE OF IN-*
8 *FORMATION.—Subparagraph (A) shall not apply*
9 *if the information resulting in the initiation of*
10 *the action described in paragraph (1) was origi-*
11 *nally provided by the individual described in*
12 *paragraph (1).*

13 “(3) *REDUCTION IN OR DENIAL OF AWARD.—If*
14 *the Whistleblower Office determines that the claim for*
15 *an award under paragraph (1) or (2) is brought by*
16 *an individual who planned and initiated the actions*
17 *that led to the underpayment of tax or actions de-*
18 *scribed in subsection (a)(2), then the Whistleblower*
19 *Office may appropriately reduce such award. If such*
20 *individual is convicted of criminal conduct arising*
21 *from the role described in the preceding sentence, the*
22 *Whistleblower Office shall deny any award.*

23 “(4) *APPEAL OF AWARD DETERMINATION.—Any*
24 *determination regarding an award under paragraph*
25 *(1), (2), or (3) may, within 30 days of such deter-*

1 *mination, be appealed to the Tax Court (and the Tax*
2 *Court shall have jurisdiction with respect to such*
3 *matter).*

4 “(5) *APPLICATION OF THIS SUBSECTION.—This*
5 *subsection shall apply with respect to any action—*

6 “(A) *against any taxpayer, but in the case*
7 *of any individual, only if such individual’s gross*
8 *income exceeds \$200,000 for any taxable year*
9 *subject to such action, and*

10 “(B) *if the tax, penalties, interest, additions*
11 *to tax, and additional amounts in dispute exceed*
12 *\$2,000,000.*

13 “(6) *ADDITIONAL RULES.—*

14 “(A) *NO CONTRACT NECESSARY.—No con-*
15 *tract with the Internal Revenue Service is nec-*
16 *essary for any individual to receive an award*
17 *under this subsection.*

18 “(B) *REPRESENTATION.—Any individual*
19 *described in paragraph (1) or (2) may be rep-*
20 *resented by counsel.*

21 “(C) *SUBMISSION OF INFORMATION.—No*
22 *award may be made under this subsection based*
23 *on information submitted to the Secretary unless*
24 *such information is submitted under penalty of*
25 *perjury.”.*

1 (2) *ASSIGNMENT TO SPECIAL TRIAL JUDGES.*—

2 (A) *IN GENERAL.*—Section 7443A(b) (relat-
3 ing to proceedings which may be assigned to spe-
4 cial trial judges) is amended by striking “and”
5 at the end of paragraph (5), by redesignating
6 paragraph (6) as paragraph (7), and by insert-
7 ing after paragraph (5) the following new para-
8 graph:

9 “(6) any proceeding under section 7623(b)(4),
10 and”.

11 (B) *CONFORMING AMENDMENT.*—Section
12 7443A(c) is amended by striking “or (5)” and
13 inserting “(5), or (6)”.

14 (3) *DEDUCTION ALLOWED WHETHER OR NOT*
15 *TAXPAYER ITEMIZES.*—Subsection (a) of section 62
16 (relating to general rule defining adjusted gross in-
17 come) is amended by inserting after paragraph (20)
18 the following new paragraph:

19 “(21) *ATTORNEYS FEES RELATING TO AWARDS*
20 *TO WHISTLEBLOWERS.*—Any deduction allowable
21 under this chapter for attorney fees and court costs
22 paid by, or on behalf of, the taxpayer in connection
23 with any award under section 7623(b) (relating to
24 awards to whistleblowers). The preceding sentence
25 shall not apply to any deduction in excess of the

1 *amount includible in the taxpayer's gross income for*
2 *the taxable year on account of such award.”.*

3 *(b) WHISTLEBLOWER OFFICE.—*

4 *(1) IN GENERAL.—Not later than the date which*
5 *is 12 months after the date of the enactment of this*
6 *Act, the Secretary of the Treasury shall issue guid-*
7 *ance for the operation of a whistleblower program to*
8 *be administered in the Internal Revenue Service by*
9 *an office to be known as the “Whistleblower Office”*
10 *which—*

11 *(A) shall at all times operate at the direc-*
12 *tion of the Commissioner of Internal Revenue*
13 *and coordinate and consult with other divisions*
14 *in the Internal Revenue Service as directed by*
15 *the Commissioner of Internal Revenue,*

16 *(B) shall analyze information received from*
17 *any individual described in section 7623(b) of*
18 *the Internal Revenue Code of 1986 and either in-*
19 *vestigate the matter itself or assign it to the ap-*
20 *propriate Internal Revenue Service office, and*

21 *(C) in its sole discretion, may ask for addi-*
22 *tional assistance from such individual or any*
23 *legal representative of such individual.*

24 *(2) REQUEST FOR ASSISTANCE.—The guidance*
25 *issued under paragraph (1) shall specify that any as-*

1 *sistance requested under paragraph (1)(C) shall be*
2 *under the direction and control of the Whistleblower*
3 *Office or the office assigned to investigate the matter*
4 *under paragraph (1)(A). No individual or legal rep-*
5 *resentative whose assistance is so requested may by*
6 *reason of such request represent himself or herself as*
7 *an employee of the Federal Government.*

8 *(c) REPORT BY SECRETARY.—The Secretary of the*
9 *Treasury shall each year conduct a study and report to*
10 *Congress on the use of section 7623 of the Internal Revenue*
11 *Code of 1986, including—*

12 *(1) an analysis of the use of such section during*
13 *the preceding year and the results of such use, and*

14 *(2) any legislative or administrative rec-*
15 *ommendations regarding the provisions of such sec-*
16 *tion and its application.*

17 *(d) EFFECTIVE DATE.—The amendments made by*
18 *subsection (a) shall apply to information provided on or*
19 *after the date of the enactment of this Act.*

20 **SEC. 407. FRIVOLOUS TAX SUBMISSIONS.**

21 *(a) CIVIL PENALTIES.—Section 6702 is amended to*
22 *read as follows:*

23 **“SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.**

24 **“(a) CIVIL PENALTY FOR FRIVOLOUS TAX RE-**
25 **URNS.—A person shall pay a penalty of \$5,000 if—**

1 “(1) such person files what purports to be a re-
2 turn of a tax imposed by this title but which—

3 “(A) does not contain information on which
4 the substantial correctness of the self-assessment
5 may be judged, or

6 “(B) contains information that on its face
7 indicates that the self-assessment is substantially
8 incorrect, and

9 “(2) the conduct referred to in paragraph (1)—

10 “(A) is based on a position which the Sec-
11 retary has identified as frivolous under sub-
12 section (c), or

13 “(B) reflects a desire to delay or impede the
14 administration of Federal tax laws.

15 “(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUB-
16 MISSIONS.—

17 “(1) IMPOSITION OF PENALTY.—Except as pro-
18 vided in paragraph (3), any person who submits a
19 specified frivolous submission shall pay a penalty of
20 \$5,000.

21 “(2) SPECIFIED FRIVOLOUS SUBMISSION.—For
22 purposes of this section—

23 “(A) SPECIFIED FRIVOLOUS SUBMISSION.—

24 The term ‘specified frivolous submission’ means

1 *a specified submission if any portion of such*
2 *submission—*

3 “(i) *is based on a position which the*
4 *Secretary has identified as frivolous under*
5 *subsection (c), or*

6 “(ii) *reflects a desire to delay or im-*
7 *pede the administration of Federal tax*
8 *laws.*

9 “(B) *SPECIFIED SUBMISSION.—The term*
10 *‘specified submission’ means—*

11 “(i) *a request for a hearing under—*

12 “(I) *section 6320 (relating to no-*
13 *tice and opportunity for hearing upon*
14 *filing of notice of lien), or*

15 “(II) *section 6330 (relating to no-*
16 *tice and opportunity for hearing before*
17 *levy), and*

18 “(ii) *an application under—*

19 “(I) *section 6159 (relating to*
20 *agreements for payment of tax liability*
21 *in installments),*

22 “(II) *section 7122 (relating to*
23 *compromises), or*

24 “(III) *section 7811 (relating to*
25 *taxpayer assistance orders).*

1 “(3) *OPPORTUNITY TO WITHDRAW SUBMIS-*
2 *SION.—If the Secretary provides a person with notice*
3 *that a submission is a specified frivolous submission*
4 *and such person withdraws such submission within*
5 *30 days after such notice, the penalty imposed under*
6 *paragraph (1) shall not apply with respect to such*
7 *submission.*

8 “(c) *LISTING OF FRIVOLOUS POSITIONS.—The Sec-*
9 *retary shall prescribe (and periodically revise) a list of posi-*
10 *tions which the Secretary has identified as being frivolous*
11 *for purposes of this subsection. The Secretary shall not in-*
12 *clude in such list any position that the Secretary deter-*
13 *mines meets the requirement of section*
14 *6662(d)(2)(B)(i)(II).*

15 “(d) *REDUCTION OF PENALTY.—The Secretary may*
16 *reduce the amount of any penalty imposed under this sec-*
17 *tion if the Secretary determines that such reduction would*
18 *promote compliance with and administration of the Federal*
19 *tax laws.*

20 “(e) *PENALTIES IN ADDITION TO OTHER PEN-*
21 *ALTIES.—The penalties imposed by this section shall be in*
22 *addition to any other penalty provided by law.”.*

23 “(b) *TREATMENT OF FRIVOLOUS REQUESTS FOR HEAR-*
24 *INGS BEFORE LEVY.—*

1 (1) *FRIVOLOUS REQUESTS DISREGARDED.*—Sec-
2 tion 6330 (relating to notice and opportunity for
3 hearing before levy) is amended by adding at the end
4 the following new subsection:

5 “(g) *FRIVOLOUS REQUESTS FOR HEARING, ETC.*—Not-
6 withstanding any other provision of this section, if the Sec-
7 retary determines that any portion of a request for a hear-
8 ing under this section or section 6320 meets the requirement
9 of clause (i) or (ii) of section 6702(b)(2)(A), then the Sec-
10 retary may treat such portion as if it were never submitted
11 and such portion shall not be subject to any further admin-
12 istrative or judicial review.”.

13 (2) *PRECLUSION FROM RAISING FRIVOLOUS*
14 *ISSUES AT HEARING.*—Section 6330(c)(4) is amend-
15 ed—

16 (A) by striking “(A)” and inserting
17 “(A)(i)”;

18 (B) by striking “(B)” and inserting “(ii)”;

19 (C) by striking the period at the end of the
20 first sentence and inserting “; or”; and

21 (D) by inserting after subparagraph (A)(ii)
22 (as so redesignated) the following:

23 “(B) the issue meets the requirement of
24 clause (i) or (ii) of section 6702(b)(2)(A).”.

1 (3) *STATEMENT OF GROUNDS.*—Section
2 6330(b)(1) is amended by striking “under subsection
3 (a)(3)(B)” and inserting “in writing under subsection
4 (a)(3)(B) and states the grounds for the requested
5 hearing”.

6 (c) *TREATMENT OF FRIVOLOUS REQUESTS FOR HEAR-*
7 *INGS UPON FILING OF NOTICE OF LIEN.*—Section 6320 is
8 *amended—*

9 (1) *in subsection (b)(1), by striking “under sub-*
10 *section (a)(3)(B)” and inserting “in writing under*
11 *subsection (a)(3)(B) and states the grounds for the re-*
12 *quested hearing”, and*

13 (2) *in subsection (c), by striking “and (e)” and*
14 *inserting “(e), and (g)”.*

15 (d) *TREATMENT OF FRIVOLOUS APPLICATIONS FOR*
16 *OFFERS-IN-COMPROMISE AND INSTALLMENT AGREE-*
17 *MENTS.*—Section 7122 is amended by adding at the end
18 *the following new subsection:*

19 “(f) *FRIVOLOUS SUBMISSIONS, ETC.*—Notwithstanding
20 *any other provision of this section, if the Secretary deter-*
21 *mines that any portion of an application for an offer-in-*
22 *compromise or installment agreement submitted under this*
23 *section or section 6159 meets the requirement of clause (i)*
24 *or (ii) of section 6702(b)(2)(A), then the Secretary may*
25 *treat such portion as if it were never submitted and such*

1 *portion shall not be subject to any further administrative*
2 *or judicial review.”.*

3 *(e) CLERICAL AMENDMENT.—The table of sections for*
4 *part I of subchapter B of chapter 68 is amended by striking*
5 *the item relating to section 6702 and inserting the following*
6 *new item:*

“Sec. 6702. Frivolous tax submissions.”.

7 *(f) EFFECTIVE DATE.—The amendments made by this*
8 *section shall apply to submissions made and issues raised*
9 *after the date on which the Secretary first prescribes a list*
10 *under section 6702(c) of the Internal Revenue Code of 1986,*
11 *as amended by subsection (a).*

12 **SEC. 408. ADDITION OF MENINGOCOCCAL AND HUMAN**
13 **PAPILLOMAVIRUS VACCINES TO LIST OF TAX-**
14 **ABLE VACCINES.**

15 *(a) MENINGOCOCCAL VACCINE.—Section 4132(a)(1)*
16 *(defining taxable vaccine) is amended by adding at the end*
17 *the following new subparagraph:*

18 *“(O) Any meningococcal vaccine.”.*

19 *(b) HUMAN PAPILLOMAVIRUS VACCINE.—Section*
20 *4132(a)(1), as amended by subsection (a), is amended by*
21 *adding at the end the following new subparagraph:*

22 *“(P) Any vaccine against the human*
23 *papillomavirus.”.*

24 *(c) EFFECTIVE DATE.—*

1 (1) *SALES, ETC.*—*The amendments made by this*
2 *section shall apply to sales and uses on or after the*
3 *first day of the first month which begins more than*
4 *4 weeks after the date of the enactment of this Act.*

5 (2) *DELIVERIES.*—*For purposes of paragraph*
6 *(1) and section 4131 of the Internal Revenue Code of*
7 *1986, in the case of sales on or before the effective date*
8 *described in such paragraph for which delivery is*
9 *made after such date, the delivery date shall be con-*
10 *sidered the sale date.*

11 **SEC. 409. CLARIFICATION OF TAXATION OF CERTAIN SET-**
12 **TLEMENT FUNDS MADE PERMANENT.**

13 (a) *IN GENERAL.*—*Subsection (g) of section 468B is*
14 *amended by striking paragraph (3).*

15 (b) *EFFECTIVE DATE.*—*The amendment made by this*
16 *section shall take effect as if included in section 201 of the*
17 *Tax Increase Prevention and Reconciliation Act of 2005.*

18 **SEC. 410. MODIFICATION OF ACTIVE BUSINESS DEFINITION**
19 **UNDER SECTION 355 MADE PERMANENT.**

20 (a) *IN GENERAL.*—*Subparagraphs (A) and (D) of sec-*
21 *tion 355(b)(3) are each amended by striking “and on or*
22 *before December 31, 2010”.*

23 (b) *EFFECTIVE DATE.*—*The amendments made by this*
24 *section shall take effect as if included in section 202 of the*
25 *Tax Increase Prevention and Reconciliation Act of 2005.*

1 **SEC. 411. REVISION OF STATE VETERANS LIMIT MADE PER-**
2 **MANENT.**

3 (a) *IN GENERAL.*—Subparagraph (B) of section
4 143(l)(3) is amended by striking clause (iv).

5 (b) *EFFECTIVE DATE.*—The amendment made by this
6 section shall take effect as if included in section 203 of the
7 Tax Increase Prevention and Reconciliation Act of 2005.

8 **SEC. 412. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-**
9 **CREATED MUSICAL WORKS MADE PERMA-**
10 **NENT.**

11 (a) *IN GENERAL.*—Paragraph (3) of section 1221(b)
12 is amended by striking “before January 1, 2011,”.

13 (b) *EFFECTIVE DATE.*—The amendment made by this
14 section shall take effect as if included in section 204 of the
15 Tax Increase Prevention and Reconciliation Act of 2005.

16 **SEC. 413. REDUCTION IN MINIMUM VESSEL TONNAGE**
17 **WHICH QUALIFIES FOR TONNAGE TAX MADE**
18 **PERMANENT.**

19 (a) *IN GENERAL.*—Paragraph (4) of section 1355(a)
20 is amended by striking “10,000 (6,000, in the case of tax-
21 able years beginning after December 31, 2005, and ending
22 before January 1, 2011)” and inserting “6,000”.

23 (b) *EFFECTIVE DATE.*—The amendment made by this
24 section shall take effect as if included in section 205 of the
25 Tax Increase Prevention and Reconciliation Act of 2005.

1 **SEC. 414. MODIFICATION OF SPECIAL ARBITRAGE RULE**
 2 **FOR CERTAIN FUNDS MADE PERMANENT.**

3 (a) *IN GENERAL.*—Section 206 of the Tax Increase
 4 Prevention and Reconciliation Act of 2005 is amended by
 5 striking “and before August 31, 2009”.

6 (b) *EFFECTIVE DATE.*—The amendment made by this
 7 section shall take effect as if included in section 206 of the
 8 Tax Increase Prevention and Reconciliation Act of 2005.

9 **SEC. 415. GREAT LAKES DOMESTIC SHIPPING TO NOT DIS-**
 10 **QUALIFY VESSEL FROM TONNAGE TAX.**

11 (a) *IN GENERAL.*—Section 1355 (relating to defini-
 12 tions and special rules) is amended by redesignating sub-
 13 section (g) as subsection (h) and by inserting after sub-
 14 section (f) the following new subsection:

15 “(g) *GREAT LAKES DOMESTIC SHIPPING TO NOT DIS-*
 16 *QUALIFY VESSEL.*—

17 “(1) *IN GENERAL.*—If the electing corporation
 18 elects (at such time and in such manner as the Sec-
 19 retary may require) to apply this subsection for any
 20 taxable year to any qualifying vessel which is used in
 21 qualified zone domestic trade during the taxable
 22 year—

23 “(A) solely for purposes of subsection (a)(4),
 24 such use shall be treated as use in United States
 25 foreign trade (and not as use in United States
 26 domestic trade), and

1 “(B) subsection (f) shall not apply with re-
2 spect to such vessel for such taxable year.

3 “(2) *EFFECT OF TEMPORARILY OPERATING VES-*
4 *SEL IN UNITED STATES DOMESTIC TRADE.*—*In the*
5 *case of a qualifying vessel to which this subsection ap-*
6 *plies—*

7 “(A) *IN GENERAL.*—*An electing corporation*
8 *shall be treated as using such vessel in qualified*
9 *zone domestic trade during any period of tem-*
10 *porary use in the United States domestic trade*
11 *(other than qualified zone domestic trade) if the*
12 *electing corporation gives timely notice to the*
13 *Secretary stating—*

14 “(i) *that it temporarily operates or has*
15 *operated in the United States domestic*
16 *trade (other than qualified zone domestic*
17 *trade) a qualifying vessel which had been*
18 *used in the United States foreign trade or*
19 *qualified zone domestic trade, and*

20 “(ii) *its intention to resume operation*
21 *of the vessel in the United States foreign*
22 *trade or qualified zone domestic trade.*

23 “(B) *NOTICE.*—*Notice shall be deemed time-*
24 *ly if given not later than the due date (including*
25 *extensions) for the corporation’s tax return for*

1 *the taxable year in which the temporary ces-*
2 *sation begins.*

3 “(C) *PERIOD DISREGARD IN EFFECT.*—*The*
4 *period of temporary use under subparagraph (A)*
5 *continues until the earlier of the date of which—*

6 “(i) *the electing corporation abandons*
7 *its intention to resume operations of the*
8 *vessel in the United States foreign trade or*
9 *qualified zone domestic trade, or*

10 “(ii) *the electing corporation resumes*
11 *operation of the vessel in the United States*
12 *foreign trade or qualified zone domestic*
13 *trade.*

14 “(D) *NO DISREGARD IF DOMESTIC TRADE*
15 *USE EXCEEDS 30 DAYS.*—*Subparagraph (A) shall*
16 *not apply to any qualifying vessel which is oper-*
17 *ated in the United States domestic trade (other*
18 *than qualified zone domestic trade) for more*
19 *than 30 days during the taxable year.*

20 “(3) *ALLOCATION OF INCOME AND DEDUCTIONS*
21 *TO QUALIFYING SHIPPING ACTIVITIES.*—*In the case of*
22 *a qualifying vessel to which this subsection applies,*
23 *the Secretary shall prescribe rules for the proper allo-*
24 *cation of income, expenses, losses, and deductions be-*

1 *tween the qualified shipping activities and the other*
2 *activities of such vessel.*

3 “(4) *QUALIFIED ZONE DOMESTIC TRADE.*—For
4 *purposes of this subsection—*

5 “(A) *IN GENERAL.*—The term ‘qualified
6 *zone domestic trade*’ means the transportation of
7 *goods or passengers between places in the quali-*
8 *fied zone if such transportation is in the United*
9 *States domestic trade.*

10 “(B) *QUALIFIED ZONE.*—The term ‘quali-
11 *fied zone*’ means the Great Lakes Waterway and
12 *the St. Lawrence Seaway.”.*

13 (b) *EFFECTIVE DATE.*—The amendments made by this
14 *section shall apply to taxable years beginning after the date*
15 *of the enactment of this Act.*

16 **SEC. 416. USE OF QUALIFIED MORTGAGE BONDS TO FI-**
17 **NANCE RESIDENCES FOR VETERANS WITH-**
18 **OUT REGARD TO FIRST-TIME HOMEBUYER RE-**
19 **QUIREMENT.**

20 (a) *IN GENERAL.*—Section 143(d)(2) (relating to ex-
21 *ceptions to 3-year requirement*) is amended by striking
22 *“and” at the end of subparagraph (B), by adding “and”*
23 *at the end of subparagraph (C), and by inserting after sub-*
24 *paragraph (C) the following new subparagraph:*

1 “(D) in the case of bonds issued after the
2 date of the enactment of this subparagraph and
3 before January 1, 2008, financing of any resi-
4 dence for a veteran (as defined in section 101 of
5 title 38, United States Code), if such veteran has
6 not previously qualified for and received such fi-
7 nancing by reason of this subparagraph.”.

8 (b) *EFFECTIVE DATE.*—The amendments made by this
9 section shall apply to bonds issued after the date of the en-
10 actment of this Act.

11 **SEC. 417. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL**
12 **RESIDENCE BY CERTAIN EMPLOYEES OF THE**
13 **INTELLIGENCE COMMUNITY.**

14 (a) *IN GENERAL.*—Subparagraph (A) of section
15 121(d)(9) (relating to exclusion of gain from sale of prin-
16 cipal residence) is amended by striking “duty” and all that
17 follows and inserting “duty—

18 “(i) as a member of the uniformed
19 services,

20 “(ii) as a member of the Foreign Serv-
21 ice of the United States, or

22 “(iii) as an employee of the intelligence
23 community.”.

24 (b) *EMPLOYEE OF INTELLIGENCE COMMUNITY DE-*
25 *FINED.*—Subparagraph (C) of section 121(d)(9) is amended

1 *by redesignating clause (iv) as clause (v) and by inserting*
2 *after clause (iii) the following new clause:*

3 “(iv) *EMPLOYEE OF INTELLIGENCE*
4 *COMMUNITY.—The term ‘employee of the in-*
5 *telligence community’ means an employee*
6 *(as defined by section 2105 of title 5,*
7 *United States Code) of—*

8 “(I) *the Office of the Director of*
9 *National Intelligence,*

10 “(II) *the Central Intelligence*
11 *Agency,*

12 “(III) *the National Security*
13 *Agency,*

14 “(IV) *the Defense Intelligence*
15 *Agency,*

16 “(V) *the National Geospatial-In-*
17 *telligence Agency,*

18 “(VI) *the National Reconnaissance*
19 *Office,*

20 “(VII) *any other office within the*
21 *Department of Defense for the collec-*
22 *tion of specialized national intelligence*
23 *through reconnaissance programs,*

24 “(VIII) *any of the intelligence ele-*
25 *ments of the Army, the Navy, the Air*

1 *Force, the Marine Corps, the Federal*
2 *Bureau of Investigation, the Depart-*
3 *ment of Treasury, the Department of*
4 *Energy, and the Coast Guard,*

5 *“(IX) the Bureau of Intelligence*
6 *and Research of the Department of*
7 *State, or*

8 *“(X) any of the elements of the*
9 *Department of Homeland Security*
10 *concerned with the analyses of foreign*
11 *intelligence information.”.*

12 *(c) SPECIAL RULE.—Subparagraph (C) of section*
13 *121(d)(9), as amended by subsection (b), is amended by*
14 *adding at the end the following new clause:*

15 *“(vi) SPECIAL RULE RELATING TO IN-*
16 *TELLIGENCE COMMUNITY.—An employee of*
17 *the intelligence community shall not be*
18 *treated as serving on qualified extended*
19 *duty unless such duty is at a duty station*
20 *located outside the United States.”.*

21 *(d) CONFORMING AMENDMENT.—The heading for sec-*
22 *tion 121(d)(9) is amended to read as follows: “UNIFORMED*
23 *SERVICES, FOREIGN SERVICE, AND INTELLIGENCE COMMU-*
24 *NITY”.*

1 (e) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall apply to sales or exchanges after the date of*
 3 *the enactment of this Act and before January 1, 2011.*

4 **SEC. 418. SALE OF PROPERTY BY JUDICIAL OFFICERS.**

5 (a) *IN GENERAL.*—*Section 1043(b) (relating to the*
 6 *sale of property to comply with conflict-of-interest require-*
 7 *ments) is amended—*

8 (1) *in paragraph (1)—*

9 (A) *in subparagraph (A), by inserting “, or*
 10 *a judicial officer,” after “an officer or employee*
 11 *of the executive branch”; and*

12 (B) *in subparagraph (B), by inserting “ju-*
 13 *dicial canon,” after “any statute, regulation,*
 14 *rule,”;*

15 (2) *in paragraph (2)—*

16 (A) *in subparagraph (A), by inserting “ju-*
 17 *dicial canon,” after “any Federal conflict of in-*
 18 *terest statute, regulation, rule,”; and*

19 (B) *in subparagraph (B), by inserting after*
 20 *“the Director of the Office of Government Eth-*
 21 *ics,” the following: “in the case of executive*
 22 *branch officers or employees, or by the Judicial*
 23 *Conference of the United States (or its designee),*
 24 *in the case of judicial officers,”; and*

1 (3) *in paragraph (5)(B), by inserting “judicial*
2 *canon,” after “any statute, regulation, rule,”.*

3 (b) *JUDICIAL OFFICER DEFINED.—Section 1043(b) is*
4 *amended by adding at the end the following new paragraph:*

5 “*(6) JUDICIAL OFFICER.—The term ‘judicial of-*
6 *ficer’ means the Chief Justice of the United States, the*
7 *Associate Justices of the Supreme Court, and the*
8 *judges of the United States courts of appeals, United*
9 *States district courts, including the district courts in*
10 *Guam, the Northern Mariana Islands, and the Virgin*
11 *Islands, Court of Appeals for the Federal Circuit,*
12 *Court of International Trade, Tax Court, Court of*
13 *Federal Claims, Court of Appeals for Veterans*
14 *Claims, United States Court of Appeals for the Armed*
15 *Forces, and any court created by Act of Congress, the*
16 *judges of which are entitled to hold office during good*
17 *behavior.”.*

18 (c) *EFFECTIVE DATE.—The amendments made by this*
19 *section shall apply to sales after the date of enactment of*
20 *this Act.*

21 **SEC. 419. PREMIUMS FOR MORTGAGE INSURANCE.**

22 (a) *IN GENERAL.—Section 163(h)(3) (relating to*
23 *qualified residence interest) is amended by adding at the*
24 *end the following new subparagraph:*

1 “(E) MORTGAGE INSURANCE PREMIUMS
2 TREATED AS INTEREST.—

3 “(i) IN GENERAL.—Premiums paid or
4 accrued for qualified mortgage insurance by
5 a taxpayer during the taxable year in con-
6 nection with acquisition indebtedness with
7 respect to a qualified residence of the tax-
8 payer shall be treated for purposes of this
9 section as interest which is qualified resi-
10 dence interest.

11 “(ii) PHASEOUT.—The amount other-
12 wise treated as interest under clause (i)
13 shall be reduced (but not below zero) by 10
14 percent of such amount for each \$1,000
15 (\$500 in the case of a married individual
16 filing a separate return) (or fraction there-
17 of) that the taxpayer’s adjusted gross in-
18 come for the taxable year exceeds \$100,000
19 (\$50,000 in the case of a married indi-
20 vidual filing a separate return).

21 “(iii) LIMITATION.—Clause (i) shall
22 not apply with respect to any mortgage in-
23 surance contracts issued before January 1,
24 2007.

1 “(iv) *TERMINATION.*—*Clause (i) shall*
2 *not apply to amounts—*

3 “(I) *paid or accrued after Decem-*
4 *ber 31, 2007, or*

5 “(II) *properly allocable to any pe-*
6 *riod after such date.*”.

7 (b) *DEFINITION AND SPECIAL RULES.*—*Section*
8 *163(h)(4) (relating to other definitions and special rules)*
9 *is amended by adding at the end the following new subpara-*
10 *graphs:*

11 “(E) *QUALIFIED MORTGAGE INSURANCE.*—
12 *The term ‘qualified mortgage insurance’*
13 *means—*

14 “(i) *mortgage insurance provided by*
15 *the Veterans Administration, the Federal*
16 *Housing Administration, or the Rural*
17 *Housing Administration, and*

18 “(ii) *private mortgage insurance (as*
19 *defined by section 2 of the Homeowners*
20 *Protection Act of 1998 (12 U.S.C. 4901), as*
21 *in effect on the date of the enactment of this*
22 *subparagraph).*

23 “(F) *SPECIAL RULES FOR PREPAID QUALI-*
24 *FIED MORTGAGE INSURANCE.*—*Any amount paid*
25 *by the taxpayer for qualified mortgage insurance*

1 *that is properly allocable to any mortgage the*
 2 *payment of which extends to periods that are*
 3 *after the close of the taxable year in which such*
 4 *amount is paid shall be chargeable to capital ac-*
 5 *count and shall be treated as paid in such peri-*
 6 *ods to which so allocated. No deduction shall be*
 7 *allowed for the unamortized balance of such ac-*
 8 *count if such mortgage is satisfied before the end*
 9 *of its term. The preceding sentences shall not*
 10 *apply to amounts paid for qualified mortgage*
 11 *insurance provided by the Veterans Administra-*
 12 *tion or the Rural Housing Administration.”.*

13 *(c) INFORMATION RETURNS RELATING TO MORTGAGE*
 14 *INSURANCE.—Section 6050H (relating to returns relating*
 15 *to mortgage interest received in trade or business from indi-*
 16 *viduals) is amended by adding at the end the following new*
 17 *subsection:*

18 *“(h) RETURNS RELATING TO MORTGAGE INSURANCE*
 19 *PREMIUMS.—*

20 *“(1) IN GENERAL.—The Secretary may pre-*
 21 *scribe, by regulations, that any person who, in the*
 22 *course of a trade or business, receives from any indi-*
 23 *vidual premiums for mortgage insurance aggregating*
 24 *\$600 or more for any calendar year, shall make a re-*
 25 *turn with respect to each such individual. Such re-*

1 *turn shall be in such form, shall be made at such*
2 *time, and shall contain such information as the Sec-*
3 *retary may prescribe.*

4 *“(2) STATEMENT TO BE FURNISHED TO INDIVID-*
5 *UALS WITH RESPECT TO WHOM INFORMATION IS RE-*
6 *QUIRED.—Every person required to make a return*
7 *under paragraph (1) shall furnish to each individual*
8 *with respect to whom a return is made a written*
9 *statement showing such information as the Secretary*
10 *may prescribe. Such written statement shall be fur-*
11 *nished on or before January 31 of the year following*
12 *the calendar year for which the return under para-*
13 *graph (1) was required to be made.*

14 *“(3) SPECIAL RULES.—For purposes of this sub-*
15 *section—*

16 *“(A) rules similar to the rules of subsection*
17 *(c) shall apply, and*

18 *“(B) the term ‘mortgage insurance’*
19 *means—*

20 *“(i) mortgage insurance provided by*
21 *the Veterans Administration, the Federal*
22 *Housing Administration, or the Rural*
23 *Housing Administration, and*

24 *“(ii) private mortgage insurance (as*
25 *defined by section 2 of the Homeowners*

1 *Protection Act of 1998 (12 U.S.C. 4901), as*
2 *in effect on the date of the enactment of this*
3 *subsection).”.*

4 *(d) EFFECTIVE DATE.—The amendments made by this*
5 *section shall apply to amounts paid or accrued after Decem-*
6 *ber 31, 2006.*

7 **SEC. 420. MODIFICATION OF REFUNDS FOR KEROSENE**
8 **USED IN AVIATION.**

9 *(a) IN GENERAL.—Paragraph (4) of section 6427(l)*
10 *(relating to nontaxable uses of diesel fuel and kerosene) is*
11 *amended to read as follows:*

12 *“(4) REFUNDS FOR KEROSENE USED IN AVIA-*
13 *TION.—*

14 *“(A) KEROSENE USED IN COMMERCIAL*
15 *AVIATION.—In the case of kerosene used in com-*
16 *mmercial aviation (as defined in section 4083(b))*
17 *(other than supplies for vessels or aircraft within*
18 *the meaning of section 4221(d)(3)), paragraph*
19 *(1) shall not apply to so much of the tax imposed*
20 *by section 4041 or 4081, as the case may be, as*
21 *is attributable to—*

22 *“(i) the Leaking Underground Storage*
23 *Tank Trust Fund financing rate imposed*
24 *by such section, and*

1 “(ii) so much of the rate of tax speci-
2 fied in section 4041(c) or
3 4081(a)(2)(A)(iii), as the case may be, as
4 does not exceed 4.3 cents per gallon.

5 “(B) *KEROSENE USED IN NONCOMMERCIAL*
6 *AVIATION.*—*In the case of kerosene used in avia-*
7 *tion that is not commercial aviation (as so de-*
8 *finied) (other than any use which is exempt from*
9 *the tax imposed by section 4041(c) other than by*
10 *reason of a prior imposition of tax), paragraph*
11 *(1) shall not apply to—*

12 “(i) any tax imposed by subsection (c)
13 or (d)(2) of section 4041, and

14 “(ii) so much of the tax imposed by
15 section 4081 as is attributable to—

16 “(I) the Leaking Underground
17 Storage Tank Trust Fund financing
18 rate imposed by such section, and

19 “(II) so much of the rate of tax
20 specified in section 4081(a)(2)(A)(iii)
21 as does not exceed the rate specified in
22 section 4081(a)(2)(C)(ii).

23 “(C) *PAYMENTS TO ULTIMATE, REGISTERED*
24 *VENDOR.*—

1 “(i) *IN GENERAL.*—*With respect to any*
2 *kerosene used in aviation (other than ker-*
3 *osene described in clause (ii) or kerosene to*
4 *which paragraph (5) applies), if the ulti-*
5 *mate purchaser of such kerosene waives (at*
6 *such time and in such form and manner as*
7 *the Secretary shall prescribe) the right to*
8 *payment under paragraph (1) and assigns*
9 *such right to the ultimate vendor, then the*
10 *Secretary shall pay the amount which*
11 *would be paid under paragraph (1) to such*
12 *ultimate vendor, but only if such ultimate*
13 *vendor—*

14 “(I) *is registered under section*
15 *4101, and*

16 “(II) *meets the requirements of*
17 *subparagraph (A), (B), or (D) of sec-*
18 *tion 6416(a)(1).*

19 “(ii) *PAYMENTS FOR KEROSENE USED*
20 *IN NONCOMMERCIAL AVIATION.*—*The*
21 *amount which would be paid under para-*
22 *graph (1) with respect to any kerosene to*
23 *which subparagraph (B) applies shall be*
24 *paid only to the ultimate vendor of such*

1 *kerosene. A payment shall be made to such*
2 *vendor if such vendor—*

3 *“(I) is registered under section*
4 *4101, and*

5 *“(II) meets the requirements of*
6 *subparagraph (A), (B), or (D) of sec-*
7 *tion 6416(a)(1).”.*

8 **(b) CONFORMING AMENDMENTS.—**

9 (1) *Section 6427(l) is amended by striking para-*
10 *graph (5) and by redesignating paragraph (6) as*
11 *paragraph (5).*

12 (2) *Section 4082(d)(2)(B) is amended by strik-*
13 *ing “section 6427(l)(6)(B)” and inserting “section*
14 *6427(l)(5)(B)”.*

15 (3) *Section 6427(i)(4)(A) is amended—*

16 (A) *by striking “paragraph (4)(B), (5), or*
17 *(6)” each place it appears and inserting “para-*
18 *graph (4)(C) or (5)”, and*

19 (B) *by striking “(l)(5), and (l)(6)” and in-*
20 *serting “(l)(4)(C)(ii), and (l)(5)”.*

21 (4) *Section 6427(l)(1) is amended by striking*
22 *“paragraph (4)(B)” and inserting “paragraph*
23 *(4)(C)(i)”.*

24 (5) *Section 9502(d) is amended—*

1 (A) in paragraph (2), by striking “and
2 (l)(5)”, and

3 (B) in paragraph (3), by striking “or (5)”.
4 (6) Section 9503(c)(7) is amended—

5 (A) by amending subparagraphs (A) and
6 (B) to read as follows:

7 “(A) 4.3 cents per gallon of kerosene subject
8 to section 6427(l)(4)(A) with respect to which a
9 payment has been made by the Secretary under
10 section 6427(l), and

11 “(B) 21.8 cents per gallon of kerosene sub-
12 ject to section 6427(l)(4)(B) with respect to
13 which a payment has been made by the Sec-
14 retary under section 6427(l).”, and

15 (B) in the matter following subparagraph
16 (B), by striking “or (5)”.

17 (c) *EFFECTIVE DATE.*—

18 (1) *IN GENERAL.*—The amendments made by
19 this section shall apply to kerosene sold after Sep-
20 tember 30, 2005.

21 (2) *SPECIAL RULE FOR PENDING CLAIMS.*—In
22 the case of kerosene sold for use in aviation (other
23 than kerosene to which section 6427(l)(4)(C)(ii) of the
24 Internal Revenue Code of 1986 (as added by sub-
25 section (a)) applies or kerosene to which section

1 6427(l)(5) of such Code (as redesignated by subsection
2 (b)) applies) after September 30, 2005, and before the
3 date of the enactment of this Act, the ultimate pur-
4 chaser shall be treated as having waived the right to
5 payment under section 6427(l)(1) of such Code and as
6 having assigned such right to the ultimate vendor if
7 such ultimate vendor has met the requirements of sub-
8 paragraph (A), (B), or (D) of section 6416(a)(1) of
9 such Code.

10 (d) *SPECIAL RULE FOR KEROSENE USED IN AVIATION*
11 *ON A FARM FOR FARMING PURPOSES.—*

12 (1) *REFUNDS FOR PURCHASES AFTER DECEMBER*
13 *31, 2004, AND BEFORE OCTOBER 1, 2005.—The Sec-*
14 *retary of the Treasury shall pay to the ultimate pur-*
15 *chaser of any kerosene which is used in aviation on*
16 *a farm for farming purposes and which was pur-*
17 *chased after December 31, 2004, and before October 1,*
18 *2005, an amount equal to the aggregate amount of*
19 *tax imposed on such fuel under section 4041 or 4081*
20 *of the Internal Revenue Code of 1986, as the case may*
21 *be, reduced by any payment to the ultimate vendor*
22 *under section 6427(l)(5)(C) of such Code (as in effect*
23 *on the day before the date of the enactment of the*
24 *Safe, Accountable, Flexible, Efficient Transportation*
25 *Equity Act: a Legacy for Users).*

1 (2) *USE ON A FARM FOR FARMING PURPOSES.*—
2 *For purposes of paragraph (1), kerosene shall be*
3 *treated as used on a farm for farming purposes if*
4 *such kerosene is used for farming purposes (within*
5 *the meaning of section 6420(c)(3) of the Internal Rev-*
6 *enue Code of 1986) in carrying on a trade or business*
7 *on a farm situated in the United States. For purposes*
8 *of the preceding sentence, rules similar to the rules of*
9 *section 6420(c)(4) of such Code shall apply.*

10 (3) *TIME FOR FILING CLAIMS.*—*No claim shall*
11 *be allowed under paragraph (1) unless the ultimate*
12 *purchaser files such claim before the date that is 3*
13 *months after the date of the enactment of this Act.*

14 (4) *NO DOUBLE BENEFIT.*—*No amount shall be*
15 *paid under paragraph (1) or section 6427(l) of the*
16 *Internal Revenue Code of 1986 with respect to any*
17 *kerosene described in paragraph (1) to the extent that*
18 *such amount is in excess of the tax imposed on such*
19 *kerosene under section 4041 or 4081 of such Code, as*
20 *the case may be.*

21 (5) *APPLICABLE LAWS.*—*For purposes of this*
22 *subsection, rules similar to the rules of section 6427(j)*
23 *of the Internal Revenue Code of 1986 shall apply.*

1 **SEC. 421. REGIONAL INCOME TAX AGENCIES TREATED AS**
2 **STATES FOR PURPOSES OF CONFIDEN-**
3 **TIALITY AND DISCLOSURE REQUIREMENTS.**

4 (a) *IN GENERAL.*—Paragraph (5) of section 6103(b)
5 is amended to read as follows:

6 “(5) *STATE.*—

7 “(A) *IN GENERAL.*—The term ‘State’
8 means—

9 “(i) any of the 50 States, the District
10 of Columbia, the Commonwealth of Puerto
11 Rico, the Virgin Islands, the Canal Zone,
12 Guam, American Samoa, and the Common-
13 wealth of the Northern Mariana Islands,

14 “(ii) for purposes of subsections (a)(2),
15 (b)(4), (d)(1), (h)(4), and (p), any munici-
16 pality—

17 “(I) with a population in excess
18 of 250,000 (as determined under the
19 most recent decennial United States
20 census data available),

21 “(II) which imposes a tax on in-
22 come or wages, and

23 “(III) with which the Secretary
24 (in his sole discretion) has entered into
25 an agreement regarding disclosure, and

1 “(iii) for purposes of subsections
2 (a)(2), (b)(4), (d)(1), (h)(4), and (p), any
3 governmental entity—

4 “(I) which is formed and operated
5 by a qualified group of municipalities,
6 and

7 “(II) with which the Secretary (in
8 his sole discretion) has entered into an
9 agreement regarding disclosure.

10 “(B) REGIONAL INCOME TAX AGENCIES.—

11 For purposes of subparagraph (A)(iii)—

12 “(i) QUALIFIED GROUP OF MUNICI-
13 PALITIES.—The term ‘qualified group of
14 municipalities’ means, with respect to any
15 governmental entity, 2 or more municipali-
16 ties—

17 “(I) each of which imposes a tax
18 on income or wages,

19 “(II) each of which, under the au-
20 thority of a State statute, administers
21 the laws relating to the imposition of
22 such taxes through such entity, and

23 “(III) which collectively have a
24 population in excess of 250,000 (as de-
25 termined under the most recent decen-

1 *nal United States census data avail-*
2 *able).*

3 “(ii) *REFERENCES TO STATE LAW,*
4 *ETC.—For purposes of applying subpara-*
5 *graph (A)(iii) to the subsections referred to*
6 *in such subparagraph, any reference in such*
7 *subsections to State law, proceedings, or tax*
8 *returns shall be treated as references to the*
9 *law, proceedings, or tax returns, as the case*
10 *may be, of the municipalities which form*
11 *and operate the governmental entity re-*
12 *ferred to in such subparagraph.*

13 “(iii) *DISCLOSURE TO CONTRACTORS*
14 *AND OTHER AGENTS.—Notwithstanding any*
15 *other provision of this section, no return or*
16 *return information shall be disclosed to any*
17 *contractor or other agent of a governmental*
18 *entity referred to in subparagraph (A)(iii)*
19 *unless such entity, to the satisfaction of the*
20 *Secretary—*

21 *“(I) has requirements in effect*
22 *which require each such contractor or*
23 *other agent which would have access to*
24 *returns or return information to pro-*
25 *vide safeguards (within the meaning of*

1 subsection (p)(4)) to protect the con-
2 fidentiality of such returns or return
3 information,

4 “(II) agrees to conduct an on-site
5 review every 3 years (or a mid-point
6 review in the case of contracts or agree-
7 ments of less than 3 years in duration)
8 of each contractor or other agent to de-
9 termine compliance with such require-
10 ments,

11 “(III) submits the findings of the
12 most recent review conducted under
13 subclause (II) to the Secretary as part
14 of the report required by subsection
15 (p)(4)(E), and

16 “(IV) certifies to the Secretary for
17 the most recent annual period that
18 such contractor or other agent is in
19 compliance with all such requirements.

20 The certification required by subclause (IV)
21 shall include the name and address of each
22 contractor and other agent, a description of
23 the contract or agreement with such con-
24 tractor or other agent, and the duration of
25 such contract or agreement. The require-

1 *ments of this clause shall not apply to dis-*
2 *losures pursuant to subsection (n) for pur-*
3 *poses of Federal tax administration and a*
4 *rule similar to the rule of subsection*
5 *(p)(8)(B) shall apply for purposes of this*
6 *clause.”.*

7 ***(b) SPECIAL RULES FOR DISCLOSURE.***—*Subsection*
8 *(d) of section 6103 is amended by adding at the end the*
9 *following new paragraph:*

10 ***“(6) LIMITATION ON DISCLOSURE REGARDING***
11 ***REGIONAL INCOME TAX AGENCIES TREATED AS***
12 ***STATES.***—*For purposes of paragraph (1), inspection*
13 *by or disclosure to an entity described in subsection*
14 *(b)(5)(A)(iii) shall be for the purpose of, and only to*
15 *the extent necessary in, the administration of the laws*
16 *of the member municipalities in such entity relating*
17 *to the imposition of a tax on income or wages. Such*
18 *entity may not redisclose any return or return infor-*
19 *mation received pursuant to paragraph (1) to any*
20 *such member municipality.”.*

21 ***(c) EFFECTIVE DATE.***—*The amendments made by this*
22 *section shall apply to disclosures made after December 31,*
23 *2006.*

1 **SEC. 422. DESIGNATION OF WINES BY SEMI-GENERIC**
2 **NAMES.**

3 *(a) IN GENERAL.—Subsection (c) of section 5388 (re-*
4 *lating to use of semi-generic designations) is amended by*
5 *adding at the end the following new paragraph:*

6 *“(3) SPECIAL RULE FOR USE OF CERTAIN SEMI-*
7 *GENERIC DESIGNATIONS.—*

8 *“(A) IN GENERAL.—In the case of any wine*
9 *to which this paragraph applies—*

10 *“(i) paragraph (1) shall not apply,*

11 *“(ii) in the case of wine of the Euro-*
12 *pean Community, designations referred to*
13 *in subparagraph (C)(i) may be used for*
14 *such wine only if the requirement of sub-*
15 *paragraph (B)(ii) is met, and*

16 *“(iii) in the case any other wine bear-*
17 *ing a brand name, or brand name and fan-*
18 *ciful name, semi-generic designations may*
19 *be used for such wine only if the require-*
20 *ments of clauses (i), (ii), and (iii) of sub-*
21 *paragraph (B) are met.*

22 *“(B) REQUIREMENTS.—*

23 *“(i) The requirement of this clause is*
24 *met if there appears in direct conjunction*
25 *with the semi-generic designation an appro-*

1 *priate appellation of origin disclosing the*
2 *origin of the wine.*

3 *“(ii) The requirement of this clause is*
4 *met if the wine conforms to the standard of*
5 *identity, if any, for such wine contained in*
6 *the regulations under this section or, if*
7 *there is no such standard, to the trade un-*
8 *derstanding of such class or type.*

9 *“(iii) The requirement of this clause is*
10 *met if the person, or its successor in inter-*
11 *est, using the semi-generic designation held*
12 *a Certificate of Label Approval or Certifi-*
13 *cate of Exemption from Label Approval*
14 *issued by the Secretary for a wine label*
15 *bearing such brand name, or brand name*
16 *and fanciful name, before March 10, 2006,*
17 *on which such semi-generic designation ap-*
18 *peared.*

19 *“(C) WINES TO WHICH PARAGRAPH AP-*
20 *PLIES.—*

21 *“(i) IN GENERAL.—Except as provided*
22 *in clause (ii), this paragraph shall apply to*
23 *any grape wine which is designated as Bur-*
24 *gundy, Claret, Chablis, Champagne, Chi-*
25 *anti, Malaga, Marsala, Madeira, Moselle,*

1 *Port, Retsina, Rhine Wine or Hock, Sau-*
2 *terne, Haut Sauterne, Sherry, or Tokay.*

3 “(ii) *EXCEPTION.—This paragraph*
4 *shall not apply to wine which—*

5 “(I) *contains less than 7 percent*
6 *or more than 24 percent alcohol by vol-*
7 *ume,*

8 “(II) *is intended for sale outside*
9 *the United States, or*

10 “(III) *does not bear a brand*
11 *name.”*

12 (b) *EFFECTIVE DATE.—The amendments made by this*
13 *section shall apply to wine imported or bottled in the*
14 *United States on or after the date of enactment of this Act.*

15 **SEC. 423. MODIFICATION OF RAILROAD TRACK MAINTENANCE CREDIT.**
16

17 (a) *IN GENERAL.—Section 45G(d) (defining qualified*
18 *railroad track maintenance expenditures) is amended—*

19 (1) *by inserting “gross” after “means”, and*

20 (2) *by inserting “(determined without regard to*
21 *any consideration for such expenditures given by the*
22 *Class II or Class III railroad which made the assign-*
23 *ment of such track)” after “Class II or Class III rail-*
24 *road”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall take effect as if included in the amendment*
3 *made by section 245(a) of the American Jobs Creation Act*
4 *of 2004.*

5 **SEC. 424. MODIFICATION OF EXCISE TAX ON UNRELATED**
6 **BUSINESS TAXABLE INCOME OF CHARITABLE**
7 **REMAINDER TRUSTS.**

8 (a) *IN GENERAL.*—*Subsection (c) of section 664 (relat-*
9 *ing to exemption from income taxes) is amended to read*
10 *as follows:*

11 “(c) *TAXATION OF TRUSTS.*—

12 “(1) *INCOME TAX.*—*A charitable remainder an-*
13 *nuity trust and a charitable remainder unitrust shall,*
14 *for any taxable year, not be subject to any tax im-*
15 *posed by this subtitle.*

16 “(2) *EXCISE TAX.*—

17 “(A) *IN GENERAL.*—*In the case of a chari-*
18 *table remainder annuity trust or a charitable re-*
19 *mainder unitrust which has unrelated business*
20 *taxable income (within the meaning of section*
21 *512, determined as if part III of subchapter F*
22 *applied to such trust) for a taxable year, there*
23 *is hereby imposed on such trust or unitrust an*
24 *excise tax equal to the amount of such unrelated*
25 *business taxable income.*

1 (A) *The first sentence of section*
2 *954(c)(6)(A) is amended by striking “which is*
3 *not subpart F income” and inserting “which is*
4 *neither subpart F income nor income treated as*
5 *effectively connected with the conduct of a trade*
6 *or business in the United States”.*

7 (B) *Section 954(c)(6)(A) is amended by*
8 *striking the last sentence and inserting the fol-*
9 *lowing: “The Secretary shall prescribe such regu-*
10 *lations as may be necessary or appropriate to*
11 *carry out this paragraph, including such regula-*
12 *tions as may be necessary or appropriate to pre-*
13 *vent the abuse of the purposes of this para-*
14 *graph.”*

15 (2) *EFFECTIVE DATE.—The amendments made*
16 *by this subsection shall take effect as if included in*
17 *section 103(b) of the Tax Increase Prevention and*
18 *Reconciliation Act of 2005.*

19 (b) *TECHNICAL CORRECTION REGARDING AUTHORITY*
20 *TO EXERCISE REASONABLE CAUSE AND GOOD FAITH EX-*
21 *CEPTION.—*

22 (1) *IN GENERAL.—Section 903(d)(2)(B)(iii) of*
23 *the American Jobs Creation Act of 2004, as amended*
24 *by section 303(a) of the Gulf Opportunity Zone Act*

1 of 2005, is amended by inserting “or the Secretary’s
2 delegate” after “the Secretary of the Treasury”.

3 (2) *EFFECTIVE DATE.*—The amendment made by
4 this subsection shall take effect as if included in the
5 provisions of the American Jobs Creation Act of 2004
6 to which it relates.

7 ***DIVISION B—MEDICARE AND***
8 ***OTHER HEALTH PROVISIONS***

9 ***SEC. 1. SHORT TITLE OF DIVISION.***

10 This division may be cited as the “Medicare Improve-
11 ments and Extension Act of 2006”.

12 ***TITLE I—MEDICARE IMPROVED***
13 ***QUALITY AND PROVIDER PAY-***
14 ***MENTS***

15 ***SEC. 101. PHYSICIAN PAYMENT AND QUALITY IMPROVE-***
16 ***MENT.***

17 (a) *ONE-YEAR INCREASE IN MEDICARE PHYSICIAN*
18 *FEE SCHEDULE CONVERSION FACTOR.*—Section 1848(d) of
19 the Social Security Act (42 U.S.C. 1395w-4(d)) is amended
20 by adding at the end the following new paragraph:

21 “(7) *CONVERSION FACTOR FOR 2007.*—

22 “(A) *IN GENERAL.*—The conversion factor
23 that would otherwise be applicable under this
24 subsection for 2007 shall be the amount of such
25 conversion factor divided by the product of—

1 “(i) 1 plus the Secretary’s estimate of
2 the percentage increase in the MEI (as de-
3 fined in section 1842(i)(3)) for 2007 (di-
4 vided by 100); and

5 “(ii) 1 plus the Secretary’s estimate of
6 the update adjustment factor under para-
7 graph (4)(B) for 2007.

8 “(B) NO EFFECT ON COMPUTATION OF CON-
9 VERSION FACTOR FOR 2008.—The conversion fac-
10 tor under this subsection shall be computed
11 under paragraph (1)(A) for 2008 as if subpara-
12 graph (A) had never applied.”.

13 (b) QUALITY REPORTING SYSTEM.—Section 1848 of
14 the Social Security Act (42 U.S.C. 1395w-4) is amended
15 by adding at the end the following new subsection:

16 “(k) QUALITY REPORTING SYSTEM.—

17 “(1) IN GENERAL.—The Secretary shall imple-
18 ment a system for the reporting by eligible profes-
19 sionals of data on quality measures specified under
20 paragraph (2). Such data shall be submitted in a
21 form and manner specified by the Secretary (by pro-
22 gram instruction or otherwise), which may include
23 submission of such data on claims under this part.

24 “(2) USE OF CONSENSUS-BASED QUALITY MEAS-
25 URES.—

1 “(A) *FOR 2007.*—

2 “(i) *IN GENERAL.*—*For purposes of ap-*
3 *plying this subsection for the reporting of*
4 *data on quality measures for covered profes-*
5 *sional services furnished during the period*
6 *beginning July 1, 2007, and ending Decem-*
7 *ber 31, 2007, the quality measures specified*
8 *under this paragraph are the measures*
9 *identified as 2007 physician quality meas-*
10 *ures under the Physician Voluntary Report-*
11 *ing Program as published on the public*
12 *website of the Centers for Medicare & Med-*
13 *icaid Services as of the date of the enact-*
14 *ment of this subsection, except as may be*
15 *changed by the Secretary based on the re-*
16 *sults of a consensus-based process in Janu-*
17 *ary of 2007, if such change is published on*
18 *such website by not later than April 1,*
19 *2007.*

20 “(ii) *SUBSEQUENT REFINEMENTS IN*
21 *APPLICATION PERMITTED.*—*The Secretary*
22 *may, from time to time (but not later than*
23 *July 1, 2007), publish on such website*
24 *(without notice or opportunity for public*
25 *comment) modifications or refinements*

1 *(such as code additions, corrections, or revi-*
2 *sions) for the application of quality meas-*
3 *ures previously published under clause (i),*
4 *but may not, under this clause, change the*
5 *quality measures under the reporting sys-*
6 *tem.*

7 “(iii) *IMPLEMENTATION.—Notwith-*
8 *standing any other provision of law, the*
9 *Secretary may implement by program in-*
10 *struction or otherwise this subsection for*
11 *2007.*

12 “(B) *FOR 2008.—*

13 “(i) *IN GENERAL.—For purposes of re-*
14 *porting data on quality measures for cov-*
15 *ered professional services furnished during*
16 *2008, the quality measures specified under*
17 *this paragraph for covered professional serv-*
18 *ices shall be measures that have been adopt-*
19 *ed or endorsed by a consensus organization*
20 *(such as the National Quality Forum or*
21 *AQA), that include measures that have been*
22 *submitted by a physician specialty, and*
23 *that the Secretary identifies as having used*
24 *a consensus-based process for developing*
25 *such measures. Such measures shall include*

1 *structural measures, such as the use of elec-*
2 *tronic health records and electronic pre-*
3 *scribing technology.*

4 “(ii) *PROPOSED SET OF MEASURES.—*
5 *Not later than August 15, 2007, the Sec-*
6 *retary shall publish in the Federal Register*
7 *a proposed set of quality measures that the*
8 *Secretary determines are described in clause*
9 *(i) and would be appropriate for eligible*
10 *professionals to use to submit data to the*
11 *Secretary in 2008. The Secretary shall pro-*
12 *vide for a period of public comment on such*
13 *set of measures.*

14 “(iii) *FINAL SET OF MEASURES.—Not*
15 *later than November 15, 2007, the Secretary*
16 *shall publish in the Federal Register a final*
17 *set of quality measures that the Secretary*
18 *determines are described in clause (i) and*
19 *would be appropriate for eligible profes-*
20 *sionals to use to submit data to the Sec-*
21 *retary in 2008.*

22 “(3) *COVERED PROFESSIONAL SERVICES AND EL-*
23 *IGIBLE PROFESSIONALS DEFINED.—For purposes of*
24 *this subsection:*

1 “(A) *COVERED PROFESSIONAL SERVICES.*—
2 *The term ‘covered professional services’ means*
3 *services for which payment is made under, or is*
4 *based on, the fee schedule established under this*
5 *section and which are furnished by an eligible*
6 *professional.*

7 “(B) *ELIGIBLE PROFESSIONAL.*—*The term*
8 *‘eligible professional’ means any of the following:*

9 “(i) *A physician.*

10 “(ii) *A practitioner described in sec-*
11 *tion 1842(b)(18)(C).*

12 “(iii) *A physical or occupational ther-*
13 *apist or a qualified speech-language pathol-*
14 *ogist.*

15 “(4) *USE OF REGISTRY-BASED REPORTING.*—*As*
16 *part of the publication of proposed and final quality*
17 *measures for 2008 under clauses (ii) and (iii) of*
18 *paragraph (2)(B), the Secretary shall address a mech-*
19 *anism whereby an eligible professional may provide*
20 *data on quality measures through an appropriate*
21 *medical registry (such as the Society of Thoracic Sur-*
22 *geons National Database), as identified by the Sec-*
23 *retary.*

24 “(5) *IDENTIFICATION UNITS.*—*For purposes of*
25 *applying this subsection, the Secretary may identify*

1 *eligible professionals through billing units, which may*
2 *include the use of the Provider Identification Number,*
3 *the unique physician identification number (described*
4 *in section 1833(q)(1)), the taxpayer identification*
5 *number, or the National Provider Identifier. For pur-*
6 *poses of applying this subsection for 2007, the Sec-*
7 *retary shall use the taxpayer identification number as*
8 *the billing unit.*

9 “(6) *EDUCATION AND OUTREACH.*—*The Sec-*
10 *retary shall provide for education and outreach to eli-*
11 *gible professionals on the operation of this subsection.*

12 “(7) *LIMITATIONS ON REVIEW.*—*There shall be*
13 *no administrative or judicial review under section*
14 *1869, section 1878, or otherwise, of the development*
15 *and implementation of the reporting system under*
16 *paragraph (1), including identification of quality*
17 *measures under paragraph (2) and the application of*
18 *paragraphs (4) and (5).*

19 “(8) *IMPLEMENTATION.*—*The Secretary shall*
20 *carry out this subsection acting through the Adminis-*
21 *trator of the Centers for Medicare & Medicaid Serv-*
22 *ices.”.*

23 *(c) TRANSITIONAL BONUS INCENTIVE PAYMENTS FOR*
24 *QUALITY REPORTING IN 2007.*—

1 (1) *IN GENERAL.*—*With respect to covered profes-*
2 *sional services furnished during a reporting period*
3 *(as defined in paragraph (6)(C)) by an eligible pro-*
4 *fessional, if—*

5 (A) *there are any quality measures that*
6 *have been established under the physician report-*
7 *ing system that are applicable to any such serv-*
8 *ices furnished by such professional for such pe-*
9 *riod, and*

10 (B) *the eligible professional satisfactorily*
11 *submits (as determined under paragraph (2)) to*
12 *the Secretary data on such quality measures in*
13 *accordance with such reporting system for such*
14 *reporting period,*

15 *in addition to the amount otherwise paid under part*
16 *B of title XVIII of the Social Security Act, subject to*
17 *paragraph (3), there also shall be paid to the eligible*
18 *professional (or to an employer or facility in the cases*
19 *described in clause (A) of section 1842(b)(6) of the So-*
20 *cial Security Act (42 U.S.C. 1395u(b)(6))) from the*
21 *Federal Supplementary Medical Insurance Trust*
22 *Fund established under section 1841 of such Act (42*
23 *U.S.C. 1395t) an amount equal to 1.5 percent of the*
24 *Secretary's estimate (based on claims submitted not*
25 *later than two months after the end of the reporting*

1 *period) of the allowed charges under such part for all*
2 *such covered professional services furnished during the*
3 *reporting period.*

4 (2) *SATISFACTORY REPORTING DESCRIBED.—For*
5 *purposes of paragraph (1), an eligible professional*
6 *shall be treated as satisfactorily submitting data on*
7 *quality measures for covered professional services for*
8 *a reporting period if quality measures have been re-*
9 *ported as follows:*

10 (A) *THREE OR FEWER QUALITY MEASURES*
11 *APPLICABLE.—If there are no more than 3 qual-*
12 *ity measures that are provided under the physi-*
13 *cian reporting system and that are applicable to*
14 *such services of such professional furnished dur-*
15 *ing the period, each such quality measure has*
16 *been reported under such system in at least 80*
17 *percent of the cases in which such measure is re-*
18 *portable under the system.*

19 (B) *FOUR OR MORE QUALITY MEASURES AP-*
20 *PLICABLE.—If there are 4 or more quality meas-*
21 *ures that are provided under the physician re-*
22 *porting system and that are applicable to such*
23 *services of such professional furnished during the*
24 *period, at least 3 such quality measures have*
25 *been reported under such system in at least 80*

1 *percent of the cases in which the respective meas-*
2 *ure is reportable under the system.*

3 (3) *PAYMENT LIMITATION.*—

4 (A) *IN GENERAL.*—*In no case shall the total*
5 *payment made under this subsection to an eligi-*
6 *ble professional (or to an employer or facility in*
7 *the cases described in clause (A) of section*
8 *1842(b)(6) of the Social Security Act) exceed the*
9 *product of—*

10 (i) *the total number of quality meas-*
11 *ures for which data are submitted under the*
12 *physician reporting system for covered pro-*
13 *fessional services of such professional that*
14 *are furnished during the reporting period;*
15 *and*

16 (ii) *300 percent of the average per*
17 *measure payment amount specified in sub-*
18 *paragraph (B).*

19 (B) *AVERAGE PER MEASURE PAYMENT*
20 *AMOUNT SPECIFIED.*—*The average per measure*
21 *payment amount specified in this subparagraph*
22 *is an amount, estimated by the Secretary (based*
23 *on claims submitted not later than two months*
24 *after the end of the reporting period), equal to—*

1 (i) the total of the amount of allowed
2 charges under part B of title XVIII of the
3 Social Security Act for all covered profes-
4 sional services furnished during the report-
5 ing period on claims for which quality
6 measures are reported under the physician
7 reporting system; divided by

8 (ii) the total number of quality meas-
9 ures for which data are reported under such
10 system for covered professional services fur-
11 nished during the reporting period.

12 (4) *FORM OF PAYMENT.*—The payment under
13 this subsection shall be in the form of a single consoli-
14 dated payment.

15 (5) *APPLICATION.*—

16 (A) *PHYSICIAN REPORTING SYSTEM*
17 *RULES.*—Paragraphs (5), (6), and (8) of section
18 1848(k) of the Social Security Act, as added by
19 subsection (b), shall apply for purposes of this
20 subsection in the same manner as they apply for
21 purposes of such section.

22 (B) *COORDINATION WITH OTHER BONUS*
23 *PAYMENTS.*—The provisions of this subsection
24 shall not be taken into account in applying sub-
25 sections (m) and (u) of section 1833 of the Social

1 *Security Act (42 U.S.C. 1395l) and any pay-*
2 *ment under such subsections shall not be taken*
3 *into account in computing allowable charges*
4 *under this subsection.*

5 (C) *IMPLEMENTATION.—Notwithstanding*
6 *any other provision of law, the Secretary may*
7 *implement by program instruction or otherwise*
8 *this subsection.*

9 (D) *VALIDATION.—*

10 (i) *IN GENERAL.—Subject to the suc-*
11 *ceeding provisions of this subparagraph, for*
12 *purposes of determining whether a measure*
13 *is applicable to the covered professional*
14 *services of an eligible professional under*
15 *paragraph (2), the Secretary shall presume*
16 *that if an eligible professional submits data*
17 *for a measure, such measure is applicable to*
18 *such professional.*

19 (ii) *METHOD.— The Secretary shall*
20 *validate (by sampling or other means as the*
21 *Secretary determines to be appropriate)*
22 *whether measures applicable to covered pro-*
23 *fessional services of an eligible professional*
24 *have been reported.*

1 (iii) *DENIAL OF PAYMENT AUTHORITY.*—If the Secretary determines that an
2 eligible professional has not reported meas-
3 ures applicable to covered professional serv-
4 ices of such professional, the Secretary shall
5 not pay the bonus incentive payment.
6

7 (E) *LIMITATIONS ON REVIEW.*—

8 (i) *IN GENERAL.*—There shall be no
9 administrative or judicial review under sec-
10 tion 1869 or 1878 of the Social Security Act
11 or otherwise of—

12 (I) the determination of measures
13 applicable to services furnished by eli-
14 gible professionals under this sub-
15 section;

16 (II) the determination of satisfac-
17 tory reporting under paragraph (2);

18 (III) the determination of the
19 payment limitation under paragraph
20 (3); and

21 (IV) the determination of the
22 bonus incentive payment under this
23 subsection.

24 (ii) *TREATMENT OF DETERMINA-*
25 *TIONS.*—A determination under this sub-

1 *section shall not be treated as a determina-*
2 *tion for purposes of section 1869 of the So-*
3 *cial Security Act.*

4 (6) *DEFINITIONS.—For purposes of this sub-*
5 *section:*

6 (A) *ELIGIBLE PROFESSIONAL; COVERED*
7 *PROFESSIONAL SERVICES.—The terms “eligible*
8 *professional” and “covered professional services”*
9 *have the meanings given such terms in section*
10 *1848(k)(3) of the Social Security Act, as added*
11 *by subsection (b).*

12 (B) *PHYSICIAN REPORTING SYSTEM.—The*
13 *term “physician reporting system” means the*
14 *system established under section 1848(k) of the*
15 *Social Security Act, as added by subsection (b).*

16 (C) *REPORTING PERIOD.—The term “re-*
17 *porting period” means the period beginning on*
18 *July 1, 2007, and ending on December 31, 2007.*

19 (D) *SECRETARY.—The term “Secretary”*
20 *means the Secretary of Health and Human Serv-*
21 *ices.*

22 (d) *PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE*
23 *FUND.—Section 1848 of the Social Security Act, as amend-*
24 *ed by subsection (b), is further amended by adding at the*
25 *end the following new subsection:*

1 “(l) *PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE*
2 *FUND.*—

3 “(1) *ESTABLISHMENT.*—*The Secretary shall es-*
4 *tablish under this subsection a Physician Assistance*
5 *and Quality Initiative Fund (in this subsection re-*
6 *ferred to as the ‘Fund’) which shall be available to the*
7 *Secretary for physician payment and quality im-*
8 *provement initiatives, which may include application*
9 *of an adjustment to the update of the conversion fac-*
10 *tor under subsection (d).*

11 “(2) *FUNDING.*—

12 “(A) *AMOUNT AVAILABLE.*—*There shall be*
13 *available to the Fund for expenditures an*
14 *amount equal to \$1,350,000,000.*

15 “(B) *TIMELY OBLIGATION OF ALL AVAIL-*
16 *ABLE FUNDS FOR SERVICES FURNISHED DURING*
17 *2008.*—*The Secretary shall provide for expendi-*
18 *tures from the Fund in a manner designed to*
19 *provide (to the maximum extent feasible) for the*
20 *obligation of the entire amount specified in sub-*
21 *paragraph (A) for payment with respect to phy-*
22 *sicians’ services furnished during 2008.*

23 “(C) *PAYMENT FROM TRUST FUND.*—*The*
24 *amount specified in subparagraph (A) shall be*
25 *available to the Fund, as expenditures are made*

1 *from the Fund, from the Federal Supplementary*
2 *Medical Insurance Trust Fund under section*
3 *1841.*

4 “(D) *FUNDING LIMITATION.*—*Amounts in*
5 *the Fund shall be available in advance of appro-*
6 *priations in accordance with subparagraph (B)*
7 *but only if the total amount obligated from the*
8 *Fund does not exceed the amount available to the*
9 *Fund under subparagraph (A). The Secretary*
10 *may obligate funds from the Fund only if the*
11 *Secretary determines (and the Chief Actuary of*
12 *the Centers for Medicare & Medicaid Services*
13 *and the appropriate budget officer certify) that*
14 *there are available in the Fund sufficient*
15 *amounts to cover all such obligations incurred*
16 *consistent with the previous sentence.*

17 “(E) *CONSTRUCTION.*—*In the case that ex-*
18 *penditures from the Fund are applied to, or oth-*
19 *erwise affect, a conversion factor under sub-*
20 *section (d) for a year, the conversion factor*
21 *under such subsection shall be computed for a*
22 *subsequent year as if such application or effect*
23 *had never occurred.”.*

24 “(e) *IMPLEMENTATION.*—*For purposes of implementing*
25 *the provisions of, and amendments made by, this section,*

1 *the Secretary of Health and Human Services shall provide*
2 *for the transfer, from the Federal Supplementary Medical*
3 *Insurance Trust Fund established under section 1841 of the*
4 *Social Security Act (42 U.S.C. 1395t), of \$60,000,000 to*
5 *the Centers for Medicare & Medicaid Services Program*
6 *Management Account for the period of fiscal years 2007,*
7 *2008, and 2009.*

8 **SEC. 102. EXTENSION OF FLOOR ON MEDICARE WORK GEO-**
9 **GRAPHIC ADJUSTMENT.**

10 *Section 1848(e)(1)(E) of the Social Security Act (42*
11 *U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before*
12 *January 1, 2007” and inserting “before January 1, 2008”.*

13 **SEC. 103. UPDATE TO THE COMPOSITE RATE COMPONENT**
14 **OF THE BASIC CASE-MIX ADJUSTED PROSPEC-**
15 **TIVE PAYMENT SYSTEM FOR DIALYSIS SERV-**
16 **ICES.**

17 *(a) IN GENERAL.—Section 1881(b)(12)(G) of the So-*
18 *cial Security Act (42 U.S.C. 1395rr(b)(12)(G)) is amended*
19 *to read as follows:*

20 *“(G) The Secretary shall increase the amount of the*
21 *composite rate component of the basic case-mix adjusted*
22 *system under subparagraph (B) for dialysis services—*

23 *“(i) furnished on or after January 1, 2006, and*
24 *before April 1, 2007, by 1.6 percent above the amount*

1 of such composite rate component for such services
2 furnished on December 31, 2005; and

3 “(ii) furnished on or after April 1, 2007, by 1.6
4 percent above the amount of such composite rate com-
5 ponent for such services furnished on March 31,
6 2007.”.

7 **(b) GAO REPORT ON HOME DIALYSIS PAYMENT.**—Not
8 later than January 1, 2009, the Comptroller General of the
9 United States shall submit to Congress a report on the costs
10 for home hemodialysis treatment and patient training for
11 both home hemodialysis and peritoneal dialysis. Such re-
12 port shall also include recommendations for a payment
13 methodology for payment under section 1881 of the Social
14 Security Act (42 U.S.C. 1395rr) that measures, and is
15 based on, the costs of providing such services and takes into
16 account the case mix of patients.

17 **SEC. 104. EXTENSION OF TREATMENT OF CERTAIN PHYSI-**
18 **CIAN PATHOLOGY SERVICES UNDER MEDI-**
19 **CARE.**

20 Section 542(c) of the Medicare, Medicaid, and SCHIP
21 Benefits Improvement and Protection Act of 2000 (as en-
22 acted into law by section 1(a)(6) of Public Law 106–554),
23 as amended by section 732 of the Medicare Prescription
24 Drug, Improvement, and Modernization Act of 2003 (Public

1 *Law 108–173), is amended by striking “and 2006” and in-*
2 *serting “, 2006, and 2007”.*

3 **SEC. 105. EXTENSION OF MEDICARE REASONABLE COSTS**
4 **PAYMENTS FOR CERTAIN CLINICAL DIAG-**
5 **NOSTIC LABORATORY TESTS FURNISHED TO**
6 **HOSPITAL PATIENTS IN CERTAIN RURAL**
7 **AREAS.**

8 *Effective as if included in the enactment of section 416*
9 *of the Medicare Prescription Drug, Improvement, and Mod-*
10 *ernization Act of 2003 (42 U.S.C. 1395l–4), subsection (b)*
11 *of such section is amended by striking “2-year period” and*
12 *inserting “3-year period”.*

13 **SEC. 106. HOSPITAL MEDICARE REPORTS AND CLARIFICA-**
14 **TIONS.**

15 (a) **CORRECTION OF MID-YEAR RECLASSIFICATION**
16 **EXPIRATION.**—*Notwithstanding any other provision of law,*
17 *in the case of a subsection (d) hospital (as defined for pur-*
18 *poses of section 1886 of the Social Security Act (42 U.S.C.*
19 *1395ww)) with respect to which a reclassification of its*
20 *wage index for purposes of such section would (but for this*
21 *subsection) expire on March 31, 2007, such reclassification*
22 *of such hospital shall be extended through September 30,*
23 *2007. The previous sentence shall not be effected in a budg-*
24 *et-neutral manner.*

1 **(b) REVISION OF THE MEDICARE WAGE INDEX CLASSIFICATION SYSTEM.**—

3 **(1) MEDPAC REPORT.**—

4 **(A) IN GENERAL.**—*The Medicare Payment*
5 *Advisory Commission shall submit to Congress,*
6 *by not later than June 30, 2007, a report on its*
7 *study of the wage index classification system ap-*
8 *plied under Medicare prospective payment sys-*
9 *tems, including under section 1886(d)(3)(E) of*
10 *the Social Security Act (42 U.S.C.*
11 *1395ww(d)(3)(E)). Such report shall include any*
12 *alternatives the Commission recommends to the*
13 *method to compute the wage index under such*
14 *section.*

15 **(B) FUNDING.**—*Out of any funds in the*
16 *Treasury not otherwise appropriated, there are*
17 *appropriated to the Medicare Payment Advisory*
18 *Commission, \$2,000,000 for fiscal year 2007 to*
19 *carry out this paragraph.*

20 **(2) PROPOSAL TO REVISE THE HOSPITAL WAGE**
21 **INDEX CLASSIFICATION SYSTEM.**— *The Secretary of*
22 *Health and Human Services, taking into account the*
23 *recommendations described in the report under para-*
24 *graph (1), shall include in the proposed rule pub-*
25 *lished under section 1886(e)(5)(A) of the Social Secu-*

1 *rity Act (42 U.S.C. 1395ww(e)(5)(A)) for fiscal year*
2 *2009 one or more proposals to revise the wage index*
3 *adjustment applied under section 1886(d)(3)(E) of*
4 *such Act (42 U.S.C. 1395ww(d)(3)(E)) for purposes of*
5 *the Medicare prospective payment system for inpa-*
6 *tient hospital services. Such proposal (or proposals)*
7 *shall consider each of the following:*

8 *(A) Problems associated with the definition*
9 *of labor markets for purposes of such wage index*
10 *adjustment.*

11 *(B) The modification or elimination of geo-*
12 *graphic reclassifications and other adjustments.*

13 *(C) The use of Bureau of Labor Statistics*
14 *data, or other data or methodologies, to calculate*
15 *relative wages for each geographic area involved.*

16 *(D) Minimizing variations in wage index*
17 *adjustments between and within Metropolitan*
18 *Statistical Areas and Statewide rural areas.*

19 *(E) The feasibility of applying all compo-*
20 *nents of the proposal to other settings, including*
21 *home health agencies and skilled nursing facili-*
22 *ties.*

23 *(F) Methods to minimize the volatility of*
24 *wage index adjustments, while maintaining the*

1 *principle of budget neutrality in applying such*
2 *adjustments.*

3 *(G) The effect that the implementation of*
4 *the proposal would have on health care providers*
5 *and on each region of the country.*

6 *(H) Methods for implementing the proposal,*
7 *including methods to phase-in such implementa-*
8 *tion.*

9 *(I) Issues relating to occupational mix, such*
10 *as staffing practices and any evidence on the ef-*
11 *fect on quality of care and patient safety and*
12 *any recommendations for alternative calcula-*
13 *tions.*

14 *(c) ELIMINATION OF UNNECESSARY REPORT.—Section*
15 *1886 of the Social Security Act (42 U.S.C. 1395ww) is*
16 *amended—*

17 *(1) in subsection (d)(4)(C), by striking clause*
18 *(iv); and*

19 *(2) in subsection (e), by striking paragraph (3).*

20 **SEC. 107. PAYMENT FOR BRACHYTHERAPY.**

21 *(a) EXTENSION OF PAYMENT RULE.—Section*
22 *1833(t)(16)(C) of the Social Security Act (42 U.S.C.*
23 *1395l(t)(16)(C)) is amended by striking “January 1, 2007”*
24 *and inserting “January 1, 2008”.*

1 (b) *ESTABLISHMENT OF SEPARATE PAYMENT*
2 *GROUPS.—*

3 (1) *IN GENERAL.—Section 1833(t)(2)(H) of such*
4 *Act (42 U.S.C. 1395l(t)(2)(H)) is amended by insert-*
5 *ing “and for stranded and non-stranded devices fur-*
6 *nished on or after July 1, 2007” before the period at*
7 *the end.*

8 (2) *IMPLEMENTATION.—The Secretary of Health*
9 *and Human Services may implement the amendment*
10 *made by paragraph (1) by program instruction or*
11 *otherwise.*

12 **SEC. 108. PAYMENT PROCESS UNDER THE COMPETITIVE AC-**
13 **QUISITION PROGRAM (CAP).**

14 (a) *IN GENERAL.—Section 1847B(a)(3) of the Social*
15 *Security Act (42 U.S.C. 1395w-3b(a)(3)) is amended—*

16 (1) *in subparagraph (A)(iii), by striking “and*
17 *biologicals” and all that follows and inserting “and*
18 *biologicals shall be made only to such contractor upon*
19 *receipt of a claim for a drug or biological supplied*
20 *by the contractor for administration to a bene-*
21 *ficiary.”; and*

22 (2) *by adding at the end the following new sub-*
23 *paragraph:*

24 “(D) *POST-PAYMENT REVIEW PROCESS.—*
25 *The Secretary shall establish (by program in-*

1 *struction or otherwise) a post-payment review*
2 *process (which may include the use of statistical*
3 *sampling) to assure that payment is made for a*
4 *drug or biological under this section only if the*
5 *drug or biological has been administered to a*
6 *beneficiary. The Secretary shall recoup, offset, or*
7 *collect any overpayments determined by the Sec-*
8 *retary under such process.”.*

9 **(b) CONSTRUCTION.**—*Nothing in this section shall be*
10 *construed as—*

11 *(1) requiring the conduct of any additional com-*
12 *petition under subsection (b)(1) of section 1847B of*
13 *the Social Security Act (42 U.S.C. 1395w-3b); or*

14 *(2) requiring any additional process for elections*
15 *by physicians under subsection (a)(1)(A)(ii) of such*
16 *section or additional selection by a selecting physi-*
17 *cian of a contractor under subsection (a)(5) of such*
18 *section.*

19 **(c) EFFECTIVE DATE.**—*The amendments made by sub-*
20 *section (a) shall apply to payment for drugs and biologicals*
21 *supplied under section 1847B of the Social Security Act*
22 *(42 U.S.C. 1395w-3b)—*

23 *(1) on or after April 1, 2007; and*

24 *(2) on or after July 1, 2006, and before April 1,*
25 *2007, for claims that are unpaid as of April 1, 2007.*

1 **SEC. 109. QUALITY REPORTING FOR HOSPITAL OUT-**
2 **PATIENT SERVICES AND AMBULATORY SUR-**
3 **GICAL CENTER SERVICES.**

4 *(a) OUTPATIENT HOSPITAL SERVICES.—*

5 *(1) IN GENERAL.—Section 1833(t) of the Social*
6 *Security Act (42 U.S.C. 1395l(t)) is amended—*

7 *(A) in paragraph (3)(C)(iv), by inserting*
8 *“subject to paragraph (17),” after “For purposes*
9 *of this subparagraph,”; and*

10 *(B) by adding at the end the following new*
11 *paragraph:*

12 *“(17) QUALITY REPORTING.—*

13 *“(A) REDUCTION IN UPDATE FOR FAILURE*
14 *TO REPORT.—*

15 *“(i) IN GENERAL.—For purposes of*
16 *paragraph (3)(C)(iv) for 2009 and each*
17 *subsequent year, in the case of a subsection*
18 *(d) hospital (as defined in section*
19 *1886(d)(1)(B)) that does not submit, to the*
20 *Secretary in accordance with this para-*
21 *graph, data required to be submitted on*
22 *measures selected under this paragraph*
23 *with respect to such a year, the OPD fee*
24 *schedule increase factor under paragraph*
25 *(3)(C)(iv) for such year shall be reduced by*
26 *2.0 percentage points.*

1 “(ii) *NON-CUMULATIVE APPLICATION.—A reduction under this subpara-*
2 *graph shall apply only with respect to the*
3 *year involved and the Secretary shall not*
4 *take into account such reduction in com-*
5 *puting the OPD fee schedule increase factor*
6 *for a subsequent year.*

8 “(B) *FORM AND MANNER OF SUBMISSION.—*
9 *Each subsection (d) hospital shall submit data*
10 *on measures selected under this paragraph to the*
11 *Secretary in a form and manner, and at a time,*
12 *specified by the Secretary for purposes of this*
13 *paragraph.*

14 “(C) *DEVELOPMENT OF OUTPATIENT MEAS-*
15 *URES.—*

16 “(i) *IN GENERAL.—The Secretary shall*
17 *develop measures that the Secretary deter-*
18 *mines to be appropriate for the measure-*
19 *ment of the quality of care (including medi-*
20 *cation errors) furnished by hospitals in out-*
21 *patient settings and that reflect consensus*
22 *among affected parties and, to the extent*
23 *feasible and practicable, shall include meas-*
24 *ures set forth by one or more national con-*
25 *sensus building entities.*

1 “(ii) *CONSTRUCTION.*—*Nothing in this*
2 *paragraph shall be construed as preventing*
3 *the Secretary from selecting measures that*
4 *are the same as (or a subset of) the meas-*
5 *ures for which data are required to be sub-*
6 *mitted under section 1886(b)(3)(B)(viii).*

7 “(D) *REPLACEMENT OF MEASURES.*—*For*
8 *purposes of this paragraph, the Secretary may*
9 *replace any measures or indicators in appro-*
10 *priate cases, such as where all hospitals are effec-*
11 *tively in compliance or the measures or indica-*
12 *tors have been subsequently shown not to rep-*
13 *resent the best clinical practice.*

14 “(E) *AVAILABILITY OF DATA.*—*The Sec-*
15 *retary shall establish procedures for making data*
16 *submitted under this paragraph available to the*
17 *public. Such procedures shall ensure that a hos-*
18 *pital has the opportunity to review the data that*
19 *are to be made public with respect to the hospital*
20 *prior to such data being made public. The Sec-*
21 *retary shall report quality measures of process,*
22 *structure, outcome, patients’ perspectives on care,*
23 *efficiency, and costs of care that relate to services*
24 *furnished in outpatient settings in hospitals on*

1 *the Internet website of the Centers for Medicare*
2 *& Medicaid Services.”.*

3 (2) *CONFORMING AMENDMENT.—Section*
4 *1886(b)(3)(B)(viii)(III) of such Act (42 U.S.C.*
5 *1395ww(b)(3)(B)(viii)(III)) is amended by inserting*
6 *“(including medication errors)” after “quality of*
7 *care”.*

8 (b) *APPLICATION TO AMBULATORY SURGICAL CEN-*
9 *TERS.—Section 1833(i) of such Act (42 U.S.C. 1935l(i)) is*
10 *amended—*

11 (1) *in paragraph (2)(D), by redesignating clause*
12 *(iv) as clause (v) and by inserting after clause (iii)*
13 *the following new clause:*

14 *“(iv) The Secretary may implement such system in a*
15 *manner so as to provide for a reduction in any annual up-*
16 *date for failure to report on quality measures in accordance*
17 *with paragraph (7).”;* and

18 (2) *by adding at the end the following new para-*
19 *graph:*

20 *“(7)(A) For purposes of paragraph (2)(D)(iv), the Sec-*
21 *retary may provide, in the case of an ambulatory surgical*
22 *center that does not submit, to the Secretary in accordance*
23 *with this paragraph, data required to be submitted on*
24 *measures selected under this paragraph with respect to a*
25 *year, any annual increase provided under the system estab-*

1 lished under paragraph (2)(D) for such year shall be re-
2 duced by 2.0 percentage points. A reduction under this sub-
3 paragraph shall apply only with respect to the year in-
4 volved and the Secretary shall not take into account such
5 reduction in computing any annual increase factor for a
6 subsequent year.

7 “(B) Except as the Secretary may otherwise provide,
8 the provisions of subparagraphs (B), (C), (D), and (E) of
9 paragraph (17) of section 1833(t) shall apply with respect
10 to services of ambulatory surgical centers under this para-
11 graph in a similar manner to the manner in which they
12 apply under such paragraph and, for purposes of this sub-
13 paragraph, any reference to a hospital, outpatient setting,
14 or outpatient hospital services is deemed a reference to an
15 ambulatory surgical center, the setting of such a center, or
16 services of such a center, respectively.”.

17 (c) *EFFECTIVE DATE.*—The amendments made by this
18 section shall apply to payment for services furnished on or
19 after January 1, 2009.

20 **SEC. 110. REPORTING OF ANEMIA QUALITY INDICATORS**
21 **FOR MEDICARE PART B CANCER ANTI-ANEMIA**
22 **DRUGS.**

23 (a) *IN GENERAL.*—Section 1842 of the Social Security
24 Act (42 U.S.C. 1395u) is amended by adding at the end
25 the following new subsection:

1 “(u) *Each request for payment, or bill submitted, for*
2 *a drug furnished to an individual for the treatment of ane-*
3 *mia in connection with the treatment of cancer shall in-*
4 *clude (in a form and manner specified by the Secretary)*
5 *information on the hemoglobin or hematocrit levels for the*
6 *individual.”.*

7 (b) *EFFECTIVE DATE.—The amendment made by sub-*
8 *section (a) shall apply to drugs furnished on or after Janu-*
9 *ary 1, 2008. The Secretary of Health and Human Services*
10 *shall address the implementation of such amendment in the*
11 *rulemaking process under section 1848 of the Social Secu-*
12 *rity Act (42 U.S.C. 1395w-4) for payment for physicians’*
13 *services for 2008, consistent with the previous sentence.*

14 **SEC. 111. CLARIFICATION OF HOSPICE SATELLITE DES-**
15 **IGNATION.**

16 *Notwithstanding any other provision of law, for pur-*
17 *poses of calculating the hospice aggregate payment cap for*
18 *2004, 2005, and 2006 for a hospice program under section*
19 *1814(i)(2)(A) of the Social Security Act (42 U.S.C.*
20 *1395f(i)(2)(A)) for hospice care provided on or after Novem-*
21 *ber 1, 2003, and before December 27, 2005, Medicare pro-*
22 *vider number 29-1511 is deemed to be a multiple location*
23 *of Medicare provider number 29-1500.*

1 **TITLE II—MEDICARE**
2 **BENEFICIARY PROTECTIONS**

3 **SEC. 201. EXTENSION OF EXCEPTIONS PROCESS FOR MEDI-**
4 **CARE THERAPY CAPS.**

5 *Section 1833(g)(5) of the Social Security Act (42*
6 *U.S.C. 1395l(g)(5)) is amended by striking “2006” and in-*
7 *serting “the period beginning on January 1, 2006, and end-*
8 *ing on December 31, 2007,”.*

9 **SEC. 202. PAYMENT FOR ADMINISTRATION OF PART D VAC-**
10 **CINES.**

11 *(a) TRANSITION FOR 2007.—Notwithstanding any*
12 *other provision of law, in the case of a vaccine that is a*
13 *covered part D drug under section 1860D-2(e) of the Social*
14 *Security Act (42 U.S.C. 1395w-102(e)) and that is admin-*
15 *istered during 2007, the administration of such vaccine*
16 *shall be paid under part B of title XVIII of such Act as*
17 *if it were the administration of a vaccine described in sec-*
18 *tion 1861(s)(10)(B) of such Act (42 U.S.C.*
19 *1395w(s)(10)(B)).*

20 *(b) ADMINISTRATION INCLUDED IN COVERAGE OF COV-*
21 *ERED PART D DRUGS BEGINNING IN 2008.—Section*
22 *1860D-2(e)(1) of the Social Security Act (42 U.S.C. 1395w-*
23 *102(e)(1)) is amended, in the matter following subpara-*
24 *graph (B), by inserting “(and, for vaccines administered*

1 *on or after January 1, 2008, its administration)” after*
2 *“Public Health Service Act”.*

3 **SEC. 203. OIG STUDY OF NEVER EVENTS.**

4 (a) *STUDY.—*

5 (1) *IN GENERAL.—The Inspector General in the*
6 *Department of Health and Human Services shall con-*
7 *duct a study on—*

8 (A) *incidences of never events for Medicare*
9 *beneficiaries, including types of such events and*
10 *payments by any party for such events;*

11 (B) *the extent to which the Medicare pro-*
12 *gram paid, denied payment, or recouped pay-*
13 *ment for services furnished in connection with*
14 *such events and the extent to which beneficiaries*
15 *paid for such services; and*

16 (C) *the administrative processes of the Cen-*
17 *ters for Medicare & Medicaid Services to detect*
18 *such events and to deny or recoup payments for*
19 *services furnished in connection with such an*
20 *event.*

21 (2) *CONDUCT OF STUDY.—In conducting the*
22 *study under paragraph (1), the Inspector General—*

23 (A) *shall audit a representative sample of*
24 *claims and medical records of Medicare bene-*
25 *ficiaries to identify never events and any pay-*

1 *ment (or recoupment) for services furnished in*
2 *connection with such events;*

3 *(B) may request access to such claims and*
4 *records from any Medicare contractor; and*

5 *(C) shall not release individually identifi-*
6 *able information or facility-specific information.*

7 **(b) REPORT.**—*Not later than 2 years after the date*
8 *of the enactment of this Act, the Inspector General shall sub-*
9 *mit a report to Congress on the study conducted under this*
10 *section. Such report shall include recommendations for such*
11 *legislation and administrative action, such as a noncov-*
12 *erage policy or denial of payments, as the Inspector General*
13 *determines appropriate, including—*

14 *(1) recommendations on processes to identify*
15 *never events and to deny or recoup payments for serv-*
16 *ices furnished in connection with such events; and*

17 *(2) a recommendation on a potential process (or*
18 *processes) for public disclosure of never events*
19 *which—*

20 *(A) will ensure protection of patient pri-*
21 *vacy; and*

22 *(B) will permit the use of the disclosed in-*
23 *formation for a root cause analysis to inform the*
24 *public and the medical community about safety*
25 *issues involved.*

1 (c) *FUNDING.*— *Out of any funds in the Treasury not*
2 *otherwise appropriated, there are appropriated to the In-*
3 *spector General of the Department of Health and Human*
4 *Services \$3,000,000 to carry out this section, to be available*
5 *until January 1, 2010.*

6 (d) *NEVER EVENTS DEFINED.*—*For purposes of this*
7 *section, the term “never event” means an event that is listed*
8 *and endorsed as a serious reportable event by the National*
9 *Quality Forum as of November 16, 2006.*

10 **SEC. 204. MEDICARE MEDICAL HOME DEMONSTRATION**
11 **PROJECT.**

12 (a) *IN GENERAL.*—*The Secretary of Health and*
13 *Human Services (in this section referred to as the “Sec-*
14 *retary”)* shall establish under title XVIII of the Social Secu-
15 *rity Act a medical home demonstration project (in this sec-*
16 *tion referred to as the “project”)* to redesign the health care
17 *delivery system to provide targeted, accessible, continuous*
18 *and coordinated, family-centered care to high-need popu-*
19 *lations and under which—*

20 (1) *care management fees are paid to persons*
21 *performing services as personal physicians; and*

22 (2) *incentive payments are paid to physicians*
23 *participating in practices that provide services as a*
24 *medical home under subsection (d).*

1 *For purposes of this subsection, the term “high-need popu-*
2 *lation” means individuals with multiple chronic illnesses*
3 *that require regular medical monitoring, advising, or treat-*
4 *ment.*

5 (b) *DETAILS.—*

6 (1) *DURATION; SCOPE.—The project shall operate*
7 *during a period of three years and shall include*
8 *urban, rural, and underserved areas in a total of no*
9 *more than 8 States.*

10 (2) *ENCOURAGING PARTICIPATION OF SMALL*
11 *PHYSICIAN PRACTICES.—The project shall be designed*
12 *to include the participation of physicians in practices*
13 *with fewer than three full-time equivalent physicians,*
14 *as well as physicians in larger practices particularly*
15 *in rural and underserved areas.*

16 (c) *PERSONAL PHYSICIAN DEFINED.—*

17 (1) *IN GENERAL.—For purposes of this section,*
18 *the term “personal physician” means a physician (as*
19 *defined in section 1861(r)(1) of the Social Security*
20 *Act (42 U.S.C. 1395x(r)(1)) who—*

21 (A) *meets the requirements described in*
22 *paragraph (2); and*

23 (B) *performs the services described in para-*
24 *graph (3).*

1 *Nothing in this paragraph shall be construed as pre-*
2 *venting such a physician from being a specialist or*
3 *subspecialist for an individual requiring ongoing care*
4 *for a specific chronic condition or multiple chronic*
5 *conditions (such as severe asthma, complex diabetes,*
6 *cardiovascular disease, rheumatologic disorder) or for*
7 *an individual with a prolonged illness.*

8 (2) *REQUIREMENTS.—The requirements de-*
9 *scribed in this paragraph for a personal physician*
10 *are as follows:*

11 (A) *The physician is a board certified phy-*
12 *sician who provides first contact and continuous*
13 *care for individuals under the physician’s care.*

14 (B) *The physician has the staff and re-*
15 *sources to manage the comprehensive and coordi-*
16 *nated health care of each such individual.*

17 (3) *SERVICES PERFORMED.—A personal physi-*
18 *cian shall perform or provide for the performance of*
19 *at least the following services:*

20 (A) *Advocates for and provides ongoing sup-*
21 *port, oversight, and guidance to implement a*
22 *plan of care that provides an integrated, coher-*
23 *ent, cross-discipline plan for ongoing medical*
24 *care developed in partnership with patients and*
25 *including all other physicians furnishing care to*

1 *the patient involved and other appropriate med-*
2 *ical personnel or agencies (such as home health*
3 *agencies).*

4 *(B) Uses evidence-based medicine and clin-*
5 *ical decision support tools to guide decision-mak-*
6 *ing at the point-of-care based on patient-specific*
7 *factors.*

8 *(C) Uses health information technology, that*
9 *may include remote monitoring and patient reg-*
10 *istries, to monitor and track the health status of*
11 *patients and to provide patients with enhanced*
12 *and convenient access to health care services.*

13 *(D) Encourages patients to engage in the*
14 *management of their own health through edu-*
15 *cation and support systems.*

16 *(d) MEDICAL HOME DEFINED.—For purposes of this*
17 *section, the term “medical home” means a physician prac-*
18 *tice that—*

19 *(1) is in charge of targeting beneficiaries for*
20 *participation in the project; and*

21 *(2) is responsible for—*

22 *(A) providing safe and secure technology to*
23 *promote patient access to personal health infor-*
24 *mation;*

1 (B) developing a health assessment tool for
2 the individuals targeted; and

3 (C) providing training programs for per-
4 sonnel involved in the coordination of care.

5 (e) *PAYMENT MECHANISMS.*—

6 (1) *PERSONAL PHYSICIAN CARE MANAGEMENT*
7 *FEE.*—Under the project, the Secretary shall provide
8 for payment under section 1848 of the Social Security
9 Act (42 U.S.C. 1395w-4) of a care management fee to
10 personal physicians providing care management
11 under the project. Under such section and using the
12 relative value scale update committee (RUC) process
13 under such section, the Secretary shall develop a care
14 management fee code for such payments and a value
15 for such code.

16 (2) *MEDICAL HOME SHARING IN SAVINGS.*—The
17 Secretary shall provide for payment under the project
18 of a medical home based on the payment methodology
19 applied to physician group practices under section
20 1866A of the Social Security Act (42 U.S.C. 1395cc-
21 1). Under such methodology, 80 percent of the reduc-
22 tions in expenditures under title XVIII of the Social
23 Security Act resulting from participation of individ-
24 uals that are attributable to the medical home (as re-
25 duced by the total care managements fees paid to the

1 *medical home under the project) shall be paid to the*
2 *medical home. The amount of such reductions in ex-*
3 *penditures shall be determined by using assumptions*
4 *with respect to reductions in the occurrence of health*
5 *complications, hospitalization rates, medical errors,*
6 *and adverse drug reactions.*

7 (3) *SOURCE.—Payments paid under the project*
8 *shall be made from the Federal Supplementary Med-*
9 *ical Insurance Trust Fund under section 1841 of the*
10 *Social Security Act (42 U.S.C. 1395t).*

11 (f) *EVALUATIONS AND REPORTS.—*

12 (1) *ANNUAL INTERIM EVALUATIONS AND RE-*
13 *PORTS.—For each year of the project, the Secretary*
14 *shall provide for an evaluation of the project and*
15 *shall submit to Congress, by a date specified by the*
16 *Secretary, a report on the project and on the evalua-*
17 *tion of the project for each such year.*

18 (2) *FINAL EVALUATION AND REPORT.—The Sec-*
19 *retary shall provide for an evaluation of the project*
20 *and shall submit to Congress, not later than one year*
21 *after completion of the project, a report on the project*
22 *and on the evaluation of the project.*

1 **SEC. 205. MEDICARE DRA TECHNICAL CORRECTIONS.**

2 (a) *PACE CLARIFICATION.*—Paragraph (7) of section
3 5302(c) of the Deficit Reduction Act of 2005 (42 U.S.C.
4 1395eee note) is amended to read as follows:

5 “(7) *APPROPRIATION.*—

6 “(A) *IN GENERAL.*—Out of funds in the
7 Treasury not otherwise appropriated, there are
8 appropriated to the Secretary \$10,000,000 to
9 carry out this subsection for the period of fiscal
10 years 2006 through 2010.

11 “(B) *AVAILABILITY.*—Funds appropriated
12 under subparagraph (A) shall remain available
13 for obligation through fiscal year 2010.”

14 (b) *MISCELLANEOUS TECHNICAL CORRECTIONS.*—

15 (1) *CORRECTION OF MARGIN (SECTION 5001).*—
16 Section 1886(b)(3)(B) of the Social Security Act (42
17 U.S.C. 1395ww(b)(3)(B)), as amended by section
18 5001(a) of the Deficit Reduction Act of 2005 (Public
19 Law 109–171), is amended by moving clause (viii)
20 (including subclauses (I) through (VII) of such clause)
21 6 ems to the left.

22 (2) *REFERENCE CORRECTION (SECTION 5114).*—
23 Section 5114(a)(2) of the Deficit Reduction Act of
24 2005 (Public Law 109–171), in the matter preceding
25 subparagraph (A), is amended by striking
26 “1842(b)(6)(F) of such Act (42 U.S.C.

1 1395u(b)(6)(F))” and inserting “1842(b)(6) of such
2 Act (42 U.S.C. 1395u(b)(6))”.

3 (c) *EFFECTIVE DATE.*—The amendments made by this
4 section shall take effect as if included in the enactment of
5 the Deficit Reduction Act of 2005 (Public Law 109–171).

6 **SEC. 206. LIMITED CONTINUOUS OPEN ENROLLMENT OF**
7 **ORIGINAL MEDICARE FEE-FOR-SERVICE EN-**
8 **ROLLEES INTO MEDICARE ADVANTAGE NON-**
9 **PRESCRIPTION DRUG PLANS.**

10 (a) *IN GENERAL.*—Section 1851(e)(2) of the Social Se-
11 curity Act (42 U.S.C. 1395w–21(e)(2)) is amended by add-
12 ing at the end the following new subparagraph:

13 “(E) *LIMITED CONTINUOUS OPEN ENROLL-*
14 *MENT OF ORIGINAL FEE-FOR-SERVICE ENROLL-*
15 *EES IN MEDICARE ADVANTAGE NON-PRESCRIP-*
16 *TION DRUG PLANS.*—

17 “(i) *IN GENERAL.*—On any date dur-
18 ing 2007 or 2008 on which a Medicare Ad-
19 vantage eligible individual is an unenrolled
20 fee-for-service individual (as defined in
21 clause (ii)), the individual may elect under
22 subsection (a)(1) to enroll in a Medicare
23 Advantage plan that is not an MA–PD
24 plan.

1 “(ii) *UNENROLLED FEE-FOR-SERVICE*
2 *INDIVIDUAL DEFINED.*—*In this subpara-*
3 *graph, the term ‘unenrolled fee-for-service*
4 *individual’ means, with respect to a date, a*
5 *Medicare Advantage eligible individual*
6 *who—*

7 “(I) *is receiving benefits under*
8 *this title through enrollment in the*
9 *original medicare fee-for-service pro-*
10 *gram under parts A and B;*

11 “(II) *is not enrolled in an MA*
12 *plan on such date; and*

13 “(III) *as of such date is not other-*
14 *wise eligible to elect to enroll in an MA*
15 *plan.*

16 “(iii) *LIMITATION OF ONE CHANGE*
17 *DURING YEAR.*—*An individual may exercise*
18 *the right under clause (i) only once during*
19 *the year.*

20 “(iv) *NO EFFECT ON COVERAGE UNDER*
21 *A PRESCRIPTION DRUG PLAN.*—*Nothing in*
22 *this subparagraph shall be construed as per-*
23 *mitting an individual exercising the right*
24 *under clause (i)—*

1 “(I) who is enrolled in a prescrip-
2 tion drug plan under part D, to
3 disenroll from such plan or to enroll in
4 a different prescription drug plan; or

5 “(II) who is not enrolled in a pre-
6 scription drug plan, to enroll in such
7 a plan.”.

8 (b) *CONFORMING AMENDMENT.*—Section 1860D-
9 1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C.
10 1395w-101(b)(1)(B)(iii)) is amended by striking “subpara-
11 graphs (B) and (C)” and inserting “subparagraphs (B),
12 (C), and (E)”.

13 **TITLE III—MEDICARE PROGRAM**
14 **INTEGRITY EFFORTS**

15 **SEC. 301. OFFSETTING ADJUSTMENT IN MEDICARE ADVAN-**
16 **TAGE STABILIZATION FUND.**

17 Section 1858(e)(2)(A)(i) of the Social Security Act (42
18 U.S.C. 1395w-27a(e)(2)(A)(i)) is amended by striking
19 “2007,” and “\$10,000,000,000” and inserting “2012,” and
20 “\$3,500,000,000”, respectively.

1 **SEC. 302. EXTENSION AND EXPANSION OF RECOVERY**
2 **AUDIT CONTRACTOR PROGRAM UNDER THE**
3 **MEDICARE INTEGRITY PROGRAM.**

4 (a) *IN GENERAL.*—Section 1893 of the Social Security
5 Act (42 U.S.C. 1395ddd) is amended by adding at the end
6 the following new subsection:

7 “(h) *USE OF RECOVERY AUDIT CONTRACTORS.*—

8 “(1) *IN GENERAL.*—Under the Program, the Sec-
9 retary shall enter into contracts with recovery audit
10 contractors in accordance with this subsection for the
11 purpose of identifying underpayments and overpay-
12 ments and recouping overpayments under this title
13 with respect to all services for which payment is made
14 under part A or B. Under the contracts—

15 “(A) payment shall be made to such a con-
16 tractor only from amounts recovered;

17 “(B) from such amounts recovered, pay-
18 ment—

19 “(i) shall be made on a contingent
20 basis for collecting overpayments; and

21 “(ii) may be made in such amounts as
22 the Secretary may specify for identifying
23 underpayments; and

24 “(C) the Secretary shall retain a portion of
25 the amounts recovered which shall be available to
26 the program management account of the Centers

1 *for Medicare & Medicaid Services for purposes of*
2 *activities conducted under the recovery audit*
3 *program under this subsection.*

4 “(2) *DISPOSITION OF REMAINING RECOVERIES.*—
5 *The amounts recovered under such contracts that are*
6 *not paid to the contractor under paragraph (1) or re-*
7 *tained by the Secretary under paragraph (1)(C) shall*
8 *be applied to reduce expenditures under parts A and*
9 *B.*

10 “(3) *NATIONWIDE COVERAGE.*—*The Secretary*
11 *shall enter into contracts under paragraph (1) in a*
12 *manner so as to provide for activities in all States*
13 *under such a contract by not later than January 1,*
14 *2010.*

15 “(4) *AUDIT AND RECOVERY PERIODS.*—*Each*
16 *such contract shall provide that audit and recovery*
17 *activities may be conducted during a fiscal year with*
18 *respect to payments made under part A or B—*

19 “(A) *during such fiscal year; and*

20 “(B) *retrospectively (for a period of not*
21 *more than 4 fiscal years prior to such fiscal*
22 *year).*

23 “(5) *WAIVER.*—*The Secretary shall waive such*
24 *provisions of this title as may be necessary to provide*

1 *for payment of recovery audit contractors under this*
2 *subsection in accordance with paragraph (1).*

3 “(6) *QUALIFICATIONS OF CONTRACTORS.—*

4 “(A) *IN GENERAL.—The Secretary may not*
5 *enter into a contract under paragraph (1) with*
6 *a recovery audit contractor unless the contractor*
7 *has staff that has the appropriate clinical knowl-*
8 *edge of, and experience with, the payment rules*
9 *and regulations under this title or the contractor*
10 *has, or will contract with, another entity that*
11 *has such knowledgeable and experienced staff.*

12 “(B) *INELIGIBILITY OF CERTAIN CONTRAC-*
13 *TORS.—The Secretary may not enter into a con-*
14 *tract under paragraph (1) with a recovery audit*
15 *contractor to the extent the contractor is a fiscal*
16 *intermediary under section 1816, a carrier*
17 *under section 1842, or a medicare administra-*
18 *tive contractor under section 1874A.*

19 “(C) *PREFERENCE FOR ENTITIES WITH*
20 *DEMONSTRATED PROFICIENCY.—In awarding*
21 *contracts to recovery audit contractors under*
22 *paragraph (1), the Secretary shall give pref-*
23 *erence to those risk entities that the Secretary de-*
24 *termines have demonstrated more than 3 years*
25 *direct management experience and a proficiency*

1 *for cost control or recovery audits with private*
2 *insurers, health care providers, health plans,*
3 *under the Medicaid program under title XIX, or*
4 *under this title.*

5 “(7) *CONSTRUCTION RELATING TO CONDUCT OF*
6 *INVESTIGATION OF FRAUD.—A recovery of an over-*
7 *payment to a individual or entity by a recovery*
8 *audit contractor under this subsection shall not be*
9 *construed to prohibit the Secretary or the Attorney*
10 *General from investigating and prosecuting, if appro-*
11 *priate, allegations of fraud or abuse arising from such*
12 *overpayment.*

13 “(8) *ANNUAL REPORT.—The Secretary shall an-*
14 *nually submit to Congress a report on the use of re-*
15 *covery audit contractors under this subsection. Each*
16 *such report shall include information on the perform-*
17 *ance of such contractors in identifying underpay-*
18 *ments and overpayments and recouping overpay-*
19 *ments, including an evaluation of the comparative*
20 *performance of such contractors and savings to the*
21 *program under this title.”.*

22 “(b) *ACCESS TO COORDINATION OF BENEFITS CON-*
23 *TRACTOR DATABASE.—The Secretary of Health and*
24 *Human Services shall provide for access by recovery audit*
25 *contractors conducting audit and recovery activities under*

1 *section 1893(h) of the Social Security Act, as added by sub-*
2 *section (a), to the database of the Coordination of Benefits*
3 *Contractor of the Centers for Medicare & Medicaid Services*
4 *with respect to the audit and recovery periods described in*
5 *paragraph (4) of such section 1893(h).*

6 *(c) CONFORMING AMENDMENTS TO CURRENT DEM-*
7 *ONSTRATION PROJECT.—Section 306 of the Medicare Pre-*
8 *scription Drug, Improvement, and Modernization Act of*
9 *2003 (Public Law 108–173; 117 Stat. 2256) is amended—*

10 *(1) in subsection (b)(2), by striking “last for not*
11 *longer than 3 years” and inserting “continue until*
12 *contracts are entered into under section 1893(h) of the*
13 *Social Security Act”; and*

14 *(2) by striking subsection (f).*

15 **SEC. 303. FUNDING FOR THE HEALTH CARE FRAUD AND**
16 **ABUSE CONTROL ACCOUNT.**

17 *(a) DEPARTMENTS OF HEALTH AND HUMAN SERVICES*
18 *AND JUSTICE.—*

19 *(1) IN GENERAL.—Section 1817(k)(3)(A)(i) of*
20 *the Social Security Act (42 U.S.C. 1395i(k)(3)(A)(i))*
21 *is amended—*

22 *(A) in the matter preceding subclause (I),*
23 *by inserting “until expended” after “without fur-*
24 *ther appropriation”;*

1 (B) in subclause (II), by striking “and” at
2 the end;

3 (C) in subclause (III)—

4 (i) by striking “for each fiscal year
5 after fiscal year 2003” and inserting “for
6 each of fiscal years 2004, 2005, and 2006”;
7 and

8 (ii) by striking the period at the end
9 and inserting a semicolon; and

10 (D) by adding at the end the following new
11 subclauses:

12 “(IV) for each of fiscal years
13 2007, 2008, 2009, and 2010, the limit
14 under this clause for the preceding fis-
15 cal year, increased by the percentage
16 increase in the consumer price index
17 for all urban consumers (all items;
18 United States city average) over the
19 previous year; and

20 “(V) for each fiscal year after fis-
21 cal year 2010, the limit under this
22 clause for fiscal year 2010.”.

23 (2) OFFICE OF THE INSPECTOR GENERAL OF
24 THE DEPARTMENT OF HEALTH AND HUMAN SERV-

1 *ICES.—Section 1817(k)(3)(A)(ii) of such Act (42*
2 *U.S.C. 1395i(k)(3)(A)(ii) is amended—*

3 *(A) in subclause (VI), by striking “and” at*
4 *the end;*

5 *(B) in subclause (VII)—*

6 *(i) by striking “for each fiscal year*
7 *after fiscal year 2002” and inserting “for*
8 *each of fiscal years 2003, 2004, 2005, and*
9 *2006”; and*

10 *(ii) by striking the period at the end*
11 *and inserting a semicolon; and*

12 *(C) by adding at the end the following new*
13 *subclauses:*

14 *“(VIII) for fiscal year 2007, not*
15 *less than \$160,000,000, increased by*
16 *the percentage increase in the con-*
17 *sumer price index for all urban con-*
18 *sumers (all items; United States city*
19 *average) over the previous year;*

20 *“(IX) for each of fiscal years*
21 *2008, 2009, and 2010, not less than the*
22 *amount required under this clause for*
23 *the preceding fiscal year, increased by*
24 *the percentage increase in the con-*
25 *sumer price index for all urban con-*

1 sumers (all items; United States city
2 average) over the previous year; and
3 “(X) for each fiscal year after fis-
4 cal year 2010, not less than the
5 amount required under this clause for
6 fiscal year 2010.”.

7 (b) *FEDERAL BUREAU OF INVESTIGATION*.—Section
8 1817(k)(3)(B) of the Social Security Act (42 U.S.C.
9 1395i(k)(3)(B)) is amended—

10 (1) in the matter preceding clause (i), by insert-
11 ing “until expended” after “without further appro-
12 priation”;

13 (2) in clause (vi), by striking “and” at the end;

14 (3) in clause (vii)—

15 (A) by striking “for each fiscal year after
16 fiscal year 2002” and inserting “for each of fis-
17 cal years 2003, 2004, 2005, and 2006”; and

18 (B) by striking the period at the end and
19 inserting a semicolon; and

20 (4) by adding at the end the following new
21 clauses:

22 “(viii) for each of fiscal years 2007,
23 2008, 2009, and 2010, the amount to be ap-
24 propriated under this subparagraph for the
25 preceding fiscal year, increased by the per-

1 *centage increase in the consumer price*
2 *index for all urban consumers (all items;*
3 *United States city average) over the pre-*
4 *vious year; and*

5 *“(ix) for each fiscal year after fiscal*
6 *year 2010, the amount to be appropriated*
7 *under this subparagraph for fiscal year*
8 *2010.”.*

9 **SEC. 304. IMPLEMENTATION FUNDING.**

10 *For purposes of implementing the provisions of, and*
11 *amendments made by, this title and titles I and II of this*
12 *division, other than section 203, the Secretary of Health*
13 *and Human Services shall provide for the transfer, in ap-*
14 *propriate part from the Federal Hospital Insurance Trust*
15 *Fund established under section 1817 of the Social Security*
16 *Act (42 U.S.C. 1395i) and the Federal Supplementary Med-*
17 *ical Insurance Trust Fund established under section 1841*
18 *of such Act (42 U.S.C. 1395t), of \$45,000,000 to the Centers*
19 *for Medicare & Medicaid Services Program Management*
20 *Account for the period of fiscal years 2007 and 2008.*

1 **TITLE IV—MEDICAID AND OTHER**
2 **HEALTH PROVISIONS**

3 **SEC. 401. EXTENSION OF TRANSITIONAL MEDICAL ASSIST-**
4 **ANCE (TMA) AND ABSTINENCE EDUCATION**
5 **PROGRAM.**

6 *Activities authorized by sections 510 and 1925 of the*
7 *Social Security Act shall continue through June 30, 2007,*
8 *in the manner authorized for fiscal year 2006, notwith-*
9 *standing section 1902(e)(1)(A) of such Act, and out of any*
10 *money in the Treasury of the United States not otherwise*
11 *appropriated, there are hereby appropriated such sums as*
12 *may be necessary for such purpose. Grants and payments*
13 *may be made pursuant to this authority through the third*
14 *quarter of fiscal year 2007 at the level provided for such*
15 *activities through the third quarter of fiscal year 2006.*

16 **SEC. 402. GRANTS FOR RESEARCH ON VACCINE AGAINST**
17 **VALLEY FEVER.**

18 *(a) IN GENERAL.—In supporting research on the de-*
19 *velopment of vaccines against human diseases, the Sec-*
20 *retary of Health and Human Services shall make grants*
21 *for the purpose of conducting research toward the develop-*
22 *ment of a vaccine against coccidioidomycosis (commonly*
23 *known as Valley Fever).*

24 *(b) SUNSET.—No grant may be made under subsection*
25 *(a) on or after October 1, 2012. The preceding sentence does*

1 *not have any legal effect on payments under grants for*
2 *which amounts appropriated under subsection (c) were obli-*
3 *gated prior to such date.*

4 *(c) AUTHORIZATION OF APPROPRIATIONS.—For the*
5 *purpose of making grants under subsection (a), there are*
6 *authorized to be appropriated \$40,000,000 for the period*
7 *of fiscal years 2007 through 2012.*

8 **SEC. 403. CHANGE IN THRESHOLD FOR MEDICAID INDIRECT**
9 **HOLD HARMLESS PROVISION OF BROAD-**
10 **BASED HEALTH CARE TAXES.**

11 *Section 1903(w)(4)(C) of the Social Security Act (42*
12 *U.S.C. 1396b(w)(4)(C)) is amended—*

13 *(1) by inserting “(i)” after “(C)”;* and

14 *(2) by adding at the end the following:*

15 *“(i) For purposes of clause (i), a determination*
16 *of the existence of an indirect guarantee shall be made*
17 *under paragraph (3)(i) of section 433.68(f) of title 42,*
18 *Code of Federal Regulations, as in effect on November*
19 *1, 2006, except that for portions of fiscal years begin-*
20 *ning on or after January 1, 2008, and before October*
21 *1, 2011, ‘5.5 percent’ shall be substituted for ‘6 per-*
22 *cent’ each place it appears.”.*

1 **SEC. 404. DSH ALLOTMENTS FOR FISCAL YEAR 2007 FOR**
2 **TENNESSEE AND HAWAII.**

3 *Section 1923(f)(6) of the Social Security Act (42*
4 *U.S.C. 1396r-4(f)(6)) is amended to read as follows:*

5 *“(6) ALLOTMENT ADJUSTMENTS FOR FISCAL*
6 *YEAR 2007.—*

7 *“(A) TENNESSEE.—*

8 *“(i) IN GENERAL.—Only with respect*
9 *to fiscal year 2007, the DSH allotment for*
10 *Tennessee for such fiscal year, notwith-*
11 *standing the table set forth in paragraph*
12 *(2) or the terms of the TennCare Dem-*
13 *onstration Project in effect for the State,*
14 *shall be the greater of—*

15 *“(I) the amount that the Sec-*
16 *retary determines is equal to the Fed-*
17 *eral medical assistance percentage*
18 *component attributable to dispropor-*
19 *tionate share hospital payment adjust-*
20 *ments for the demonstration year end-*
21 *ing in 2006 that is reflected in the*
22 *budget neutrality provision of the*
23 *TennCare Demonstration Project; and*

24 *“(II) \$280,000,000.*

25 *“(ii) LIMITATION ON AMOUNT OF PAY-*
26 *MENT ADJUSTMENTS ELIGIBLE FOR FED-*

1 *ERAL FINANCIAL PARTICIPATION.—Payment*
2 *under section 1903(a) shall not be made to*
3 *Tennessee with respect to the aggregate*
4 *amount of any payment adjustments made*
5 *under this section for hospitals in the State*
6 *for fiscal year 2007 that is in excess of 30*
7 *percent of the DSH allotment for the State*
8 *for such fiscal year determined pursuant to*
9 *clause (i).*

10 *“(iii) STATE PLAN AMENDMENT.—The*
11 *Secretary shall permit Tennessee to submit*
12 *an amendment to its State plan under this*
13 *title that describes the methodology to be*
14 *used by the State to identify and make pay-*
15 *ments to disproportionate share hospitals,*
16 *including children’s hospitals and institu-*
17 *tions for mental diseases or other mental*
18 *health facilities. The Secretary may not ap-*
19 *prove such plan amendment unless the*
20 *methodology described in the amendment is*
21 *consistent with the requirements under this*
22 *section for making payment adjustments to*
23 *disproportionate share hospitals. For pur-*
24 *poses of demonstrating budget neutrality*
25 *under the TennCare Demonstration Project,*

1 *payment adjustments made pursuant to a*
2 *State plan amendment approved in accord-*
3 *ance with this subparagraph shall be con-*
4 *sidered expenditures under such project.*

5 “(iv) *OFFSET OF FEDERAL SHARE OF*
6 *PAYMENT ADJUSTMENTS FOR FISCAL YEAR*
7 *2007 AGAINST ESSENTIAL ACCESS HOSPITAL*
8 *SUPPLEMENTAL POOL PAYMENTS UNDER*
9 *THE TENNCARE DEMONSTRATION*
10 *PROJECT.—*

11 “(I) *The total amount of Essential*
12 *Access Hospital supplemental pool*
13 *payments that may be made under the*
14 *TennCare Demonstration Project for*
15 *fiscal year 2007 shall be reduced on a*
16 *dollar for dollar basis by the amount of*
17 *any payments made under section*
18 *1903(a) to Tennessee with respect to*
19 *payment adjustments made under this*
20 *section for hospitals in the State for*
21 *such fiscal year.*

22 “(II) *The sum of the total amount*
23 *of payments made under section*
24 *1903(a) to Tennessee with respect to*
25 *payment adjustments made under this*

1 *section for hospitals in the State for*
2 *fiscal year 2007 and the total amount*
3 *of Essential Access Hospital supple-*
4 *mental pool payments made under the*
5 *TennCare Demonstration Project for*
6 *such fiscal year shall not exceed the*
7 *State's DSH allotment for such fiscal*
8 *year established under clause (i).*

9 *“(B) HAWAII.—*

10 *“(i) IN GENERAL.—Only with respect*
11 *to fiscal year 2007, the DSH allotment for*
12 *Hawaii for such fiscal year, notwith-*
13 *standing the table set forth in paragraph*
14 *(2), shall be \$10,000,000.*

15 *“(ii) STATE PLAN AMENDMENT.—The*
16 *Secretary shall permit Hawaii to submit an*
17 *amendment to its State plan under this*
18 *title that describes the methodology to be*
19 *used by the State to identify and make pay-*
20 *ments to disproportionate share hospitals,*
21 *including children's hospitals and institu-*
22 *tions for mental diseases or other mental*
23 *health facilities. The Secretary may not ap-*
24 *prove such plan amendment unless the*
25 *methodology described in the amendment is*

1 *consistent with the requirements under this*
2 *section for making payment adjustments to*
3 *disproportionate share hospitals.”.*

4 **SEC. 405. CERTAIN MEDICAID DRA TECHNICAL CORREC-**
5 **TIONS.**

6 (a) *TECHNICAL CORRECTIONS RELATING TO STATE*
7 *OPTION FOR ALTERNATIVE PREMIUMS AND COST SHARING*
8 *(SECTIONS 6041 THROUGH 6043).—*

9 (1) *CLARIFICATION OF CONTINUED APPLICATION*
10 *OF REGULAR COST SHARING RULES FOR INDIVIDUALS*
11 *WITH FAMILY INCOME NOT EXCEEDING 100 PERCENT*
12 *OF THE POVERTY LINE.—Section 1916A of the Social*
13 *Security Act, as inserted by section 6041(a) of the*
14 *Deficit Reduction Act of 2005 and amended by sec-*
15 *tions 6042 and 6043 of such Act, is amended—*

16 (A) *in subsection (a)(1)—*

17 (i) *by inserting “but subject to para-*
18 *graph (2),” after “1902(a)(10)(B),”; and*

19 (ii) *by inserting “and non-emergency*
20 *services furnished in a hospital emergency*
21 *department for which cost sharing may be*
22 *imposed under subsection (e)” after “(c);”*

23 (B) *by redesignating paragraph (2) of sub-*
24 *section (a) as paragraph (3);*

1 (C) in subsection (a), by inserting after
2 paragraph (1) the following:

3 “(2) *EXEMPTION FOR INDIVIDUALS WITH FAMILY*
4 *INCOME NOT EXCEEDING 100 PERCENT OF THE POV-*
5 *ERTY LINE.—*

6 “(A) *IN GENERAL.—Paragraph (1) and*
7 *subsection (d) shall not apply, and sections 1916*
8 *and 1902(a)(10)(B) shall continue to apply, in*
9 *the case of an individual whose family income*
10 *does not exceed 100 percent of the poverty line*
11 *applicable to a family of the size involved.*

12 “(B) *LIMIT ON AGGREGATE COST SHAR-*
13 *ING.—To the extent cost sharing under sub-*
14 *section (c) and (e) or under section 1916 is im-*
15 *posed against individuals described in subpara-*
16 *graph (A), the limitation under subsection*
17 *(b)(1)(B)(ii) on the total aggregate amount of*
18 *cost sharing shall apply to such cost sharing for*
19 *all individuals in a family described in subpara-*
20 *graph (A) in the same manner as such limita-*
21 *tions apply to cost sharing and families de-*
22 *scribed in subsection (b)(1)(B)(ii).”;*

23 (D) in subsections (c)(2)(C) and (e)(2)(C),
24 by inserting “under subsection (a)(2)(B) or”
25 after “cap on cost sharing applied”; and

1 (E) in subsection (e)(2)(A), by inserting
2 “who is not described in subparagraph (B)”
3 after “subsection (b)(1)”.

4 (2) *CLARIFICATION OF TREATMENT OF NON-PRE-*
5 *FERRED DRUG AND NON-EMERGENCY COST-SHAR-*
6 *ING.—Such section is further amended—*

7 (A) in subsections (b)(1) and (b)(2), by
8 striking “, subject to subsections (c)(2) and
9 (e)(2)(A)”;

10 (B) in subsection (c)(1), in the matter pre-
11 ceding subparagraph (A), by striking “least (or
12 less) costly effective” and inserting “most (or
13 more) cost effective”;

14 (C) in subsection (c)(1)(B), by striking
15 “otherwise be imposed under” and inserting “be
16 imposed under subsection (a) due to the applica-
17 tion of”;

18 (D) in subsection (c)(2)(B), by striking
19 “otherwise not subject to cost sharing due to the
20 application of subsection (b)(3)(B)” and insert-
21 ing “not subject to cost sharing under subsection
22 (a) due to the application of paragraph (1)(B)”;

23 (E) in subsection (e)(2)(A)—

24 (i) by amending the heading to read as
25 follows: “*INDIVIDUALS WITH FAMILY IN-*

1 COME BETWEEN 100 AND 150 PERCENT OF
2 THE POVERTY LINE.—”; and

3 (ii) by striking “under subsection
4 (b)(1)” and inserting “under subsection
5 (b)(1)(B)(ii)”;

6 (F) in subsection (e)(2)(B), by striking
7 “who is otherwise not subject to cost sharing
8 under subsection (b)(3)” and inserting “described
9 in subsection (a)(2)(A) or who is not subject to
10 cost sharing under subsection (b)(3)(B) with re-
11 spect to non-emergency services described in
12 paragraph (1)” and

13 (G) in subsection (e)(2)(C), by inserting “or
14 section 1916” after “subsection (a)”.

15 (3) CLARIFICATION OF COST SHARING RULES AP-
16 PPLICABLE TO DISABLED CHILDREN PROVIDED MED-
17 ICAL ASSISTANCE UNDER THE ELIGIBILITY CATEGORY
18 ADDED BY THE FAMILY OPPORTUNITY ACT.—Such sec-
19 tion is further amended—

20 (A) in subsection (a)(1), in the second sen-
21 tence, by striking “section 1916(g)” and insert-
22 ing “subsection (g) or (i) of section 1916”; and

23 (B) in subsection (b)(3)—

24 (i) in subparagraph (A), by adding at
25 the end the following:

1 “(vi) *Disabled children who are receiv-*
2 *ing medical assistance by virtue of the ap-*
3 *plication of sections*
4 *1902(a)(10)(A)(i)(XIX) and 1902(cc).”;*
5 *and*

6 *(ii) in subparagraph (B), by adding at*
7 *the end the following:*

8 “(ix) *Services furnished to disabled*
9 *children who are receiving medical assist-*
10 *ance by virtue of the application of sections*
11 *1902(a)(10)(A)(i)(XIX) and 1902(cc).”.*

12 (4) *CORRECTION OF IV-B REFERENCES.—Such*
13 *section is further amended in subsection (b)(3)—*

14 *(A) in subparagraph (A)(i), by striking*
15 *“aid or assistance is made available under part*
16 *B of title IV to children in foster care” and in-*
17 *serting “child welfare services are made available*
18 *under part B of title IV on the basis of being a*
19 *child in foster care”;* and

20 *(B) in subparagraph (B)(i), by striking*
21 *“aid or assistance is made available under part*
22 *B of title IV to children in foster care” and in-*
23 *serting “child welfare services are made available*
24 *under part B of title IV on the basis of being a*
25 *child in foster care or”.*

1 (5) *NON-EMERGENCY SERVICES.*—Section
2 1916A(e)(4)(A) of the Social Security Act, as added
3 by section 6043(a) of the Deficit Reduction Act of
4 2005, is amended by striking “the physician deter-
5 mines”.

6 (6) *EFFECTIVE DATE.*—The amendments made
7 by this subsection shall take effect as if included in
8 the amendments made by sections 6041(a) of the Def-
9 icit Reduction Act of 2005, except that insofar as such
10 amendments are to, or relate to, subsection (c) or (e)
11 of section 1916A of the Social Security Act, such
12 amendments shall take effect as if included in the
13 amendments made by section 6042 or 6043, respec-
14 tively, of the Deficit Reduction Act of 2005.

15 (b) *CLARIFYING TREATMENT OF CERTAIN ANNUITIES*
16 *(SECTION 6012).*—

17 (1) *IN GENERAL.*—Section 1917(c)(1)(F)(i) of
18 the Social Security Act (42 U.S.C. 1396p(c)(1)(F)(i)),
19 as added by section 6012(b) of the Deficit Reduction
20 Act of 2005, is amended by striking “annuitant” and
21 inserting “institutionalized individual”.

22 (2) *EFFECTIVE DATE.*—The amendment made by
23 paragraph (1) shall be effective as if included in the
24 enactment of section 6012 of the Deficit Reduction
25 Act of 2005.

1 (c) *ADDITIONAL MISCELLANEOUS TECHNICAL COR-*
2 *RECTIONS.*—

3 (1) *DOCUMENTATION (SECTION 6036).*—

4 (A) *IN GENERAL.*—*Effective as if included*
5 *in the amendment made by section 6036(a)(2) of*
6 *the Deficit Reduction Act of 2005, section*
7 *1903(x) of the Social Security Act (42 U.S.C.*
8 *1396b(x)), as inserted by such section 6036(a)(2),*
9 *is amended—*

10 (i) *in paragraph (1), by striking*
11 *“(i)(23)” and inserting “(i)(22)”;*

12 (ii) *in paragraph (2)—*

13 (I) *in the matter preceding sub-*
14 *paragraph (A), by striking “alien”*
15 *and inserting “individual declaring to*
16 *be a citizen or national of the United*
17 *States”;*

18 (II) *by striking subparagraph (B)*
19 *and inserting the following:*

20 “(B) *and is receiving—*

21 “(i) *disability insurance benefits under*
22 *section 223 or monthly insurance benefits*
23 *under section 202 based on such individ-*
24 *ual’s disability (as defined in section*
25 *223(d)); or*

1 “(ii) supplemental security income
2 benefits under title XVI;”;

3 (III) in subparagraph (C)—

4 (aa) by striking “other”; and

5 (bb) by striking “had” and
6 inserting “has”;

7 (IV) by redesignating subpara-
8 graph (C) as subparagraph (D); and

9 (V) by inserting after subpara-
10 graph (B) the following new subpara-
11 graph:

12 “(C) and with respect to whom—

13 “(i) child welfare services are made
14 available under part B of title IV on the
15 basis of being a child in foster care; or

16 “(ii) adoption or foster care assistance
17 is made available under part E of title IV;
18 or”; and

19 (iii) in paragraph (3)(C)(iii), by strik-
20 ing “I-97” and inserting “I-197”.

21 (B) ASSURANCE OF STATE FOSTER CARE
22 AGENCY VERIFICATION OF CITIZENSHIP OR
23 LEGAL STATUS.—

1 (i) *STATE PLAN AMENDMENT.*—Section
2 471(a) of the Social Security Act (42 U.S.C.
3 671(a)) is amended—

4 (I) in paragraph (25), by striking
5 “and” at the end;

6 (II) in paragraph (26)(C), by
7 striking the period at the end and in-
8 serting “; and”; and

9 (III) by adding at the end the fol-
10 lowing:

11 “(27) provides that, with respect to any child in
12 foster care under the responsibility of the State under
13 this part or part B and without regard to whether
14 foster care maintenance payments are made under
15 section 472 on behalf of the child, the State has in ef-
16 fect procedures for verifying the citizenship or immi-
17 gration status of the child.”.

18 (ii) *INCLUSION IN REVIEWS OF CHILD*
19 *AND FAMILY SERVICES PROGRAMS.*—Section
20 1123A(b)(2) of the Social Security Act (42
21 U.S.C. 1320a-2a(b)(2)) is amended by in-
22 serting “(which shall include determining
23 whether the State program is in conformity
24 with the requirement of section 471(a)(27))”
25 after “review”.

1 (iii) *EFFECTIVE DATE.*—*The amend-*
2 *ments made by this subparagraph shall take*
3 *effect on the date that is 6 months after the*
4 *date of the enactment of this Act.*

5 (2) *MISCELLANEOUS TECHNICAL CORREC-*
6 *TIONS.*—

7 (A) *Effective as if included in the enact-*
8 *ment of the Deficit Reduction Act of 2005 (Pub-*
9 *lic Law 109–171), the following sections of such*
10 *Act are amended as follows:*

11 (i) *Section 5114(a)(2) is amended by*
12 *striking “section 1842(b)(6)(F) of such Act*
13 *(42 U.S.C. 1395u(b)(6)(F))” and inserting*
14 *“section 1842(b)(6) of such Act (42 U.S.C.*
15 *1395u(b)(6))”.*

16 (ii) *Section 6003(b)(2) is amended, by*
17 *striking “subsection (k)” and inserting*
18 *“subsection (k)(1)”.*

19 (iii) *Sections 6031(b), 6032(b), and*
20 *6035(c) are each amended by striking “sec-*
21 *tion 6035(e)” and inserting “section*
22 *6034(e)”.*

23 (iv) *Section 6034(b) is amended by*
24 *striking “section 6033(a)” and inserting*
25 *“section 6032(a)”.*

1 (v) Section 6036 is amended—
 2 (I) in subsection (b), by striking
 3 “section 1903(z)” and inserting “sec-
 4 tion 1903(x)”; and
 5 (II) in subsection (c), by striking
 6 “(i)(23)” and inserting “(i)(22)”.

7 (B) Effective as if included in the amend-
 8 ment made by section 6015(a)(1) of the Deficit
 9 Reduction Act of 2005, section
 10 1919(c)(5)(A)(i)(II) of the Social Security Act
 11 (42 U.S.C. 1396r(c)(5)(A)(i)(II)) is amended by
 12 striking “clause (v)” and inserting “subpara-
 13 graph (B)(v)”.

14 **DIVISION C—OTHER**
 15 **PROVISIONS**

16 **TITLE I—GULF OF MEXICO**
 17 **ENERGY SECURITY**

18 **SEC. 101. SHORT TITLE.**

19 This title may be cited as the “Gulf of Mexico Energy
 20 Security Act of 2006”.

21 **SEC. 102. DEFINITIONS.**

22 In this title:

23 (1) 181 AREA.—The term “181 Area” means the
 24 area identified in map 15, page 58, of the Proposed
 25 Final Outer Continental Shelf Oil and Gas Leasing

1 *Program for 1997–2002, dated August 1996, of the*
2 *Minerals Management Service, available in the Office*
3 *of the Director of the Minerals Management Service,*
4 *excluding the area offered in OCS Lease Sale 181,*
5 *held on December 5, 2001.*

6 (2) *181 SOUTH AREA.—The term “181 South*
7 *Area” means any area—*

8 (A) *located—*

9 (i) *south of the 181 Area;*

10 (ii) *west of the Military Mission Line;*

11 *and*

12 (iii) *in the Central Planning Area;*

13 (B) *excluded from the Proposed Final Outer*
14 *Continental Shelf Oil and Gas Leasing Program*
15 *for 1997–2002, dated August 1996, of the Min-*
16 *erals Management Service; and*

17 (C) *included in the areas considered for oil*
18 *and gas leasing, as identified in map 8, page 37*
19 *of the document entitled “Draft Proposed Pro-*
20 *gram Outer Continental Shelf Oil and Gas Leas-*
21 *ing Program 2007–2012”, dated February 2006.*

22 (3) *BONUS OR ROYALTY CREDIT.—The term*
23 *“bonus or royalty credit” means a legal instrument*
24 *or other written documentation, or an entry in an ac-*

1 *count managed by the Secretary, that may be used in*
2 *lieu of any other monetary payment for—*

3 *(A) a bonus bid for a lease on the outer*
4 *Continental Shelf; or*

5 *(B) a royalty due on oil or gas production*
6 *from any lease located on the outer Continental*
7 *Shelf.*

8 *(4) CENTRAL PLANNING AREA.—The term “Cen-*
9 *tral Planning Area” means the Central Gulf of Mex-*
10 *ico Planning Area of the outer Continental Shelf, as*
11 *designated in the document entitled “Draft Proposed*
12 *Program Outer Continental Shelf Oil and Gas Leas-*
13 *ing Program 2007–2012”, dated February 2006.*

14 *(5) EASTERN PLANNING AREA.—The term “East-*
15 *ern Planning Area” means the Eastern Gulf of Mex-*
16 *ico Planning Area of the outer Continental Shelf, as*
17 *designated in the document entitled “Draft Proposed*
18 *Program Outer Continental Shelf Oil and Gas Leas-*
19 *ing Program 2007–2012”, dated February 2006.*

20 *(6) 2002–2007 PLANNING AREA.—The term*
21 *“2002–2007 planning area” means any area—*

22 *(A) located in—*

23 *(i) the Eastern Planning Area, as des-*
24 *ignated in the Proposed Final Outer Conti-*
25 *ental Shelf Oil and Gas Leasing Program*

1 2002–2007, dated April 2002, of the Min-
2 erals Management Service;

3 (ii) the Central Planning Area, as des-
4 ignated in the Proposed Final Outer Conti-
5 nental Shelf Oil and Gas Leasing Program
6 2002–2007, dated April 2002, of the Min-
7 erals Management Service; or

8 (iii) the Western Planning Area, as
9 designated in the Proposed Final Outer
10 Continental Shelf Oil and Gas Leasing Pro-
11 gram 2002–2007, dated April 2002, of the
12 Minerals Management Service; and

13 (B) not located in—

14 (i) an area in which no funds may be
15 expended to conduct offshore preleasing,
16 leasing, and related activities under sections
17 104 through 106 of the Department of the
18 Interior, Environment, and Related Agen-
19 cies Appropriations Act, 2006 (Public Law
20 109–54; 119 Stat. 521) (as in effect on Au-
21 gust 2, 2005);

22 (ii) an area withdrawn from leasing
23 under the “Memorandum on Withdrawal of
24 Certain Areas of the United States Outer
25 Continental Shelf from Leasing Disposi-

1 tion”, from 34 Weekly Comp. Pres. Doc.
2 1111, dated June 12, 1998; or

3 (iii) the 181 Area or 181 South Area.

4 (7) *GULF PRODUCING STATE*.—The term “Gulf
5 producing State” means each of the States of Ala-
6 bama, Louisiana, Mississippi, and Texas.

7 (8) *MILITARY MISSION LINE*.—The term “Mili-
8 tary Mission Line” means the north-south line at
9 86°41’ W. longitude.

10 (9) *QUALIFIED OUTER CONTINENTAL SHELF REV-*
11 *ENUES*.—

12 (A) *IN GENERAL*.—The term “qualified
13 outer Continental Shelf revenues” means—

14 (i) in the case of each of fiscal years
15 2007 through 2016, all rentals, royalties,
16 bonus bids, and other sums due and payable
17 to the United States from leases entered into
18 on or after the date of enactment of this Act
19 for—

20 (I) areas in the 181 Area located
21 in the Eastern Planning Area; and

22 (II) the 181 South Area; and

23 (ii) in the case of fiscal year 2017 and
24 each fiscal year thereafter, all rentals, roy-
25 alties, bonus bids, and other sums due and

1 *payable to the United States received on or*
2 *after October 1, 2016, from leases entered*
3 *into on or after the date of enactment of*
4 *this Act for—*

5 *(I) the 181 Area;*

6 *(II) the 181 South Area; and*

7 *(III) the 2002–2007 planning*
8 *area.*

9 *(B) EXCLUSIONS.—The term “qualified*
10 *outer Continental Shelf revenues” does not in-*
11 *clude—*

12 *(i) revenues from the forfeiture of a*
13 *bond or other surety securing obligations*
14 *other than royalties, civil penalties, or roy-*
15 *alties taken by the Secretary in-kind and*
16 *not sold; or*

17 *(ii) revenues generated from leases sub-*
18 *ject to section 8(g) of the Outer Continental*
19 *Shelf Lands Act (43 U.S.C. 1337(g)).*

20 *(10) COASTAL POLITICAL SUBDIVISION.—The*
21 *term “coastal political subdivision” means a political*
22 *subdivision of a Gulf producing State any part of*
23 *which political subdivision is—*

24 *(A) within the coastal zone (as defined in*
25 *section 304 of the Coastal Zone Management Act*

1 *of 1972 (16 U.S.C. 1453)) of the Gulf producing*
2 *State as of the date of enactment of this Act; and*
3 *(B) not more than 200 nautical miles from*
4 *the geographic center of any leased tract.*

5 (11) *SECRETARY.*—*The term “Secretary” means*
6 *the Secretary of the Interior.*

7 **SEC. 103. OFFSHORE OIL AND GAS LEASING IN 181 AREA**
8 **AND 181 SOUTH AREA OF GULF OF MEXICO.**

9 (a) *181 AREA LEASE SALE.*—*Except as provided in*
10 *section 104, the Secretary shall offer the 181 Area for oil*
11 *and gas leasing pursuant to the Outer Continental Shelf*
12 *Lands Act (43 U.S.C. 1331 et seq.) as soon as practicable,*
13 *but not later than 1 year, after the date of enactment of*
14 *this Act.*

15 (b) *181 SOUTH AREA LEASE SALE.*—*The Secretary*
16 *shall offer the 181 South Area for oil and gas leasing pursu-*
17 *ant to the Outer Continental Shelf Lands Act (43 U.S.C.*
18 *1331 et seq.) as soon as practicable after the date of enact-*
19 *ment of this Act.*

20 (c) *LEASING PROGRAM.*—*The 181 Area and 181 South*
21 *Area shall be offered for lease under this section notwith-*
22 *standing the omission of the 181 Area or the 181 South*
23 *Area from any outer Continental Shelf leasing program*
24 *under section 18 of the Outer Continental Shelf Lands Act*
25 *(43 U.S.C. 1344).*

1 (d) *CONFORMING AMENDMENT.*—Section 105 of the
2 *Department of the Interior, Environment, and Related*
3 *Agencies Appropriations Act, 2006 (Public Law 109–54;*
4 *119 Stat. 522)* is amended by inserting “(other than the
5 *181 South Area (as defined in section 102 of the Gulf of*
6 *Mexico Energy Security Act of 2006))”* after “lands located
7 *outside Sale 181”*.

8 **SEC. 104. MORATORIUM ON OIL AND GAS LEASING IN CER-**
9 **TAIN AREAS OF GULF OF MEXICO.**

10 (a) *IN GENERAL.*—Effective during the period begin-
11 *ning on the date of enactment of this Act and ending on*
12 *June 30, 2022, the Secretary shall not offer for leasing,*
13 *preleasing, or any related activity—*

14 (1) *any area east of the Military Mission Line*
15 *in the Gulf of Mexico;*

16 (2) *any area in the Eastern Planning Area that*
17 *is within 125 miles of the coastline of the State of*
18 *Florida; or*

19 (3) *any area in the Central Planning Area that*
20 *is—*

21 (A) *within—*

22 (i) *the 181 Area; and*

23 (ii) *100 miles of the coastline of the*
24 *State of Florida; or*

25 (B)(i) *outside the 181 Area;*

1 (ii) east of the western edge of the Pensacola
2 Official Protraction Diagram (UTM X coordi-
3 nate 1,393,920 (NAD 27 feet)); and

4 (iii) within 100 miles of the coastline of the
5 State of Florida.

6 (b) *MILITARY MISSION LINE*.—Notwithstanding sub-
7 section (a), the United States reserves the right to designate
8 by and through the Secretary of Defense, with the approval
9 of the President, national defense areas on the outer Conti-
10 nental Shelf pursuant to section 12(d) of the Outer Conti-
11 nental Shelf Lands Act (43 U.S.C. 1341(d)).

12 (c) *EXCHANGE OF CERTAIN LEASES*.—

13 (1) *IN GENERAL*.—The Secretary shall permit
14 any person that, as of the date of enactment of this
15 Act, has entered into an oil or gas lease with the Sec-
16 retary in any area described in paragraph (2) or (3)
17 of subsection (a) to exchange the lease for a bonus or
18 royalty credit that may only be used in the Gulf of
19 Mexico.

20 (2) *VALUATION OF EXISTING LEASE*.—The
21 amount of the bonus or royalty credit for a lease to
22 be exchanged shall be equal to—

23 (A) the amount of the bonus bid; and

1 (B) any rental paid for the lease as of the
2 date the lessee notifies the Secretary of the deci-
3 sion to exchange the lease.

4 (3) *REVENUE DISTRIBUTION.*—No bonus or roy-
5 alty credit may be used under this subsection in lieu
6 of any payment due under, or to acquire any interest
7 in, a lease subject to the revenue distribution provi-
8 sions of section 8(g) of the Outer Continental Shelf
9 Lands Act (43 U.S.C. 1337(g)).

10 (4) *REGULATIONS.*—Not later than 1 year after
11 the date of enactment of this Act, the Secretary shall
12 promulgate regulations that shall provide a process
13 for—

14 (A) notification to the Secretary of a deci-
15 sion to exchange an eligible lease;

16 (B) issuance of bonus or royalty credits in
17 exchange for relinquishment of the existing lease;

18 (C) transfer of the bonus or royalty credit
19 to any other person; and

20 (D) determining the proper allocation of
21 bonus or royalty credits to each lease interest
22 owner.

1 **SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTI-**
2 **NENTAL SHELF REVENUES FROM 181 AREA,**
3 **181 SOUTH AREA, AND 2002–2007 PLANNING**
4 **AREAS OF GULF OF MEXICO.**

5 (a) *IN GENERAL.*—Notwithstanding section 9 of the
6 *Outer Continental Shelf Lands Act* (43 U.S.C. 1338) and
7 *subject to the other provisions of this section, for each appli-*
8 *cable fiscal year, the Secretary of the Treasury shall de-*
9 *posit—*

10 (1) *50 percent of qualified outer Continental*
11 *Shelf revenues in the general fund of the Treasury;*
12 *and*

13 (2) *50 percent of qualified outer Continental*
14 *Shelf revenues in a special account in the Treasury*
15 *from which the Secretary shall disburse—*

16 (A) *75 percent to Gulf producing States in*
17 *accordance with subsection (b); and*

18 (B) *25 percent to provide financial assist-*
19 *ance to States in accordance with section 6 of the*
20 *Land and Water Conservation Fund Act of 1965*
21 *(16 U.S.C. 460l–8), which shall be considered in-*
22 *come to the Land and Water Conservation Fund*
23 *for purposes of section 2 of that Act (16 U.S.C.*
24 *460l–5).*

25 (b) *ALLOCATION AMONG GULF PRODUCING STATES*
26 *AND COASTAL POLITICAL SUBDIVISIONS.—*

1 (1) *ALLOCATION AMONG GULF PRODUCING*
2 *STATES FOR FISCAL YEARS 2007 THROUGH 2016.*—

3 (A) *IN GENERAL.*—*Subject to subparagraph*
4 *(B), effective for each of fiscal years 2007*
5 *through 2016, the amount made available under*
6 *subsection (a)(2)(A) shall be allocated to each*
7 *Gulf producing State in amounts (based on a*
8 *formula established by the Secretary by regula-*
9 *tion) that are inversely proportional to the re-*
10 *spective distances between the point on the coast-*
11 *line of each Gulf producing State that is closest*
12 *to the geographic center of the applicable leased*
13 *tract and the geographic center of the leased*
14 *tract.*

15 (B) *MINIMUM ALLOCATION.*—*The amount*
16 *allocated to a Gulf producing State each fiscal*
17 *year under subparagraph (A) shall be at least 10*
18 *percent of the amounts available under sub-*
19 *section (a)(2)(A).*

20 (2) *ALLOCATION AMONG GULF PRODUCING*
21 *STATES FOR FISCAL YEAR 2017 AND THEREAFTER.*—

22 (A) *IN GENERAL.*—*Subject to subpara-*
23 *graphs (B) and (C), effective for fiscal year 2017*
24 *and each fiscal year thereafter—*

1 (i) *the amount made available under*
2 *subsection (a)(2)(A) from any lease entered*
3 *into within the 181 Area or the 181 South*
4 *Area shall be allocated to each Gulf pro-*
5 *ducing State in amounts (based on a for-*
6 *mula established by the Secretary by regula-*
7 *tion) that are inversely proportional to the*
8 *respective distances between the point on the*
9 *coastline of each Gulf producing State that*
10 *is closest to the geographic center of the ap-*
11 *plicable leased tract and the geographic cen-*
12 *ter of the leased tract; and*

13 (ii) *the amount made available under*
14 *subsection (a)(2)(A) from any lease entered*
15 *into within the 2002–2007 planning area*
16 *shall be allocated to each Gulf producing*
17 *State in amounts that are inversely propor-*
18 *tional to the respective distances between the*
19 *point on the coastline of each Gulf pro-*
20 *ducing State that is closest to the geo-*
21 *graphic center of each historical lease site*
22 *and the geographic center of the historical*
23 *lease site, as determined by the Secretary.*

24 (B) *MINIMUM ALLOCATION.*—*The amount*
25 *allocated to a Gulf producing State each fiscal*

1 year under subparagraph (A) shall be at least 10
2 percent of the amounts available under sub-
3 section (a)(2)(A).

4 (C) *HISTORICAL LEASE SITES.*—

5 (i) *IN GENERAL.*—Subject to clause
6 (ii), for purposes of subparagraph (A)(ii),
7 the historical lease sites in the 2002–2007
8 planning area shall include all leases en-
9 tered into by the Secretary for an area in
10 the Gulf of Mexico during the period begin-
11 ning on October 1, 1982 (or an earlier date
12 if practicable, as determined by the Sec-
13 retary), and ending on December 31, 2015.

14 (ii) *ADJUSTMENT.*—Effective January
15 1, 2022, and every 5 years thereafter, the
16 ending date described in clause (i) shall be
17 extended for an additional 5 calendar years.

18 (3) *PAYMENTS TO COASTAL POLITICAL SUBDIVI-*
19 *SIONS.*—

20 (A) *IN GENERAL.*—The Secretary shall pay
21 20 percent of the allocable share of each Gulf
22 producing State, as determined under para-
23 graphs (1) and (2), to the coastal political sub-
24 divisions of the Gulf producing State.

1 (B) *ALLOCATION.*—*The amount paid by the*
2 *Secretary to coastal political subdivisions shall*
3 *be allocated to each coastal political subdivision*
4 *in accordance with subparagraphs (B), (C), and*
5 *(E) of section 31(b)(4) of the Outer Continental*
6 *Shelf Lands Act (43 U.S.C. 1356a(b)(4)).*

7 (c) *TIMING.*—*The amounts required to be deposited*
8 *under paragraph (2) of subsection (a) for the applicable fis-*
9 *cal year shall be made available in accordance with that*
10 *paragraph during the fiscal year immediately following the*
11 *applicable fiscal year.*

12 (d) *AUTHORIZED USES.*—

13 (1) *IN GENERAL.*—*Subject to paragraph (2),*
14 *each Gulf producing State and coastal political sub-*
15 *division shall use all amounts received under sub-*
16 *section (b) in accordance with all applicable Federal*
17 *and State laws, only for 1 or more of the following*
18 *purposes:*

19 (A) *Projects and activities for the purposes*
20 *of coastal protection, including conservation,*
21 *coastal restoration, hurricane protection, and in-*
22 *frastructure directly affected by coastal wetland*
23 *losses.*

24 (B) *Mitigation of damage to fish, wildlife,*
25 *or natural resources.*

1 (C) *Implementation of a federally-approved*
2 *marine, coastal, or comprehensive conservation*
3 *management plan.*

4 (D) *Mitigation of the impact of outer Conti-*
5 *ental Shelf activities through the funding of on-*
6 *shore infrastructure projects.*

7 (E) *Planning assistance and the adminis-*
8 *trative costs of complying with this section.*

9 (2) *LIMITATION.—Not more than 3 percent of*
10 *amounts received by a Gulf producing State or coast-*
11 *al political subdivision under subsection (b) may be*
12 *used for the purposes described in paragraph (1)(E).*

13 (e) *ADMINISTRATION.—Amounts made available under*
14 *subsection (a)(2) shall—*

15 (1) *be made available, without further appro-*
16 *priation, in accordance with this section;*

17 (2) *remain available until expended; and*

18 (3) *be in addition to any amounts appropriated*
19 *under—*

20 (A) *the Outer Continental Shelf Lands Act*
21 *(43 U.S.C. 1331 et seq.);*

22 (B) *the Land and Water Conservation Fund*
23 *Act of 1965 (16 U.S.C. 460l–4 et seq.); or*

24 (C) *any other provision of law.*

1 (f) *LIMITATIONS ON AMOUNT OF DISTRIBUTED QUALI-*
2 *FIED OUTER CONTINENTAL SHELF REVENUES.—*

3 (1) *IN GENERAL.—Subject to paragraph (2), the*
4 *total amount of qualified outer Continental Shelf rev-*
5 *enues made available under subsection (a)(2) shall*
6 *not exceed \$500,000,000 for each of fiscal years 2016*
7 *through 2055.*

8 (2) *EXPENDITURES.—For the purpose of para-*
9 *graph (1), for each of fiscal years 2016 through 2055,*
10 *expenditures under subsection (a)(2) shall be net of*
11 *receipts from that fiscal year from any area in the*
12 *181 Area in the Eastern Planning Area and the 181*
13 *South Area.*

14 (3) *PRO RATA REDUCTIONS.—If paragraph (1)*
15 *limits the amount of qualified outer Continental Shelf*
16 *revenue that would be paid under subparagraphs (A)*
17 *and (B) of subsection (a)(2)—*

18 (A) *the Secretary shall reduce the amount of*
19 *qualified outer Continental Shelf revenue pro-*
20 *vided to each recipient on a pro rata basis; and*

21 (B) *any remainder of the qualified outer*
22 *Continental Shelf revenues shall revert to the*
23 *general fund of the Treasury.*

1 **TITLE II—SURFACE MINING CON-**
2 **TROL AND RECLAMATION ACT**
3 **AMENDMENTS OF 2006**

4 **SEC. 200. SHORT TITLE.**

5 *This title may be cited as the “Surface Mining Control*
6 *and Reclamation Act Amendments of 2006”.*

7 **Subtitle A—Mining Control and**
8 **Reclamation**

9 **SEC. 201. ABANDONED MINE RECLAMATION FUND AND PUR-**
10 **POSES.**

11 *(a) IN GENERAL.—Section 401 of the Surface Mining*
12 *Control and Reclamation Act of 1977 (30 U.S.C. 1231) is*
13 *amended—*

14 *(1) in subsection (c)—*

15 *(A) by striking paragraphs (2) and (6); and*

16 *(B) by redesignating paragraphs (3), (4),*
17 *and (5) and paragraphs (7) through (13) as*
18 *paragraphs (2) through (11), respectively;*

19 *(2) by striking subsection (d) and inserting the*
20 *following:*

21 *“(d) AVAILABILITY OF MONEYS; NO FISCAL YEAR LIM-*
22 *ITATION.—*

23 *“(1) IN GENERAL.—Moneys from the fund for ex-*
24 *penditures under subparagraphs (A) through (D) of*

1 *section 402(g)(3) shall be available only when appro-*
2 *priated for those subparagraphs.*

3 “(2) *NO FISCAL YEAR LIMITATION.*—Appropriations described in paragraph (1) shall be made without fiscal year limitation.

6 “(3) *OTHER PURPOSES.*—Moneys from the fund shall be available for all other purposes of this title without prior appropriation as provided in subsection (f).”;

10 (3) *in subsection (e)*—

11 (A) *in the second sentence, by striking “the*
12 *needs of such fund” and inserting “achieving the*
13 *purposes of the transfers under section 402(h)”;*
14 *and*

15 (B) *in the third sentence, by inserting before*
16 *the period the following: “for the purpose of the*
17 *transfers under section 402(h)”;* and

18 (4) *by adding at the end the following:*

19 “(f) *GENERAL LIMITATION ON OBLIGATION AUTHOR-*
20 *ITY.*—

21 “(1) *IN GENERAL.*—From amounts deposited
22 *into the fund under subsection (b), the Secretary shall*
23 *distribute during each fiscal year beginning after*
24 *September 30, 2007, an amount determined under*
25 *paragraph (2).*

1 “(2) AMOUNTS.—

2 “(A) FOR FISCAL YEARS 2008 THROUGH
3 2022.—For each of fiscal years 2008 through
4 2022, the amount distributed by the Secretary
5 under this subsection shall be equal to—

6 “(i) the amounts deposited into the
7 fund under paragraphs (1), (2), and (4) of
8 subsection (b) for the preceding fiscal year
9 that were allocated under paragraphs (1)
10 and (5) of section 402(g); plus

11 “(ii) the amount needed for the adjust-
12 ment under section 402(g)(8) for the current
13 fiscal year.

14 “(B) FISCAL YEARS 2023 AND THERE-
15 AFTER.—For fiscal year 2023 and each fiscal
16 year thereafter, to the extent that funds are
17 available, the Secretary shall distribute an
18 amount equal to the amount distributed under
19 subparagraph (A) during fiscal year 2022.

20 “(3) DISTRIBUTION.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), for each fiscal year, of the
23 amount to be distributed to States and Indian
24 tribes pursuant to paragraph (2), the Secretary
25 shall distribute—

1 “(i) the amounts allocated under para-
2 graph (1) of section 402(g), the amounts al-
3 located under paragraph (5) of section
4 402(g), and any amount reallocated under
5 section 411(h)(3) in accordance with section
6 411(h)(2), for grants to States and Indian
7 tribes under section 402(g)(5); and

8 “(ii) the amounts allocated under sec-
9 tion 402(g)(8).

10 “(B) EXCLUSION.—Beginning on October 1,
11 2007, certified States shall be ineligible to receive
12 amounts under section 402(g)(1).

13 “(4) AVAILABILITY.—Amounts in the fund avail-
14 able to the Secretary for obligation under this sub-
15 section shall be available until expended.

16 “(5) ADDITION.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), the amount distributed under this
19 subsection for each fiscal year shall be in addi-
20 tion to the amount appropriated from the fund
21 during the fiscal year.

22 “(B) EXCEPTIONS.—Notwithstanding para-
23 graph (3), the amount distributed under this
24 subsection for the first 4 fiscal years beginning
25 on and after October 1, 2007, shall be equal to

1 *the following percentage of the amount otherwise*
2 *required to be distributed:*

3 “(i) 50 percent in fiscal year 2008.

4 “(ii) 50 percent in fiscal year 2009.

5 “(iii) 75 percent in fiscal year 2010.

6 “(iv) 75 percent in fiscal year 2011.”.

7 (b) *CONFORMING AMENDMENT.*—Section 712(b) of the
8 *Surface Mining Control and Reclamation Act of 1977 (30*
9 *U.S.C. 1302(b)) is amended by striking “section*
10 *401(c)(11)” and inserting “section 401(c)(9)”.*

11 **SEC. 202. RECLAMATION FEE.**

12 (a) *AMOUNTS.*—

13 (1) *FISCAL YEARS 2008–2012.*—Effective October
14 1, 2007, section 402(a) of the *Surface Mining Control*
15 *and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is*
16 *amended—*

17 (A) *by striking “35” and inserting “31.5”;*

18 (B) *by striking “15” and inserting “13.5”;*

19 *and*

20 (C) *by striking “10 cents” and inserting “9*
21 *cents”.*

22 (2) *FISCAL YEARS 2013–2021.*—Effective October
23 1, 2012, section 402(a) of the *Surface Mining Control*
24 *and Reclamation Act of 1977 (30 U.S.C. 1232(a)) (as*
25 *amended by paragraph (1)) is amended—*

1 (A) by striking “31.5” and inserting “28”;

2 (B) by striking “13.5” and inserting “12”;

3 and

4 (C) by striking “9 cents” and inserting “8
5 cents”.

6 (b) *DURATION*.—Effective September 30, 2007, section
7 402(b) of the Surface Mining Control and Reclamation Act
8 of 1977 (30 U.S.C. 1232(b)) (as amended by section 7007
9 of the Emergency Supplemental Appropriations Act for De-
10 fense, the Global War on Terror, and Hurricane Recovery,
11 2006 (Public Law 109–234; 120 Stat. 484)) is amended by
12 striking “September 30, 2007” and all that follows through
13 the end of the sentence and inserting “September 30, 2021.”.

14 (c) *ALLOCATION OF FUNDS*.—Section 402(g) of the
15 Surface Mining Control and Reclamation Act of 1977 (30
16 U.S.C. 1232(g)) is amended—

17 (1) in paragraph (1)(D)—

18 (A) by inserting “(except for grants award-
19 ed during fiscal years 2008, 2009, and 2010 to
20 the extent not expended within 5 years)” after
21 “this paragraph”; and

22 (B) by striking “in any area under para-
23 graph (2), (3), (4), or (5)” and inserting “under
24 paragraph (5)”;

25 (2) by striking paragraph (2) and inserting:

1 “(2) *In making the grants referred to in paragraph*
2 *(1)(C) and the grants referred to in paragraph (5), the Sec-*
3 *retary shall ensure strict compliance by the States and In-*
4 *dian tribes with the priorities described in section 403(a)*
5 *until a certification is made under section 411(a).”;*

6 (3) *in paragraph (3)—*

7 (A) *in the matter preceding subparagraph*
8 *(A), by striking “paragraphs (2) and” and in-*
9 *serting “paragraph”;*

10 (B) *in subparagraph (A), by striking*
11 *“401(c)(11)” and inserting “401(c)(9)”; and*

12 (C) *by adding at the end the following:*

13 “(E) *For the purpose of paragraph (8).”;*

14 (4) *in paragraph (5)—*

15 (A) *by inserting “(A)” after “(5)”;*

16 (B) *in the first sentence, by striking “40”*
17 *and inserting “60”;*

18 (C) *in the last sentence, by striking “Funds*
19 *allocated or expended by the Secretary under*
20 *paragraphs (2), (3), or (4)” and inserting*
21 *“Funds made available under paragraph (3) or*
22 *(4)”;* and

23 (D) *by adding at the end the following:*

1 “(B) Any amount that is reallocated and available
2 under section 411(h)(3) shall be in addition to amounts
3 that are allocated under subparagraph (A).”; and

4 (5) by striking paragraphs (6) through (8) and
5 inserting the following:

6 “(6)(A) Any State with an approved abandoned mine
7 reclamation program pursuant to section 405 may receive
8 and retain, without regard to the 3-year limitation referred
9 to in paragraph (1)(D), up to 30 percent of the total of
10 the grants made annually to the State under paragraphs
11 (1) and (5) if those amounts are deposited into an acid
12 mine drainage abatement and treatment fund established
13 under State law, from which amounts (together with all in-
14 terest earned on the amounts) are expended by the State
15 for the abatement of the causes and the treatment of the
16 effects of acid mine drainage in a comprehensive manner
17 within qualified hydrologic units affected by coal mining
18 practices.

19 “(B) In this paragraph, the term ‘qualified hydrologic
20 unit’ means a hydrologic unit—

21 “(i) in which the water quality has been signifi-
22 cantly affected by acid mine drainage from coal min-
23 ing practices in a manner that adversely impacts bio-
24 logical resources; and

25 “(ii) that contains land and water that are—

1 “(I) eligible pursuant to section 404 and in-
2 clude any of the priorities described in section
3 403(a); and

4 “(II) the subject of expenditures by the
5 State from the forfeiture of bonds required under
6 section 509 or from other States sources to abate
7 and treat acid mine drainage.

8 “(7) In complying with the priorities described in sec-
9 tion 403(a), any State or Indian tribe may use amounts
10 available in grants made annually to the State or tribe
11 under paragraphs (1) and (5) for the reclamation of eligible
12 land and water described in section 403(a)(3) before the
13 completion of reclamation projects under paragraphs (1)
14 and (2) of section 403(a) only if the expenditure of funds
15 for the reclamation is done in conjunction with the expendi-
16 ture before, on, or after the date of enactment of the Surface
17 Mining Control and Reclamation Act Amendments of 2006
18 of funds for reclamation projects under paragraphs (1) and
19 (2) of section 403(a).

20 “(8)(A) In making funds available under this title, the
21 Secretary shall ensure that the grant awards total not less
22 than \$3,000,000 annually to each State and each Indian
23 tribe having an approved abandoned mine reclamation pro-
24 gram pursuant to section 405 and eligible land and water
25 pursuant to section 404, so long as an allocation of funds

1 *to the State or tribe is necessary to achieve the priorities*
2 *stated in paragraphs (1) and (2) of section 403(a).*

3 “(B) *Notwithstanding any other provision of law, this*
4 *paragraph applies to the States of Tennessee and Mis-*
5 *souri.*”

6 *(d) TRANSFERS OF INTEREST EARNED BY ABANDONED*
7 *MINE RECLAMATION FUND.—Section 402 of the Surface*
8 *Mining Control and Reclamation Act of 1977 (30 U.S.C.*
9 *1232) is amended by striking subsection (h) and inserting*
10 *the following:*

11 “(h) *TRANSFERS OF INTEREST EARNED BY FUND.—*

12 “(1) *IN GENERAL.—*

13 “(A) *TRANSFERS TO COMBINED BENEFIT*
14 *FUND.—As soon as practicable after the begin-*
15 *ning of fiscal year 2007 and each fiscal year*
16 *thereafter, and before making any allocation*
17 *with respect to the fiscal year under subsection*
18 *(g), the Secretary shall use an amount not to ex-*
19 *ceed the amount of interest that the Secretary es-*
20 *timates will be earned and paid to the fund dur-*
21 *ing the fiscal year to transfer to the Combined*
22 *Benefit Fund such amounts as are estimated by*
23 *the trustees of such fund to offset the amount of*
24 *any deficit in net assets in the Combined Benefit*

1 *Fund as of October 1, 2006, and to make the*
2 *transfer described in paragraph (2)(A).*

3 “(B) *TRANSFERS TO 1992 AND 1993*
4 *PLANS.—As soon as practicable after the begin-*
5 *ning of fiscal year 2008 and each fiscal year*
6 *thereafter, and before making any allocation*
7 *with respect to the fiscal year under subsection*
8 *(g), the Secretary shall use an amount not to ex-*
9 *ceed the amount of interest that the Secretary es-*
10 *timates will be earned and paid to the fund dur-*
11 *ing the fiscal year (reduced by the amount used*
12 *under subparagraph (A)) to make the transfers*
13 *described in paragraphs (2)(B) and (2)(C).*

14 “(2) *TRANSFERS DESCRIBED.—The transfers re-*
15 *ferred to in paragraph (1) are the following:*

16 “(A) *UNITED MINE WORKERS OF AMERICA*
17 *COMBINED BENEFIT FUND.—A transfer to the*
18 *United Mine Workers of America Combined Ben-*
19 *efit Fund equal to the amount that the trustees*
20 *of the Combined Benefit Fund estimate will be*
21 *expended from the fund for the fiscal year in*
22 *which the transfer is made, reduced by—*

23 “(i) *the amount the trustees of the*
24 *Combined Benefit Fund estimate the Com-*

1 *bined Benefit Fund will receive during the*
2 *fiscal year in—*

3 *“(I) required premiums; and*

4 *“(II) payments paid by Federal*
5 *agencies in connection with benefits*
6 *provided by the Combined Benefit*
7 *Fund; and*

8 *“(ii) the amount the trustees of the*
9 *Combined Benefit Fund estimate will be ex-*
10 *pended during the fiscal year to provide*
11 *health benefits to beneficiaries who are un-*
12 *assigned beneficiaries solely as a result of*
13 *the application of section 9706(h)(1) of the*
14 *Internal Revenue Code of 1986, but only to*
15 *the extent that such amount does not exceed*
16 *the amounts described in subsection*
17 *(i)(1)(A) that the Secretary estimates will*
18 *be available to pay such estimated expendi-*
19 *tures.*

20 *“(B) UNITED MINE WORKERS OF AMERICA*
21 *1992 BENEFIT PLAN.—A transfer to the United*
22 *Mine Workers of America 1992 Benefit Plan, in*
23 *an amount equal to the difference between—*

24 *“(i) the amount that the trustees of the*
25 *1992 UMWA Benefit Plan estimate will be*

1 *expended from the 1992 UMWA Benefit*
2 *Plan during the next calendar year to pro-*
3 *vide the benefits required by the 1992*
4 *UMWA Benefit Plan on the date of enact-*
5 *ment of this subparagraph; minus*

6 *“(ii) the amount that the trustees of*
7 *the 1992 UMWA Benefit Plan estimate the*
8 *1992 UMWA Benefit Plan will receive dur-*
9 *ing the next calendar year in—*

10 *“(I) required monthly per bene-*
11 *ficiary premiums, including the*
12 *amount of any security provided to the*
13 *1992 UMWA Benefit Plan that is*
14 *available for use in the provision of*
15 *benefits; and*

16 *“(II) payments paid by Federal*
17 *agencies in connection with benefits*
18 *provided by the 1992 UMWA benefit*
19 *plan.*

20 *“(C) MULTIEMPLOYER HEALTH BENEFIT*
21 *PLAN.—A transfer to the Multiemployer Health*
22 *Benefit Plan established after July 20, 1992, by*
23 *the parties that are the settlors of the 1992*
24 *UMWA Benefit Plan referred to in subparagraph*
25 *(B) (referred to in this subparagraph and sub-*

1 paragraph (D) as ‘the Plan’), in an amount
2 equal to the excess (if any) of—

3 “(i) the amount that the trustees of the
4 Plan estimate will be expended from the
5 Plan during the next calendar year, to pro-
6 vide benefits no greater than those provided
7 by the Plan as of December 31, 2006; over

8 “(ii) the amount that the trustees esti-
9 mated the Plan will receive during the next
10 calendar year in payments paid by Federal
11 agencies in connection with benefits pro-
12 vided by the Plan.

13 Such excess shall be calculated by taking into ac-
14 count only those beneficiaries actually enrolled
15 in the Plan as of December 31, 2006, who are el-
16 igible to receive benefits under the Plan on the
17 first day of the calendar year for which the
18 transfer is made.

19 “(D) INDIVIDUALS CONSIDERED EN-
20 ROLLED.—For purposes of subparagraph (C),
21 any individual who was eligible to receive bene-
22 fits from the Plan as of the date of enactment of
23 this subsection, even though benefits were being
24 provided to the individual pursuant to a settle-
25 ment agreement approved by order of a bank-

1 *ruptcy court entered on or before September 30,*
2 *2004, will be considered to be actually enrolled*
3 *in the Plan and shall receive benefits from the*
4 *Plan beginning on December 31, 2006.*

5 “(3) *ADJUSTMENT.*—*If, for any fiscal year, the*
6 *amount of a transfer under subparagraph (A), (B), or*
7 *(C) of paragraph (2) is more or less than the amount*
8 *required to be transferred under that subparagraph,*
9 *the Secretary shall appropriately adjust the amount*
10 *transferred under that subparagraph for the next fis-*
11 *cal year.*

12 “(4) *ADDITIONAL AMOUNTS.*—

13 “(A) *PREVIOUSLY CREDITED INTEREST.*—
14 *Notwithstanding any other provision of law, any*
15 *interest credited to the fund that has not pre-*
16 *viously been transferred to the Combined Benefit*
17 *Fund referred to in paragraph (2)(A) under this*
18 *section—*

19 *“(i) shall be held in reserve by the Sec-*
20 *retary until such time as necessary to make*
21 *the payments under subparagraphs (A) and*
22 *(B) of subsection (i)(1), as described in*
23 *clause (ii); and*

24 *“(ii) in the event that the amounts de-*
25 *scribed in subsection (i)(1) are insufficient*

1 to make the maximum payments described
2 in subparagraphs (A) and (B) of subsection
3 (i)(1), shall be used by the Secretary to sup-
4 plement the payments so that the maximum
5 amount permitted under those paragraphs
6 is paid.

7 “(B) *PREVIOUSLY ALLOCATED AMOUNTS.*—
8 All amounts allocated under subsection (g)(2) be-
9 fore the date of enactment of this subparagraph
10 for the program described in section 406, but not
11 appropriated before that date, shall be available
12 to the Secretary to make the transfers described
13 in paragraph (2).

14 “(C) *ADEQUACY OF PREVIOUSLY CREDITED*
15 *INTEREST.*—The Secretary shall—

16 “(i) consult with the trustees of the
17 plans described in paragraph (2) at reason-
18 able intervals; and

19 “(ii) notify Congress if a determina-
20 tion is made that the amounts held in re-
21 serve under subparagraph (A) are insuffi-
22 cient to meet future requirements under sub-
23 paragraph (A)(ii).

24 “(D) *ADDITIONAL RESERVE AMOUNTS.*—In
25 addition to amounts held in reserve under sub-

1 *paragraph (A), there is authorized to be appro-*
2 *priated such sums as may be necessary for trans-*
3 *fer to the fund to carry out the purposes of sub-*
4 *paragraph (A)(i).*

5 “(E) *INAPPLICABILITY OF CAP.*—*The limi-*
6 *tation described in subsection (i)(3)(A) shall not*
7 *apply to payments made from the reserve fund*
8 *under this paragraph.*

9 “(5) *LIMITATIONS.*—

10 “(A) *AVAILABILITY OF FUNDS FOR NEXT*
11 *FISCAL YEAR.*—*The Secretary may make trans-*
12 *fers under subparagraphs (B) and (C) of para-*
13 *graph (2) for a calendar year only if the Sec-*
14 *retary determines, using actuarial projections*
15 *provided by the trustees of the Combined Benefit*
16 *Fund referred to in paragraph (2)(A), that*
17 *amounts will be available under paragraph (1),*
18 *after the transfer, for the next fiscal year for*
19 *making the transfer under paragraph (2)(A).*

20 “(B) *RATE OF CONTRIBUTIONS OF OBLI-*
21 *GORS.*—

22 “(i) *IN GENERAL.*—

23 “(I) *RATE.*—*A transfer under*
24 *paragraph (2)(C) shall not be made for*
25 *a calendar year unless the persons that*

1 *are obligated to contribute to the plan*
2 *referred to in paragraph (2)(C) on the*
3 *date of the transfer are obligated to*
4 *make the contributions at rates that*
5 *are no less than those in effect on the*
6 *date which is 30 days before the date*
7 *of enactment of this subsection.*

8 “(II) *APPLICATION.—The con-*
9 *tributions described in subclause (I)*
10 *shall be applied first to the provision*
11 *of benefits to those plan beneficiaries*
12 *who are not described in paragraph*
13 *(2)(C)(ii).*

14 “(ii) *INITIAL CONTRIBUTIONS.—*

15 “(I) *IN GENERAL.—From the date*
16 *of enactment of the Surface Mining*
17 *Control and Reclamation Act Amend-*
18 *ments of 2006 through December 31,*
19 *2010, the persons that, on the date of*
20 *enactment of that Act, are obligated to*
21 *contribute to the plan referred to in*
22 *paragraph (2)(C) shall be obligated,*
23 *collectively, to make contributions*
24 *equal to the amount described in para-*
25 *graph (2)(C), less the amount actually*

1 transferred due to the operation of sub-
2 paragraph (C).

3 “(II) *FIRST CALENDAR YEAR.*—
4 *Calendar year 2006 is the first cal-*
5 *endar year for which contributions are*
6 *required under this clause.*

7 “(III) *AMOUNT OF CONTRIBUTION*
8 *FOR 2006.*—*Except as provided in sub-*
9 *clause (IV), the amount described in*
10 *paragraph (2)(C) for calendar year*
11 *2006 shall be calculated as if para-*
12 *graph (2)(C) had been in effect during*
13 *2005.*

14 “(IV) *LIMITATION.*—*The contribu-*
15 *tions required under this clause for cal-*
16 *endar year 2006 shall not exceed the*
17 *amount necessary for solvency of the*
18 *plan described in paragraph (2)(C),*
19 *measured as of December 31, 2006 and*
20 *taking into account all assets held by*
21 *the plan as of that date.*

22 “(iii) *DIVISION.*—*The collective annual*
23 *contribution obligation required under*
24 *clause (ii) shall be divided among the per-*
25 *sons subject to the obligation, and applied*

1 *uniformly, based on the hours worked for*
2 *which contributions referred to in clause (i)*
3 *would be owed.*

4 “(C) *PHASE-IN OF TRANSFERS.—For each*
5 *of calendar years 2008 through 2010, the trans-*
6 *fers required under subparagraphs (B) and (C)*
7 *of paragraph (2) shall equal the following*
8 *amounts:*

9 “(i) *For calendar year 2008, the Sec-*
10 *retary shall make transfers equal to 25 per-*
11 *cent of the amounts that would otherwise be*
12 *required under subparagraphs (B) and (C)*
13 *of paragraph (2).*

14 “(ii) *For calendar year 2009, the Sec-*
15 *retary shall make transfers equal to 50 per-*
16 *cent of the amounts that would otherwise be*
17 *required under subparagraphs (B) and (C)*
18 *of paragraph (2).*

19 “(iii) *For calendar year 2010, the Sec-*
20 *retary shall make transfers equal to 75 per-*
21 *cent of the amounts that would otherwise be*
22 *required under subparagraphs (B) and (C)*
23 *of paragraph (2).*

24 “(i) *FUNDING.—*

1 “(1) *IN GENERAL.*—Subject to paragraph (3),
2 out of any funds in the Treasury not otherwise appro-
3 priated, the Secretary of the Treasury shall transfer
4 to the plans described in subsection (h)(2) such sums
5 as are necessary to pay the following amounts:

6 “(A) *To the Combined Fund (as defined in*
7 *section 9701(a)(5) of the Internal Revenue Code*
8 *of 1986 and referred to in this paragraph as the*
9 *‘Combined Fund’), the amount that the trustees*
10 *of the Combined Fund estimate will be expended*
11 *from premium accounts maintained by the Com-*
12 *bined Fund for the fiscal year to provide benefits*
13 *for beneficiaries who are unassigned beneficiaries*
14 *solely as a result of the application of section*
15 *9706(h)(1) of the Internal Revenue Code of 1986,*
16 *subject to the following limitations:*

17 “(i) *For fiscal year 2008, the amount*
18 *paid under this subparagraph shall equal—*

19 “(I) *the amount described in sub-*
20 *paragraph (A); minus*

21 “(II) *the amounts required under*
22 *section 9706(h)(3)(A) of the Internal*
23 *Revenue Code of 1986.*

24 “(ii) *For fiscal year 2009, the amount*
25 *paid under this subparagraph shall equal—*

1 “(I) the amount described in sub-
2 paragraph (A); minus

3 “(II) the amounts required under
4 section 9706(h)(3)(B) of the Internal
5 Revenue Code of 1986.

6 “(iii) For fiscal year 2010, the amount
7 paid under this subparagraph shall equal—

8 “(I) the amount described in sub-
9 paragraph (A); minus

10 “(II) the amounts required under
11 section 9706(h)(3)(C) of the Internal
12 Revenue Code of 1986.

13 “(B) On certification by the trustees of any
14 plan described in subsection (h)(2) that the
15 amount available for transfer by the Secretary
16 pursuant to this section (determined after appli-
17 cation of any limitation under subsection (h)(5))
18 is less than the amount required to be trans-
19 ferred, to the plan the amount necessary to meet
20 the requirement of subsection (h)(2).

21 “(C) To the Combined Fund, \$9,000,000 on
22 October 1, 2007, \$9,000,000 on October 1, 2008,
23 and \$9,000,000 on October 1, 2009 (which
24 amounts shall not be exceeded) to provide a re-
25 fund of any premium (as described in section

1 9704(a) of the Internal Revenue Code of 1986)
2 paid on or before September 7, 2000, to the Com-
3 bined Fund, plus interest on the premium cal-
4 culated at the rate of 7.5 percent per year, on a
5 proportional basis and to be paid not later than
6 60 days after the date on which each payment is
7 received by the Combined Fund, to those signa-
8 tory operators (to the extent that the Combined
9 Fund has not previously returned the premium
10 amounts to the operators), or any related persons
11 to the operators (as defined in section 9701(c) of
12 the Internal Revenue Code of 1986), or their
13 heirs, successors, or assigns who have been denied
14 the refunds as the result of final judgments or
15 settlements if—

16 “(i) prior to the date of enactment of
17 this paragraph, the signatory operator (or
18 any related person to the operator)—

19 “(I) had all of its beneficiary as-
20 signments made under section 9706 of
21 the Internal Revenue Code of 1986
22 voided by the Commissioner of the So-
23 cial Security Administration; and

24 “(II) was subject to a final judg-
25 ment or final settlement of litigation

1 *adverse to a claim by the operator that*
2 *the assignment of beneficiaries under*
3 *section 9706 of the Internal Revenue*
4 *Code of 1986 was unconstitutional as*
5 *applied to the operator; and*

6 *“(ii) on or before September 7, 2000,*
7 *the signatory operator (or any related per-*
8 *son to the operator) had paid to the Com-*
9 *bined Fund any premium amount that had*
10 *not been refunded.*

11 *“(2) PAYMENTS TO STATES AND INDIAN*
12 *TRIBES.—Subject to paragraph (3), out of any funds*
13 *in the Treasury not otherwise appropriated, the Sec-*
14 *retary of the Treasury shall transfer to the Secretary*
15 *of the Interior for distribution to States and Indian*
16 *tribes such sums as are necessary to pay amounts de-*
17 *scribed in paragraphs (1)(A) and (2)(A) of section*
18 *411(h).*

19 *“(3) LIMITATIONS.—*

20 *“(A) CAP.—The total amount transferred*
21 *under this subsection for any fiscal year shall*
22 *not exceed \$490,000,000.*

23 *“(B) INSUFFICIENT AMOUNTS.—In a case*
24 *in which the amount required to be transferred*
25 *without regard to this paragraph exceeds the*

1 *maximum annual limitation in subparagraph*
2 *(A), the Secretary shall adjust the transfers of*
3 *funds so that—*

4 *“(i) each transfer for the fiscal year is*
5 *a percentage of the amount described;*

6 *“(ii) the amount is determined without*
7 *regard to subsection (h)(5)(A); and*

8 *“(iii) the percentage transferred is the*
9 *same for all transfers made under this sub-*
10 *section for the fiscal year.*

11 *“(4) AVAILABILITY OF FUNDS.—Funds shall be*
12 *transferred under paragraph (1) and (2) beginning in*
13 *fiscal year 2008 and each fiscal year thereafter, and*
14 *shall remain available until expended.”.*

15 **SEC. 203. OBJECTIVES OF FUND.**

16 *Section 403 of the Surface Mining Control and Rec-*
17 *lamation Act of 1977 (30 U.S.C. 1233) is amended—*

18 *(1) in subsection (a)—*

19 *(A) in paragraph (1)—*

20 *(i) by striking “(1) the protection” and*
21 *inserting the following:*

22 *“(1)(A) the protection;”;*

23 *(ii) in subparagraph (A) (as des-*
24 *ignated by clause (i)), by striking “general*
25 *welfare;”;* and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(B) the restoration of land and water resources
4 and the environment that—

5 “(i) have been degraded by the adverse ef-
6 fects of coal mining practices; and

7 “(ii) are adjacent to a site that has been or
8 will be remediated under subparagraph (A);”;

9 (B) in paragraph (2)—

10 (i) by striking “(2) the protection” and
11 inserting the following:

12 “(2)(A) the protection”;

13 (ii) in subparagraph (A) (as des-
14 ignated by clause (i), by striking “health,
15 safety, and general welfare” and inserting
16 “health and safety”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(B) the restoration of land and water resources
20 and the environment that—

21 “(i) have been degraded by the adverse ef-
22 fects of coal mining practices; and

23 “(ii) are adjacent to a site that has been or
24 will be remediated under subparagraph (A);
25 and”;

1 (C) in paragraph (3), by striking the semi-
2 colon at the end and inserting a period; and

3 (D) by striking paragraphs (4) and (5);
4 (2) in subsection (b)—

5 (A) by striking the subsection heading and
6 inserting “WATER SUPPLY RESTORATION.—”;
7 and

8 (B) in paragraph (1), by striking “up to 30
9 percent of the”; and

10 (3) in the second sentence of subsection (c), by
11 inserting “, subject to the approval of the Secretary,”
12 after “amendments”.

13 **SEC. 204. RECLAMATION OF RURAL LAND.**

14 (a) *ADMINISTRATION.*—Section 406(h) of the Surface
15 Mining Control and Reclamation Act of 1977 (30 U.S.C.
16 1236(h)) is amended by striking “Soil Conservation Serv-
17 ice” and inserting “Natural Resources Conservation Serv-
18 ice”.

19 (b) *AUTHORIZATION OF APPROPRIATIONS FOR CAR-*
20 *RYING OUT RURAL LAND RECLAMATION.*—Section 406 of
21 the Surface Mining Control and Reclamation Act of 1977
22 (30 U.S.C. 1236) is amended by adding at the end the fol-
23 lowing:

24 “(i) There are authorized to be appropriated to the
25 Secretary of Agriculture, from amounts in the Treasury

1 *other than amounts in the fund, such sums as may be nec-*
2 *essary to carry out this section.”.*

3 **SEC. 205. LIENS.**

4 *Section 408(a) of the Surface Mining Control and Rec-*
5 *lamation Act of 1977 (30 U.S.C. 1238) is amended in the*
6 *last sentence by striking “who owned the surface prior to*
7 *May 2, 1977, and”.*

8 **SEC. 206. CERTIFICATION.**

9 *Section 411 of the Surface Mining Control and Rec-*
10 *lamation Act of 1977 (30 U.S.C. 1240a) is amended—*

11 *(1) in subsection (a)—*

12 *(A) by inserting “(1)” before the first sen-*
13 *tence; and*

14 *(B) by adding at the end the following:*

15 *“(2)(A) The Secretary may, on the initiative of the*
16 *Secretary, make the certification referred to in paragraph*
17 *(1) on behalf of any State or Indian tribe referred to in*
18 *paragraph (1) if on the basis of the inventory referred to*
19 *in section 403(c) all reclamation projects relating to the*
20 *priorities described in section 403(a) for eligible land and*
21 *water pursuant to section 404 in the State or tribe have*
22 *been completed.*

23 *“(B) The Secretary shall only make the certification*
24 *after notice in the Federal Register and opportunity for*
25 *public comment.”; and*

1 (2) *by adding at the end the following:*

2 “(h) *PAYMENTS TO STATES AND INDIAN TRIBES.—*

3 “(1) *IN GENERAL.—*

4 “(A) *PAYMENTS.—*

5 “(i) *IN GENERAL.—Notwithstanding*
6 *section 401(f)(3)(B), from funds referred to*
7 *in section 402(i)(2), the Secretary shall*
8 *make payments to States or Indian tribes*
9 *for the amount due for the aggregate unap-*
10 *propriated amount allocated to the State or*
11 *Indian tribe under subparagraph (A) or (B)*
12 *of section 402(g)(1).*

13 “(ii) *CONVERSION AS EQUIVALENT*
14 *PAYMENTS.—Amounts allocated under sub-*
15 *paragraphs (A) or (B) of section 402(g)(1)*
16 *shall be reallocated to the allocation estab-*
17 *lished in section 402(g)(5) in amounts*
18 *equivalent to payments made to States or*
19 *Indian tribes under this paragraph.*

20 “(B) *AMOUNT DUE.—In this paragraph, the*
21 *term ‘amount due’ means the unappropriated*
22 *amount allocated to a State or Indian tribe be-*
23 *fore October 1, 2007, under subparagraph (A) or*
24 *(B) of section 402(g)(1).*

1 “(C) *SCHEDULE.—Payments under sub-*
2 *paragraph (A) shall be made in 7 equal annual*
3 *installments, beginning with fiscal year 2008.*

4 “(D) *USE OF FUNDS.—*

5 “(i) *CERTIFIED STATES AND INDIAN*
6 *TRIBES.—A State or Indian tribe that*
7 *makes a certification under subsection (a)*
8 *in which the Secretary concurs shall use*
9 *any amounts provided under this para-*
10 *graph for the purposes established by the*
11 *State legislature or tribal council of the In-*
12 *Indian tribe, with priority given for address-*
13 *ing the impacts of mineral development.*

14 “(ii) *UNCERTIFIED STATES AND IN-*
15 *DIAN TRIBES.—A State or Indian tribe that*
16 *has not made a certification under sub-*
17 *section (a) in which the Secretary has con-*
18 *curred shall use any amounts provided*
19 *under this paragraph for the purposes de-*
20 *scribed in section 403.*

21 “(2) *SUBSEQUENT STATE AND INDIAN TRIBE*
22 *SHARE FOR CERTIFIED STATES AND INDIAN*
23 *TRIBES.—*

24 “(A) *IN GENERAL.—Notwithstanding sec-*
25 *tion 401(f)(3)(B), from funds referred to in sec-*

1 *tion 402(i)(2), the Secretary shall pay to each*
2 *certified State or Indian tribe an amount equal*
3 *to the sum of the aggregate unappropriated*
4 *amount allocated on or after October 1, 2007, to*
5 *the certified State or Indian tribe under sub-*
6 *paragraph (A) or (B) of section 402(g)(1).*

7 *“(B) CERTIFIED STATE OR INDIAN TRIBE*
8 *DEFINED.—In this paragraph the term ‘certified*
9 *State or Indian tribe’ means a State or Indian*
10 *tribe for which a certification is made under*
11 *subsection (a) in which the Secretary concurs.*

12 *“(3) MANNER OF PAYMENT.—*

13 *“(A) IN GENERAL.—Subject to subpara-*
14 *graph (B), payments to States or Indian tribes*
15 *under this subsection shall be made without re-*
16 *gard to any limitation in section 401(d) and*
17 *concurrently with payments to States under that*
18 *section.*

19 *“(B) INITIAL PAYMENTS.—The first 3 pay-*
20 *ments made to any State or Indian tribe shall*
21 *be reduced to 25 percent, 50 percent, and 75 per-*
22 *cent, respectively, of the amounts otherwise re-*
23 *quired under paragraph (2)(A).*

24 *“(C) INSTALLMENTS.—Amounts withheld*
25 *from the first 3 annual installments as provided*

1 *under subparagraph (B) shall be paid in 2 equal*
2 *annual installments beginning with fiscal year*
3 *2018.*

4 “(4) *REALLOCATION.*—

5 “(A) *IN GENERAL.*—*The amount allocated*
6 *to any State or Indian tribe under subpara-*
7 *graph (A) or (B) of section 402(g)(1) that is*
8 *paid to the State or Indian tribe as a result of*
9 *a payment under paragraph (1) or (2) shall be*
10 *reallocated and available for grants under sec-*
11 *tion 402(g)(5).*

12 “(B) *ALLOCATION.*—*The grants shall be al-*
13 *located based on the amount of coal historically*
14 *produced before August 3, 1977, in the same*
15 *manner as under section 402(g)(5).”.*

16 **SEC. 207. REMINING INCENTIVES.**

17 *Title IV of the Surface Mining Control and Reclama-*
18 *tion Act of 1977 (30 U.S.C. 1231 et seq.) is amended by*
19 *adding at the following:*

20 **“SEC. 415. REMINING INCENTIVES.**

21 “(a) *IN GENERAL.*—*Notwithstanding any other provi-*
22 *sion of this Act, the Secretary may, after opportunity for*
23 *public comment, promulgate regulations that describe con-*
24 *ditions under which amounts in the fund may be used to*
25 *provide incentives to promote remining of eligible land*

1 *under section 404 in a manner that leverages the use of*
2 *amounts from the fund to achieve more reclamation with*
3 *respect to the eligible land than would be achieved without*
4 *the incentives.*

5 “(b) *REQUIREMENTS.*—*Any regulations promulgated*
6 *under subsection (a) shall specify that the incentives shall*
7 *apply only if the Secretary determines, with the concur-*
8 *rence of the State regulatory authority referred to in title*
9 *V, that, without the incentives, the eligible land would not*
10 *be likely to be remined and reclaimed.*

11 “(c) *INCENTIVES.*—

12 “(1) *IN GENERAL.*—*Incentives that may be con-*
13 *sidered for inclusion in the regulations promulgated*
14 *under subsection (a) include, but are not limited to—*

15 “(A) *a rebate or waiver of the reclamation*
16 *fees required under section 402(a); and*

17 “(B) *the use of amounts in the fund to pro-*
18 *vide financial assurance for remining operations*
19 *in lieu of all or a portion of the performance*
20 *bonds required under section 509.*

21 “(2) *LIMITATIONS.*—

22 “(A) *USE.*—*A rebate or waiver under para-*
23 *graph (1)(A) shall be used only for operations*
24 *that—*

1 “(i) remove or reprocess abandoned
2 coal mine waste; or

3 “(ii) conduct remining activities that
4 meet the priorities specified in paragraph
5 (1) or (2) of section 403(a).

6 “(B) AMOUNT.—The amount of a rebate or
7 waiver provided as an incentive under para-
8 graph (1)(A) to remine or reclaim eligible land
9 shall not exceed the estimated cost of reclaiming
10 the eligible land under this section.”.

11 **SEC. 208. EXTENSION OF LIMITATION ON APPLICATION OF**
12 **PROHIBITION ON ISSUANCE OF PERMIT.**

13 Section 510(e) of the Surface Mining Control and Rec-
14 lamation Act of 1977 (30 U.S.C. 1260(e)) is amended by
15 striking the last sentence.

16 **SEC. 209. TRIBAL REGULATION OF SURFACE COAL MINING**
17 **AND RECLAMATION OPERATIONS.**

18 (a) IN GENERAL.—Section 710 of the Surface Mining
19 Control and Reclamation Act of 1977 (30 U.S.C. 1300) is
20 amended by adding at the end the following:

21 “(j) TRIBAL REGULATORY AUTHORITY.—

22 “(1) TRIBAL REGULATORY PROGRAMS.—

23 “(A) IN GENERAL.—Notwithstanding any
24 other provision of law, an Indian tribe may
25 apply for, and obtain the approval of, a tribal

1 *program under section 503 regulating in whole*
2 *or in part surface coal mining and reclamation*
3 *operations on reservation land under the juris-*
4 *isdiction of the Indian tribe using the procedures*
5 *of section 504(e).*

6 “(B) *REFERENCES TO STATE.*—*For pur-*
7 *poses of this subsection and the implementation*
8 *and administration of a tribal program under*
9 *title V, any reference to a ‘State’ in this Act*
10 *shall be considered to be a reference to a ‘tribe’.*

11 “(2) *CONFLICTS OF INTEREST.*—

12 “(A) *IN GENERAL.*—*The fact that an indi-*
13 *vidual is a member of an Indian tribe does not*
14 *in itself constitute a violation of section 201(f).*

15 “(B) *EMPLOYEES OF TRIBAL REGULATORY*
16 *AUTHORITY.*—*Any employee of a tribal regu-*
17 *latory authority shall not be eligible for a per*
18 *capita distribution of any proceeds from coal*
19 *mining operations conducted on Indian reserva-*
20 *tion lands under this Act.*

21 “(3) *SOVEREIGN IMMUNITY.*—*To receive primary*
22 *regulatory authority under section 504(e), an Indian*
23 *tribe shall waive sovereign immunity for purposes of*
24 *section 520 and paragraph (4).*

25 “(4) *JUDICIAL REVIEW.*—

1 “(A) *CIVIL ACTIONS.*—

2 “(i) *IN GENERAL.*—*After exhausting*
3 *all tribal remedies with respect to a civil*
4 *action arising under a tribal program ap-*
5 *proved under section 504(e), an interested*
6 *party may file a petition for judicial review*
7 *of the civil action in the United States cir-*
8 *cuit court for the circuit in which the sur-*
9 *face coal mining operation named in the*
10 *petition is located.*

11 “(ii) *SCOPE OF REVIEW.*—

12 “(I) *QUESTIONS OF LAW.*—*The*
13 *United States circuit court shall review*
14 *de novo any questions of law under*
15 *clause (i).*

16 “(II) *FINDINGS OF FACT.*—*The*
17 *United States circuit court shall review*
18 *findings of fact under clause (i) using*
19 *a clearly erroneous standard.*

20 “(B) *CRIMINAL ACTIONS.*—*Any criminal*
21 *action brought under section 518 with respect to*
22 *surface coal mining or reclamation operations on*
23 *Indian reservation lands shall be brought in—*

24 “(i) *the United States District Court*
25 *for the District of Columbia; or*

1 “(ii) *the United States district court in*
2 *which the criminal activity is alleged to*
3 *have occurred.*

4 “(5) *GRANTS.—*

5 “(A) *IN GENERAL.—Except as provided in*
6 *subparagraph (B), grants for developing, admin-*
7 *istering, and enforcing tribal programs approved*
8 *in accordance with section 504(e) shall be pro-*
9 *vided to an Indian tribe in accordance with sec-*
10 *tion 705.*

11 “(B) *EXCEPTION.—Notwithstanding sub-*
12 *paragraph (A), the Federal share of the costs of*
13 *developing, administering, and enforcing an ap-*
14 *proved tribal program shall be 100 percent.*

15 “(6) *REPORT.—Not later than 18 months after*
16 *the date on which a tribal program is approved under*
17 *subsection (e) of section 504, the Secretary shall sub-*
18 *mit to the appropriate committees of Congress a re-*
19 *port, developed in cooperation with the applicable In-*
20 *Indian tribe, on the tribal program that includes a rec-*
21 *ommendation of the Secretary on whether primary*
22 *regulatory authority under that subsection should be*
23 *expanded to include additional Indian lands.”.*

24 “(b) *CONFORMING AMENDMENT.—Section 710(i) of the*
25 *Surface Mining Control and Reclamation Act of 1977 (30*

1 *U.S.C. 1300(i)* is amended in the first sentence by striking
 2 “, except” and all that follows through “section 503”.

3 ***Subtitle B—Coal Industry Retiree***
 4 ***Health Benefit Act***

5 ***SEC. 211. CERTAIN RELATED PERSONS AND SUCCESSORS***
 6 ***IN INTEREST RELIEVED OF LIABILITY IF PRE-***
 7 ***MIUMS PREPAID.***

8 (a) *COMBINED BENEFIT FUND.*—Section 9704 of the
 9 *Internal Revenue Code of 1986* (relating to liability of as-
 10 signed operators) is amended by adding at the end the fol-
 11 lowing new subsection:

12 “(j) *PREPAYMENT OF PREMIUM LIABILITY.*—

13 “(1) *IN GENERAL.*—If—

14 “(A) a payment meeting the requirements of
 15 paragraph (3) is made to the Combined Fund by
 16 or on behalf of—

17 “(i) any assigned operator to which
 18 this subsection applies, or

19 “(ii) any related person to any as-
 20 signed operator described in clause (i), and

21 “(B) the common parent of the controlled
 22 group of corporations described in paragraph
 23 (2)(B) is jointly and severally liable for any pre-
 24 mium under this section which (but for this sub-

1 *section) would be required to be paid by the as-*
2 *signed operator or related person,*
3 *then such common parent (and no other person) shall*
4 *be liable for such premium.*

5 “(2) *ASSIGNED OPERATORS TO WHICH SUB-*
6 *SECTION APPLIES.—*

7 “(A) *IN GENERAL.—This subsection shall*
8 *apply to any assigned operator if—*

9 “(i) *the assigned operator (or a related*
10 *person to the assigned operator)—*

11 “(I) *made contributions to the*
12 *1950 UMWA Benefit Plan and the*
13 *1974 UMWA Benefit Plan for employ-*
14 *ment during the period covered by the*
15 *1988 agreement; and*

16 “(II) *is not a 1988 agreement op-*
17 *erator,*

18 “(ii) *the assigned operator (and all re-*
19 *lated persons to the assigned operator) are*
20 *not actively engaged in the production of*
21 *coal as of July 1, 2005, and*

22 “(iii) *the assigned operator was, as of*
23 *July 20, 1992, a member of a controlled*
24 *group of corporations described in subpara-*
25 *graph (B).*

1 “(B) *CONTROLLED GROUP OF CORPORATIONS.—A controlled group of corporations is de-*
2 *scribed in this subparagraph if the common par-*
3 *ent of such group is a corporation the shares of*
4 *which are publicly traded on a United States ex-*
5 *change.*

7 “(C) *COORDINATION WITH REPEAL OF AS-*
8 *SIGNMENTS.—A person shall not fail to be treat-*
9 *ed as an assigned operator to which this sub-*
10 *section applies solely because the person ceases to*
11 *be an assigned operator by reason of section*
12 *9706(h)(1) if the person otherwise meets the re-*
13 *quirements of this subsection and is liable for the*
14 *payment of premiums under section 9706(h)(3).*

15 “(D) *CONTROLLED GROUP.—For purposes*
16 *of this subsection, the term ‘controlled group of*
17 *corporations’ has the meaning given such term*
18 *by section 52(a).*

19 “(3) *REQUIREMENTS.—A payment meets the re-*
20 *quirements of this paragraph if—*

21 “(A) *the amount of the payment is not less*
22 *than the present value of the total premium li-*
23 *ability under this chapter with respect to the*
24 *Combined Fund of the assigned operators or re-*
25 *lated persons described in paragraph (1) or their*

1 *assignees, as determined by the operator’s or re-*
2 *lated person’s enrolled actuary (as defined in*
3 *section 7701(a)(35)) using actuarial methods*
4 *and assumptions each of which is reasonable and*
5 *which are reasonable in the aggregate, as deter-*
6 *mined by such enrolled actuary;*

7 “(B) such enrolled actuary files with the
8 Secretary of Labor a signed actuarial report con-
9 taining—

10 “(i) the date of the actuarial valuation
11 applicable to the report; and

12 “(ii) a statement by the enrolled actu-
13 ary signing the report that, to the best of
14 the actuary’s knowledge, the report is com-
15 plete and accurate and that in the actuary’s
16 opinion the actuarial assumptions used are
17 in the aggregate reasonably related to the
18 experience of the operator and to reasonable
19 expectations; and

20 “(C) 90 calendar days have elapsed after
21 the report required by subparagraph (B) is filed
22 with the Secretary of Labor, and the Secretary
23 of Labor has not notified the assigned operator
24 in writing that the requirements of this para-
25 graph have not been satisfied.

1 “(4) *USE OF PREPAYMENT.*—*The Combined*
2 *Fund shall—*

3 “(A) *establish and maintain an account for*
4 *each assigned operator or related person by, or*
5 *on whose behalf, a payment described in para-*
6 *graph (3) was made,*

7 “(B) *credit such account with such payment*
8 *(and any earnings thereon), and*

9 “(C) *use all amounts in such account exclu-*
10 *sively to pay premiums that would (but for this*
11 *subsection) be required to be paid by the assigned*
12 *operator.*

13 *Upon termination of the obligations for the premium*
14 *liability of any assigned operator or related person*
15 *for which such account is maintained, all funds re-*
16 *maining in such account (and earnings thereon) shall*
17 *be refunded to such person as may be designated by*
18 *the common parent described in paragraph (1)(B).”.*

19 “(b) *INDIVIDUAL EMPLOYER PLANS.*—*Section 9711(c)*
20 *of the Internal Revenue Code of 1986 (relating to joint and*
21 *several liability) is amended to read as follows:*

22 “(c) *JOINT AND SEVERAL LIABILITY OF RELATED*
23 *PERSONS.—*

24 “(1) *IN GENERAL.*—*Except as provided in para-*
25 *graph (2), each related person of a last signatory op-*

1 *erator to which subsection (a) or (b) applies shall be*
2 *jointly and severally liable with the last signatory op-*
3 *erator for the provision of health care coverage de-*
4 *scribed in subsection (a) or (b).*

5 *“(2) LIABILITY LIMITED IF SECURITY PRO-*
6 *VIDED.—If—*

7 *“(A) security meeting the requirements of*
8 *paragraph (3) is provided by or on behalf of—*

9 *“(i) any last signatory operator which*
10 *is an assigned operator described in section*
11 *9704(j)(2), or*

12 *“(ii) any related person to any last*
13 *signatory operator described in clause (i),*
14 *and*

15 *“(B) the common parent of the controlled*
16 *group of corporations described in section*
17 *9704(j)(2)(B) is jointly and severally liable for*
18 *the provision of health care under this section*
19 *which, but for this paragraph, would be required*
20 *to be provided by the last signatory operator or*
21 *related person,*

22 *then, as of the date the security is provided, such com-*
23 *mon parent (and no other person) shall be liable for*
24 *the provision of health care under this section which*
25 *the last signatory operator or related person would*

1 *otherwise be required to provide. Security may be*
2 *provided under this paragraph without regard to*
3 *whether a payment was made under section 9704(j).*

4 “(3) *SECURITY.—Security meets the require-*
5 *ments of this paragraph if—*

6 “(A) *the security—*

7 “(i) *is in the form of a bond, letter of*
8 *credit, or cash escrow,*

9 “(ii) *is provided to the trustees of the*
10 *1992 UMWA Benefit Plan solely for the*
11 *purpose of paying premiums for bene-*
12 *ficiaries who would be described in section*
13 *9712(b)(2)(B) if the requirements of this*
14 *section were not met by the last signatory*
15 *operator, and*

16 “(iii) *is in an amount equal to 1 year*
17 *of liability of the last signatory operator*
18 *under this section, determined by using the*
19 *average cost of such operator’s liability dur-*
20 *ing the prior 3 calendar years;*

21 “(B) *the security is in addition to any*
22 *other security required under any other provi-*
23 *sion of this title; and*

24 “(C) *the security remains in place for 5*
25 *years.*

1 “(4) *REFUNDS OF SECURITY.*—*The remaining*
2 *amount of any security provided under this sub-*
3 *section (and earnings thereon) shall be refunded to the*
4 *last signatory operator as of the earlier of—*

5 “(A) *the termination of the obligations of*
6 *the last signatory operator under this section, or*

7 “(B) *the end of the 5-year period described*
8 *in paragraph (4)(C).”.*

9 (c) *1992 UMWA BENEFIT PLAN.*—*Section 9712(d)(4)*
10 *of the Internal Revenue Code of 1986 (relating to joint and*
11 *several liability) is amended by adding at the end the fol-*
12 *lowing new sentence: “The provisions of section 9711(c)(2)*
13 *shall apply to any last signatory operator described in such*
14 *section (without regard to whether security is provided*
15 *under such section, a payment is made under section*
16 *9704(j), or both) and if security meeting the requirements*
17 *of section 9711(c)(3) is provided, the common parent de-*
18 *scribed in section 9711(c)(2)(B) shall be exclusively respon-*
19 *sible for any liability for premiums under this section*
20 *which, but for this sentence, would be required to be paid*
21 *by the last signatory operator or any related person.”.*

22 (d) *SUCCESSOR IN INTEREST.*—*Section 9701(c) of the*
23 *Internal Revenue Code of 1986 (relating to terms relating*
24 *to operators) is amended by adding at the end the following*
25 *new paragraph:*

1 “(8) *SUCCESSOR IN INTEREST.*—

2 “(A) *SAFE HARBOR.*—*The term ‘successor*
3 *in interest’ shall not include any person who—*

4 “(i) *is an unrelated person to an eligi-*
5 *ble seller described in subparagraph (C);*
6 *and*

7 “(ii) *purchases for fair market value*
8 *assets, or all of the stock, of a related person*
9 *to such seller, in a bona fide, arm’s-length*
10 *sale.*

11 “(B) *UNRELATED PERSON.*—*The term ‘un-*
12 *related person’ means a purchaser who does not*
13 *bear a relationship to the eligible seller described*
14 *in section 267(b).*

15 “(C) *ELIGIBLE SELLER.*—*For purposes of*
16 *this paragraph, the term ‘eligible seller’ means*
17 *an assigned operator described in section*
18 *9704(j)(2) or a related person to such assigned*
19 *operator.”.*

20 “(e) *EFFECTIVE DATE.*—*The amendments made by this*
21 *section shall take effect on the date of the enactment of this*
22 *Act, except that the amendment made by subsection (d)*
23 *shall apply to transactions after the date of the enactment*
24 *of this Act.*

1 **SEC. 212. TRANSFERS TO FUNDS; PREMIUM RELIEF.**

2 (a) *COMBINED FUND.*—

3 (1) *FEDERAL TRANSFERS.*—Section 9705(b) of
4 the Internal Revenue Code of 1986 (relating to trans-
5 fers from Abandoned Mine Reclamation Fund) is
6 amended—

7 (A) in paragraph (1), by striking “section
8 402(h)” and inserting “subsections (h) and (i) of
9 section 402”;

10 (B) by striking paragraph (2) and inserting
11 the following new paragraph:

12 “(2) *USE OF FUNDS.*—Any amount transferred
13 under paragraph (1) for any fiscal year shall be used
14 to pay benefits and administrative costs of bene-
15 ficiaries of the Combined Fund or for such other pur-
16 poses as are specifically provided in the Acts de-
17 scribed in paragraph (1).”; and

18 (C) by striking “*FROM ABANDONED MINE*
19 *RECLAMATION FUND*” in the heading thereof.

20 (2) *MODIFICATIONS OF PREMIUMS TO REFLECT*
21 *FEDERAL TRANSFERS.*—

22 (A) *ELIMINATION OF UNASSIGNED BENE-*
23 *FICIARIES PREMIUM.*—Section 9704(d) of such
24 Code (establishing unassigned beneficiaries pre-
25 mium) is amended to read as follows:

26 “(d) *UNASSIGNED BENEFICIARIES PREMIUM.*—

1 “(1) *PLAN YEARS ENDING ON OR BEFORE SEP-*
2 *TEMBER 30, 2006.—For plan years ending on or before*
3 *September 30, 2006, the unassigned beneficiaries pre-*
4 *mium for any assigned operator shall be equal to the*
5 *applicable percentage of the product of the per bene-*
6 *ficiary premium for the plan year multiplied by the*
7 *number of eligible beneficiaries who are not assigned*
8 *under section 9706 to any person for such plan year.*

9 “(2) *PLAN YEARS BEGINNING ON OR AFTER OC-*
10 *TOBER 1, 2006.—*

11 “(A) *IN GENERAL.—For plan years begin-*
12 *ning on or after October 1, 2006, subject to sub-*
13 *paragraph (B), there shall be no unassigned*
14 *beneficiaries premium, and benefit costs with re-*
15 *spect to eligible beneficiaries who are not as-*
16 *signed under section 9706 to any person for any*
17 *such plan year shall be paid from amounts*
18 *transferred under section 9705(b).*

19 “(B) *INADEQUATE TRANSFERS.—If, for any*
20 *plan year beginning on or after October 1, 2006,*
21 *the amounts transferred under section 9705(b)*
22 *are less than the amounts required to be trans-*
23 *ferred to the Combined Fund under subsection*
24 *(h)(2)(A) or (i) of section 402 of the Surface*
25 *Mining Control and Reclamation Act of 1977*

1 (30 U.S.C. 1232)), then the unassigned bene-
2 ficiaries premium for any assigned operator
3 shall be equal to the operator's applicable per-
4 centage of the amount required to be so trans-
5 ferred which was not so transferred.”.

6 (B) PREMIUM ACCOUNTS.—

7 (i) CREDITING OF ACCOUNTS.—Section
8 9704(e)(1) of such Code (relating to pre-
9 mium accounts; adjustments) is amended by
10 inserting “and amounts transferred under
11 section 9705(b)” after “premiums received”.

12 (ii) SURPLUSES ATTRIBUTABLE TO
13 PUBLIC FUNDING.—Section 9704(e)(3)(A) of
14 such Code is amended by adding at the end
15 the following new sentence: “Amounts cred-
16 ited to an account from amounts trans-
17 ferred under section 9705(b) shall not be
18 taken into account in determining whether
19 there is a surplus in the account for pur-
20 poses of this paragraph.”

21 (C) APPLICABLE PERCENTAGE.—Section
22 9704(f)(2) of such Code (relating to annual ad-
23 justments) is amended by adding at the end the
24 following new subparagraph:

1 “(C) *In the case of plan years beginning on*
2 *or after October 1, 2007, the total number of as-*
3 *signed eligible beneficiaries shall be reduced by*
4 *the eligible beneficiaries whose assignments have*
5 *been revoked under section 9706(h).”.*

6 (3) *ASSIGNMENTS AND REASSIGNMENT.—Section*
7 *9706 of the Internal Revenue Code of 1986 (relating*
8 *to assignment of eligible beneficiaries) is amended by*
9 *adding at the end the following:*

10 “(h) *ASSIGNMENTS AS OF OCTOBER 1, 2007.—*

11 “(1) *IN GENERAL.—Subject to the premium obli-*
12 *gation set forth in paragraph (3), the Commissioner*
13 *of Social Security shall—*

14 “(A) *revoke all assignments to persons other*
15 *than 1988 agreement operators for purposes of*
16 *assessing premiums for plan years beginning on*
17 *and after October 1, 2007; and*

18 “(B) *make no further assignments to per-*
19 *sons other than 1988 agreement operators, except*
20 *that no individual who becomes an unassigned*
21 *beneficiary by reason of subparagraph (A) may*
22 *be assigned to a 1988 agreement operator.*

23 “(2) *REASSIGNMENT UPON PURCHASE.—This*
24 *subsection shall not be construed to prohibit the reas-*

1 *signment under subsection (b)(2) of an eligible bene-*
2 *ficiary.*

3 *“(3) LIABILITY OF PERSONS DURING THREE FIS-*
4 *CAL YEARS BEGINNING ON AND AFTER OCTOBER 1,*
5 *2007.—In the case of each of the fiscal years beginning*
6 *on October 1, 2007, 2008, and 2009, each person other*
7 *than a 1988 agreement operator shall pay to the*
8 *Combined Fund the following percentage of the*
9 *amount of annual premiums that such person would*
10 *otherwise be required to pay under section 9704(a),*
11 *determined on the basis of assignments in effect with-*
12 *out regard to the revocation of assignments under*
13 *paragraph (1)(A):*

14 *“(A) For the fiscal year beginning on Octo-*
15 *ber 1, 2007, 55 percent.*

16 *“(B) For the fiscal year beginning on Octo-*
17 *ber 1, 2008, 40 percent.*

18 *“(C) For the fiscal year beginning on Octo-*
19 *ber 1, 2009, 15 percent.”.*

20 *(4) EFFECTIVE DATE.—The amendments made*
21 *by this subsection shall apply to plan years of the*
22 *Combined Fund beginning after September 30, 2006.*

23 *(b) 1992 UMWA BENEFIT AND OTHER PLANS.—*

24 *(1) TRANSFERS TO PLANS.—Section 9712(a) of*
25 *the Internal Revenue Code of 1986 (relating to the es-*

1 *tablishment and coverage of the 1992 UMWA Benefit*
2 *Plan) is amended by adding at the end the following:*

3 *“(3) TRANSFERS UNDER OTHER FEDERAL STAT-*
4 *UTES.—*

5 *“(A) IN GENERAL.—The 1992 UMWA Ben-*
6 *efit Plan shall include any amount transferred*
7 *to the plan under subsections (h) and (i) of sec-*
8 *tion 402 of the Surface Mining Control and Rec-*
9 *lamation Act of 1977 (30 U.S.C. 1232).*

10 *“(B) USE OF FUNDS.—Any amount trans-*
11 *ferred under subparagraph (A) for any fiscal*
12 *year shall be used to provide the health benefits*
13 *described in subsection (c) with respect to any*
14 *beneficiary for whom no monthly per beneficiary*
15 *premium is paid pursuant to paragraph (1)(A)*
16 *or (3) of subsection (d).*

17 *“(4) SPECIAL RULE FOR 1993 PLAN.—*

18 *“(A) IN GENERAL.—The plan described in*
19 *section 402(h)(2)(C) of the Surface Mining Con-*
20 *trol and Reclamation Act of 1977 (30 U.S.C.*
21 *1232(h)(2)(C)) shall include any amount trans-*
22 *ferred to the plan under subsections (h) and (i)*
23 *of the Surface Mining Control and Reclamation*
24 *Act of 1977 (30 U.S.C. 1232).*

1 “(B) *USE OF FUNDS.*—*Any amount trans-*
2 *ferred under subparagraph (A) for any fiscal*
3 *year shall be used to provide the health benefits*
4 *described in section 402(h)(2)(C)(i) of the Sur-*
5 *face Mining Control and Reclamation Act of*
6 *1977 (30 U.S.C. 1232(h)(2)(C)(i)) to individuals*
7 *described in section 402(h)(2)(C) of such Act (30*
8 *U.S.C. 1232(h)(2)(C)).”.*

9 (2) *PREMIUM ADJUSTMENTS.*—

10 (A) *IN GENERAL.*—*Section 9712(d)(1) of*
11 *such Code (relating to guarantee of benefits) is*
12 *amended to read as follows:*

13 “(1) *IN GENERAL.*—*All 1988 last signatory oper-*
14 *ators shall be responsible for financing the benefits de-*
15 *scribed in subsection (c) by meeting the following re-*
16 *quirements in accordance with the contribution re-*
17 *quirements established in the 1992 UMWA Benefit*
18 *Plan:*

19 “(A) *The payment of a monthly per bene-*
20 *ficiary premium by each 1988 last signatory op-*
21 *erator for each eligible beneficiary of such oper-*
22 *ator who is described in subsection (b)(2) and*
23 *who is receiving benefits under the 1992 UMWA*
24 *benefit plan.*

1 “(B) *The provision of a security (in the*
2 *form of a bond, letter of credit, or cash escrow)*
3 *in an amount equal to a portion of the projected*
4 *future cost to the 1992 UMWA Benefit Plan of*
5 *providing health benefits for eligible and poten-*
6 *tially eligible beneficiaries attributable to the*
7 *1988 last signatory operator.*

8 “(C) *If the amounts transferred under sub-*
9 *section (a)(3) are less than the amounts required*
10 *to be transferred to the 1992 UMWA Benefit*
11 *Plan under subsections (h) and (i) of section 402*
12 *of the Surface Mining Control and Reclamation*
13 *Act of 1977 (30 U.S.C. 1232), the payment of an*
14 *additional backstop premium by each 1988 last*
15 *signatory operator which is equal to such opera-*
16 *tor’s share of the amounts required to be so*
17 *transferred but which were not so transferred, de-*
18 *termined on the basis of the number of eligible*
19 *and potentially eligible beneficiaries attributable*
20 *to the operator.”.*

21 (B) *CONFORMING AMENDMENTS.—Section*
22 *9712(d) of such Code is amended—*

23 (i) *in paragraph (2)(B), by striking*
24 *“prefunding” and inserting “backstop”, and*

1 (ii) in paragraph (3), by striking
2 “paragraph (1)(B)” and inserting “para-
3 graph (1) (A)”.

4 (C) *EFFECTIVE DATE.*—The amendments
5 made by this paragraph shall apply to fiscal
6 years beginning on or after October 1, 2010.

7 **SEC. 213. OTHER PROVISIONS.**

8 (a) *BOARD OF TRUSTEES.*—Section 9702(b) of the In-
9 ternal Revenue Code of 1986 (relating to board of trustees
10 of the Combined Fund) is amended to read as follows:

11 “(b) *BOARD OF TRUSTEES.*—

12 “(1) *IN GENERAL.*—For purposes of subsection
13 (a), the board of trustees for the Combined Fund shall
14 be appointed as follows:

15 “(A) 2 individuals who represent employers
16 in the coal mining industry shall be designated
17 by the BCOA;

18 “(B) 2 individuals designated by the United
19 Mine Workers of America; and

20 “(C) 3 individuals selected by the individ-
21 uals appointed under subparagraphs (A) and
22 (B).

23 “(2) *SUCCESSOR TRUSTEES.*—Any successor
24 trustee shall be appointed in the same manner as the
25 trustee being succeeded. The plan establishing the

1 *Combined Fund shall provide for the removal of trust-*
 2 *ees.*

3 “(3) *SPECIAL RULE.—If the BCOA ceases to*
 4 *exist, any trustee or successor under paragraph (1)(A)*
 5 *shall be designated by the 3 employers who were mem-*
 6 *bers of the BCOA on the enactment date and who*
 7 *have been assigned the greatest number of eligible*
 8 *beneficiaries under section 9706.”.*

9 (b) *ENFORCEMENT OF OBLIGATIONS.—*

10 (1) *FAILURE TO PAY PREMIUMS.—Section*
 11 *9707(a) of the Internal Revenue Code of 1986 is*
 12 *amended to read as follows:*

13 “(a) *FAILURES TO PAY.—*

14 “(1) *PREMIUMS FOR ELIGIBLE BENE-*
 15 *FICIARIES.—There is hereby imposed a penalty on the*
 16 *failure of any assigned operator to pay any premium*
 17 *required to be paid under section 9704 with respect*
 18 *to any eligible beneficiary.*

19 “(2) *CONTRIBUTIONS REQUIRED UNDER THE*
 20 *MINING LAWS.—There is hereby imposed a penalty on*
 21 *the failure of any person to make a contribution re-*
 22 *quired under section 402(h)(5)(B)(ii) of the Surface*
 23 *Mining Control and Reclamation Act of 1977 to a*
 24 *plan referred to in section 402(h)(2)(C) of such Act.*
 25 *For purposes of applying this section, each such re-*

1 *quired monthly contribution for the hours worked of*
2 *any individual shall be treated as if it were a pre-*
3 *mium required to be paid under section 9704 with re-*
4 *spect to an eligible beneficiary.”.*

5 (2) *CIVIL ENFORCEMENT.—Section 9721 of such*
6 *Code is amended to read as follows:*

7 **“SEC. 9721. CIVIL ENFORCEMENT.**

8 *“The provisions of section 4301 of the Employee Re-*
9 *tirement Income Security Act of 1974 shall apply, in the*
10 *same manner as any claim arising out of an obligation*
11 *to pay withdrawal liability under subtitle E of title IV of*
12 *such Act, to any claim—*

13 *“(1) arising out of an obligation to pay any*
14 *amount required to be paid by this chapter; or*

15 *“(2) arising out of an obligation to pay any*
16 *amount required by section 402(h)(5)(B)(ii) of the*
17 *Surface Mining Control and Reclamation Act of 1977*
18 *(30 U.S.C. 1232(h)(5)(B)(ii)).”.*

19 **TITLE III—WHITE PINE COUNTY**
20 **CONSERVATION, RECRE-**
21 **ATION, AND DEVELOPMENT**

22 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

23 *There are authorized to be appropriated such sums as*
24 *are necessary to carry out this title.*

1 **SEC. 302. SHORT TITLE.**

2 *This title may be cited as the “White Pine County*
 3 *Conservation, Recreation, and Development Act of 2006”.*

4 **SEC. 303. DEFINITIONS.**

5 *In this title:*

6 (1) **COUNTY.**—*The term “County” means White*
 7 *Pine County, Nevada.*

8 (2) **SECRETARY.**—*The term “Secretary”*
 9 *means—*

10 (A) *with respect to land in the National*
 11 *Forest System, the Secretary of Agriculture; and*

12 (B) *with respect to other Federal land, the*
 13 *Secretary of the Interior.*

14 (3) **STATE.**—*The term “State” means the State*
 15 *of Nevada.*

16 ***Subtitle A—Land Disposal***

17 **SEC. 311. CONVEYANCE OF WHITE PINE COUNTY, NEVADA,**

18 **LAND.**

19 (a) **IN GENERAL.**—*Notwithstanding sections 202 and*
 20 *203 of the Federal Land Policy and Management Act of*
 21 *1976 (43 U.S.C. 1712, 1713), the Secretary, in cooperation*
 22 *with the County, in accordance with that Act, this subtitle,*
 23 *and other applicable law and subject to valid existing*
 24 *rights, shall, at such time as the parcels of Federal land*
 25 *become available for disposal, conduct sales of the parcels*

1 *of Federal land described in subsection (b) to qualified bid-*
2 *ders.*

3 (b) *DESCRIPTION OF LAND.—The parcels of Federal*
4 *land referred to in subsection (a) consist of not more than*
5 *45,000 acres of Bureau of Land Management land in the*
6 *County that—*

7 (1) *is not segregated or withdrawn on or after*
8 *the date of enactment of this Act, unless the land is*
9 *withdrawn in accordance with subsection (h); and*

10 (2) *is identified for disposal by the Bureau of*
11 *Land Management through—*

12 (A) *the Ely Resource Management Plan; or*

13 (B) *a subsequent amendment to the man-*
14 *agement plan that is undertaken with full public*
15 *involvement.*

16 (c) *AVAILABILITY.—The map and any legal descrip-*
17 *tions of the Federal land conveyed under this section shall*
18 *be on file and available for public inspection in—*

19 (1) *the Office of the Director of the Bureau of*
20 *Land Management;*

21 (2) *the Office of the Nevada State Director of the*
22 *Bureau of Land Management; and*

23 (3) *the Ely Field Office of the Bureau of Land*
24 *Management.*

1 (d) *JOINT SELECTION REQUIRED.*—*The Secretary and*
2 *the County shall jointly select which parcels of Federal land*
3 *described in subsection (b) to offer for sale under subsection*
4 *(a).*

5 (e) *COMPLIANCE WITH LOCAL PLANNING AND ZONING*
6 *LAWS.*—*Before a sale of Federal land under subsection (a),*
7 *the County shall submit to the Secretary a certification that*
8 *qualified bidders have agreed to comply with—*

9 (1) *County and city zoning ordinances; and*
10 (2) *any master plan for the area approved by the*
11 *County.*

12 (f) *METHOD OF SALE; CONSIDERATION.*—*The sale of*
13 *Federal land under subsection (a) shall be—*

14 (1) *consistent with subsections (d) and (f) of sec-*
15 *tion 203 of the Federal Land Management Policy Act*
16 *of 1976 (43 U.S.C. 1713);*

17 (2) *unless otherwise determined by the Secretary,*
18 *through a competitive bidding process; and*

19 (3) *for not less than fair market value.*

20 (g) *RECREATION AND PUBLIC PURPOSES ACT CONVEY-*
21 *ANCES.*—

22 (1) *IN GENERAL.*—*Not later than 30 days before*
23 *land is offered for sale under subsection (a), the State*
24 *or County may elect to obtain any of the land for*
25 *local public purposes in accordance with the Act of*

1 *June 14, 1926 (commonly known as the “Recreation*
2 *and Public Purposes Act”)* (43 U.S.C. 869 *et seq.*).

3 (2) *RETENTION.*—*Pursuant to an election made*
4 *under paragraph (1), the Secretary shall retain the*
5 *elected land for conveyance to the State or County in*
6 *accordance with the Act of June 14, 1926 (commonly*
7 *known as the “Recreation and Public Purposes Act”)*
8 *(43 U.S.C. 869 et seq.).*

9 *(h) WITHDRAWAL.*—

10 (1) *IN GENERAL.*—*Subject to valid existing*
11 *rights and except as provided in paragraph (2), the*
12 *Federal land described in subsection (b) is withdrawn*
13 *from—*

14 (A) *all forms of entry and appropriation*
15 *under the public land laws and mining laws;*

16 (B) *location and patent under the mining*
17 *laws; and*

18 (C) *operation of the mineral laws, geo-*
19 *thermal leasing laws, and mineral material*
20 *laws.*

21 (2) *EXCEPTION.*—*Paragraph (1)(A) shall not*
22 *apply to sales made consistent with this section or an*
23 *election by the County or the State to obtain the land*
24 *described in subsection (b) for public purposes under*
25 *the Act of June 14, 1926 (commonly known as the*

1 *“Recreation and Public Purposes Act”*(43 U.S.C. 869
2 *et seq.*).

3 *(i) DEADLINE FOR SALE.—*

4 *(1) IN GENERAL.—Except as provided in para-*
5 *graph (2), not later than 1 year after the date of the*
6 *signing of the record of decision authorizing the im-*
7 *plementation of the Ely Resource Management Plan*
8 *and annually thereafter until the Federal land de-*
9 *scribed in subsection (b) is disposed of or the County*
10 *requests a postponement under paragraph (2), the*
11 *Secretary shall offer for sale the Federal land de-*
12 *scribed in subsection (b).*

13 *(2) POSTPONEMENT; EXCLUSION FROM SALE.—*

14 *(A) REQUEST BY COUNTY FOR POSTPONE-*
15 *MENT OR EXCLUSION.—At the request of the*
16 *County, the Secretary shall postpone or exclude*
17 *from the sale all or a portion of the land de-*
18 *scribed in subsection (b).*

19 *(B) INDEFINITE POSTPONEMENT.—Unless*
20 *specifically requested by the County, a postpone-*
21 *ment under subparagraph (A) shall not be in-*
22 *definite.*

23 **SEC. 312. DISPOSITION OF PROCEEDS.**

24 *Of the proceeds from the sale of Federal land described*
25 *in section __11(b)—*

1 (1) 5 percent shall be paid directly to the State
2 for use in the general education program of the State;

3 (2) 10 percent shall be paid to the County for
4 use for fire protection, law enforcement, education,
5 public safety, housing, social services, transportation,
6 and planning; and

7 (3) the remainder shall be deposited in a special
8 account in the Treasury of the United States, to be
9 known as the “White Pine County Special Account”
10 (referred to in this subtitle as the “special account”),
11 and shall be available without further appropriation
12 to the Secretary until expended for—

13 (A) the reimbursement of costs incurred by
14 the Nevada State office and the Ely Field Office
15 of the Bureau of Land Management for pre-
16 paring for the sale of Federal land described in
17 section __11(b), including the costs of surveys
18 and appraisals and compliance with the Na-
19 tional Environmental Policy Act of 1969 (42
20 U.S.C. 4321) and sections 202 and 203 of the
21 Federal Land Policy and Management Act of
22 1976 (43 U.S.C. 1712, 1713);

23 (B) the inventory, evaluation, protection,
24 and management of unique archaeological re-
25 sources (as defined in section 3 of the Archae-

1 *ological Resources Protection Act of 1979 (16*
2 *U.S.C. 470bb)) of the County;*

3 *(C) the reimbursement of costs incurred by*
4 *the Department of the Interior for preparing and*
5 *carrying out the transfers of land to be held in*
6 *trust by the United States under section __61;*

7 *(D) conducting a study of routes for the Sil-*
8 *ver State Off-Highway Vehicle Trail as required*
9 *by section __55(a);*

10 *(E) developing and implementing the Silver*
11 *State Off-Highway Vehicle Trail management*
12 *plan described in section __55(c);*

13 *(F) wilderness protection and processing*
14 *wilderness designations, including the costs of*
15 *appropriate fencing, signage, public education,*
16 *and enforcement for the wilderness areas des-*
17 *ignated;*

18 *(G) if the Secretary determines necessary,*
19 *developing and implementing conservation plans*
20 *for endangered or at risk species in the County;*
21 *and*

22 *(H) carrying out a study to assess non-mo-*
23 *torized recreation opportunities on Federal land*
24 *in the County.*

1 ***Subtitle B—Wilderness Areas***

2 **SEC. 321. SHORT TITLE.**

3 *This subtitle may be cited as the “Pam White Wilder-*
4 *ness Act of 2006”.*

5 **SEC. 322. FINDINGS.**

6 *Congress finds that—*

7 (1) *public land in the County contains unique*
8 *and spectacular natural resources, including—*

9 (A) *priceless habitat for numerous species of*
10 *plants and wildlife; and*

11 (B) *thousands of acres of land that remain*
12 *in a natural state; and*

13 (2) *continued preservation of those areas would*
14 *benefit the County and all of the United States by—*

15 (A) *ensuring the conservation of ecologically*
16 *diverse habitat;*

17 (B) *protecting prehistoric cultural resources;*

18 (C) *conserving primitive recreational re-*
19 *sources; and*

20 (D) *protecting air and water quality.*

21 **SEC. 323. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
22 **VATION SYSTEM.**

23 (a) *ADDITIONS.—The following land in the State is*
24 *designated as wilderness and as components of the National*
25 *Wilderness Preservation System:*

1 (1) *MT. MORIAH WILDERNESS ADDITION.*—*Cer-*
2 *tain Federal land managed by the Forest Service and*
3 *the Bureau of Land Management, comprising ap-*
4 *proximately 11,261 acres, as generally depicted on the*
5 *map entitled “Eastern White Pine County” and dated*
6 *November 29, 2006, is incorporated in, and shall be*
7 *managed as part of, the Mt. Moriah Wilderness, as*
8 *designated by section 2(13) of the Nevada Wilderness*
9 *Protection Act of 1989 (16 U.S.C. 1132 note; Public*
10 *Law 101–195).*

11 (2) *MOUNT GRAFTON WILDERNESS.*—*Certain*
12 *Federal land managed by the Bureau of Land Man-*
13 *agement, comprising approximately 78,754 acres, as*
14 *generally depicted on the map entitled “Southern*
15 *White Pine County” and dated November 29, 2006,*
16 *which shall be known as the “Mount Grafton Wilder-*
17 *ness”.*

18 (3) *SOUTH EGAN RANGE WILDERNESS.*—*Certain*
19 *Federal land managed by the Bureau of Land Man-*
20 *agement, comprising approximately 67,214 acres, as*
21 *generally depicted on the map entitled “Southern*
22 *White Pine County” and dated November 29, 2006,*
23 *which shall be known as the “South Egan Range Wil-*
24 *derness”.*

1 (4) *HIGHLAND RIDGE WILDERNESS.*—*Certain*
2 *Federal land managed by the Bureau of Land Man-*
3 *agement and the Forest Service, comprising approxi-*
4 *mately 68,627 acres, as generally depicted on the map*
5 *entitled “Southern White Pine County” and dated*
6 *November 29, 2006, which shall be known as the*
7 *“Highland Ridge Wilderness”.*

8 (5) *GOVERNMENT PEAK WILDERNESS.*—*Certain*
9 *Federal land managed by the Bureau of Land Man-*
10 *agement, comprising approximately 6,313 acres, as*
11 *generally depicted on the map entitled “Eastern*
12 *White Pine County” and dated November 29, 2006,*
13 *which shall be known as the “Government Peak Wil-*
14 *derness”.*

15 (6) *CURRENT MOUNTAIN WILDERNESS ADDI-*
16 *TION.*—*Certain Federal land managed by the Forest*
17 *Service, comprising approximately 10,697 acres, as*
18 *generally depicted on the map entitled “Western*
19 *White Pine County” and dated November 29, 2006, is*
20 *incorporated in, and shall be managed as part of, the*
21 *“Currant Mountain Wilderness”, as designated by*
22 *section 2(4) of the Nevada Wilderness Protection Act*
23 *of 1989 (16 U.S.C. 1132 note; Public Law 101–195).*

24 (7) *RED MOUNTAIN WILDERNESS.*—*Certain Fed-*
25 *eral land managed by the Forest Service, comprising*

1 *approximately 20,490 acres, as generally depicted on*
2 *the map entitled “Western White Pine County” and*
3 *dated November 29, 2006, which shall be known as*
4 *the “Red Mountain Wilderness”.*

5 (8) *BALD MOUNTAIN WILDERNESS.*—*Certain*
6 *Federal land managed by the Bureau of Land Man-*
7 *agement and the Forest Service, comprising approxi-*
8 *mately 22,366 acres, as generally depicted on the map*
9 *entitled “Western White Pine County” and dated No-*
10 *vember 29, 2006, which shall be known as the “Bald*
11 *Mountain Wilderness”.*

12 (9) *WHITE PINE RANGE WILDERNESS.*—*Certain*
13 *Federal land managed by the Forest Service, com-*
14 *prising approximately 40,013 acres, as generally de-*
15 *scribed on the map entitled “Western White Pine*
16 *County” and dated November 29, 2006, which shall be*
17 *known as the “White Pine Range Wilderness”.*

18 (10) *SHELLBACK WILDERNESS.*—*Certain Federal*
19 *land managed by the Forest Service, comprising ap-*
20 *proximately 36,143 acres, as generally depicted on the*
21 *map entitled “Western White Pine County” and*
22 *dated November 29, 2006, which shall be known as*
23 *the “Shellback Wilderness”.*

24 (11) *HIGH SCHELLS WILDERNESS.*—*Certain*
25 *Federal land managed by the Forest Service, com-*

1 prising approximately 121,497 acres, as generally de-
2 picted on the map entitled “Eastern White Pine
3 County” and dated November 29, 2006, which shall be
4 known as the “High Schells Wilderness”.

5 (12) *BECKY PEAK WILDERNESS*.—Certain Fed-
6 eral land managed by the Bureau of Land Manage-
7 ment, comprising approximately 18,119 acres, as gen-
8 erally depicted on the map entitled “Northern White
9 Pine County” and dated November 29, 2006, which
10 shall be known as the “Becky Peak Wilderness”.

11 (13) *GOSHUTE CANYON WILDERNESS*.—Certain
12 Federal land managed by the Bureau of Land Man-
13 agement, comprising approximately 42,544 acres, as
14 generally depicted on the map entitled “Northern
15 White Pine County” and dated November 29, 2006,
16 which shall be known as the “Goshute Canyon Wilder-
17 ness”.

18 (14) *BRISTLECONE WILDERNESS*.—Certain Fed-
19 eral land managed by the Bureau of Land Manage-
20 ment, comprising approximately 14,095 acres, as gen-
21 erally depicted on the map entitled “Eastern White
22 Pine County” and dated November 29, 2006, which
23 shall be known as the “Bristlecone Wilderness”.

24 (b) *BOUNDARY*.—The boundary of any portion of a
25 wilderness area designated by subsection (a) that is bor-

1 *dered by a road shall be at least 100 feet from the edge*
2 *of the road to allow public access.*

3 *(c) MAP AND LEGAL DESCRIPTION.—*

4 *(1) IN GENERAL.—As soon as practicable after*
5 *the date of enactment of this Act, the Secretary shall*
6 *file a map and legal description of each wilderness*
7 *area designated by subsection (a) with the Committee*
8 *on Energy and Natural Resources of the Senate and*
9 *the Committee on Resources of the House of Rep-*
10 *resentatives.*

11 *(2) EFFECT.—Each map and legal description*
12 *shall have the same force and effect as if included in*
13 *this section, except that the Secretary may correct*
14 *clerical and typographical errors in the map or legal*
15 *description.*

16 *(3) AVAILABILITY.—Each map and legal descrip-*
17 *tion shall be on file and available for public inspec-*
18 *tion in the appropriate offices of—*

19 *(A) the Bureau of Land Management;*

20 *(B) the Forest Service; and*

21 *(C) the National Park Service.*

22 *(d) WITHDRAWAL.—Subject to valid existing rights,*
23 *the wilderness areas designated by subsection (a) are with-*
24 *drawn from—*

1 (1) *all forms of entry, appropriation, and dis-*
2 *posal under the public land laws;*

3 (2) *location, entry, and patent under the mining*
4 *laws; and*

5 (3) *operation of the mineral leasing and geo-*
6 *thermal leasing laws.*

7 (e) *MT. MORIAH WILDERNESS BOUNDARY ADJUST-*
8 *MENT.—The boundary of the Mt. Moriah Wilderness estab-*
9 *lished under section 2(13) of the Nevada Wilderness Protec-*
10 *tion Act of 1989 (16 U.S.C. 1132 note; Public Law 101–*
11 *195) is adjusted to include only the land identified as the*
12 *“Mount Moriah Wilderness Area” and “Mount Moriah Ad-*
13 *ditions” on the map entitled “Eastern White Pine County”*
14 *and dated November 29, 2006.*

15 **SEC. 324. ADMINISTRATION.**

16 (a) *MANAGEMENT.—Subject to valid existing rights,*
17 *each area designated as wilderness by this subtitle shall be*
18 *administered by the Secretary in accordance with the Wil-*
19 *derness Act (16 U.S.C. 1131 et seq.), except that—*

20 (1) *any reference in that Act to the effective date*
21 *shall be considered to be a reference to the date of en-*
22 *actment of this Act; and*

23 (2) *any reference in that Act to the Secretary of*
24 *Agriculture shall be considered to be a reference to the*

1 *Secretary of Agriculture or the Secretary of the Inte-*
2 *rior, as appropriate.*

3 *(b) LIVESTOCK.—Within the wilderness areas des-*
4 *ignated under this subtitle that are administered by the Bu-*
5 *reau of Land Management and the Forest Service, the graz-*
6 *ing of livestock in areas in which grazing is established as*
7 *of the date of enactment of this Act shall be allowed to con-*
8 *tinue—*

9 *(1) subject to such reasonable regulations, poli-*
10 *cies, and practices that the Secretary considers nec-*
11 *essary; and*

12 *(2) consistent with section 4(d)(4) of the Wilder-*
13 *ness Act (16 U.S.C. 1133(d)(4)), including the guide-*
14 *lines set forth in Appendix A of House Report 101–*
15 *405.*

16 *(c) INCORPORATION OF ACQUIRED LAND AND INTER-*
17 *ESTS.—Any land or interest in land within the boundaries*
18 *of an area designated as wilderness by this subtitle that*
19 *is acquired by the United States after the date of enactment*
20 *of this Act shall be added to and administered as part of*
21 *the wilderness area within which the acquired land or inter-*
22 *est is located.*

23 *(d) WATER RIGHTS.—*

24 *(1) FINDINGS.—Congress finds that—*

1 (A) *the land designated as wilderness by*
2 *this subtitle is located—*

3 (i) *in the semiarid region of the Great*
4 *Basin; and*

5 (ii) *at the headwaters of the streams*
6 *and rivers on land with respect to which*
7 *there are few if any—*

8 (I) *actual or proposed water re-*
9 *source facilities located upstream; and*

10 (II) *opportunities for diversion,*
11 *storage, or other uses of water occur-*
12 *ring outside the land that would ad-*
13 *versely affect the wilderness values of*
14 *the land;*

15 (B) *the land designated as wilderness by*
16 *this subtitle is generally not suitable for use or*
17 *development of new water resource facilities; and*

18 (C) *because of the unique nature of the land*
19 *designated as wilderness by this subtitle, it is*
20 *possible to provide for proper management and*
21 *protection of the wilderness and other values of*
22 *land in ways different from those used in other*
23 *laws.*

24 (2) *PURPOSE.—The purpose of this section is to*
25 *protect the wilderness values of the land designated as*

1 *wilderness by this subtitle by means other than a fed-*
2 *erally reserved water right.*

3 (3) *STATUTORY CONSTRUCTION.—Nothing in this*
4 *subtitle—*

5 (A) *shall constitute or be construed to con-*
6 *stitute either an express or implied reservation*
7 *by the United States of any water or water*
8 *rights with respect to a wilderness designated by*
9 *this subtitle;*

10 (B) *shall affect any water rights in the*
11 *State (including any water rights held by the*
12 *United States) in existence on the date of enact-*
13 *ment of this Act;*

14 (C) *shall be construed as establishing a*
15 *precedent with regard to any future wilderness*
16 *designations;*

17 (D) *shall affect the interpretation of, or any*
18 *designation made pursuant to, any other Act; or*

19 (E) *shall be construed as limiting, altering,*
20 *modifying, or amending any interstate compact*
21 *or equitable apportionment decree that appor-*
22 *tions water among and between the State and*
23 *other States.*

24 (4) *NEVADA WATER LAW.—The Secretary shall*
25 *follow the procedural and substantive requirements of*

1 *State law in order to obtain and hold any water*
2 *rights not in existence on the date of enactment of this*
3 *Act with respect to the wilderness areas designated by*
4 *this subtitle.*

5 (5) *NEW PROJECTS.—*

6 (A) *DEFINITION OF WATER RESOURCE FA-*
7 *CILITY.—In this paragraph, the term “water re-*
8 *source facility”—*

9 (i) *means irrigation and pumping fa-*
10 *ilities, reservoirs, water conservation*
11 *works, aqueducts, canals, ditches, pipelines,*
12 *wells, hydropower projects, transmission*
13 *and other ancillary facilities, and other*
14 *water diversion, storage, and carriage struc-*
15 *tures; and*

16 (ii) *does not include wildlife guzzlers.*

17 (B) *RESTRICTION ON NEW WATER RE-*
18 *SOURCE FACILITIES.—Except as otherwise pro-*
19 *vided in this title, on or after the date of enact-*
20 *ment of this Act, neither the President nor any*
21 *other officer, employee, or agent of the United*
22 *States shall fund, assist, authorize, or issue a li-*
23 *cence or permit for the development of any new*
24 *water resource facility within a wilderness area*
25 *that is wholly or partially within the County.*

1 **SEC. 325. ADJACENT MANAGEMENT.**

2 (a) *IN GENERAL.*—Congress does not intend for the
3 designation of wilderness in the State by this subtitle to
4 lead to the creation of protective perimeters or buffer zones
5 around any such wilderness area.

6 (b) *NONWILDERNESS ACTIVITIES.*—The fact that non-
7 wilderness activities or uses can be seen or heard from areas
8 within a wilderness designated under this subtitle shall not
9 preclude the conduct of those activities or uses outside the
10 boundary of the wilderness area.

11 **SEC. 326. MILITARY OVERFLIGHTS.**

12 *Nothing in this subtitle restricts or precludes—*

13 (1) *low-level overflights of military aircraft over*
14 *the areas designated as wilderness by this subtitle, in-*
15 *cluding military overflights that can be seen or heard*
16 *within the wilderness areas;*

17 (2) *flight testing and evaluation; or*

18 (3) *the designation or creation of new units of*
19 *special use airspace, or the establishment of military*
20 *flight training routes, over the wilderness areas.*

21 **SEC. 327. NATIVE AMERICAN CULTURAL AND RELIGIOUS**

22 **USES.**

23 *Nothing in this subtitle shall be construed to dimin-*
24 *ish—*

25 (1) *the rights of any Indian tribe; or*

1 (2) *tribal rights regarding access to Federal land*
2 *for tribal activities, including spiritual, cultural, and*
3 *traditional food-gathering activities.*

4 **SEC. 328. RELEASE OF WILDERNESS STUDY AREAS.**

5 (a) *FINDING.*—*Congress finds that, for the purposes of*
6 *section 603 of the Federal Land Policy and Management*
7 *Act of 1976 (43 U.S.C. 1782), the Bureau of Land Manage-*
8 *ment land has been adequately studied for wilderness des-*
9 *ignation in any portion of the wilderness study areas or*
10 *instant study areas—*

11 (1) *not designated as wilderness by section*
12 *__23(a), excluding the portion of the Goshute Canyon*
13 *Wilderness Study Area located outside of the County;*
14 *and*

15 (2) *depicted as released on the maps entitled—*

16 (A) *“Eastern White Pine County” and*
17 *dated November 29, 2006;*

18 (B) *“Northern White Pine County” and*
19 *dated November 29, 2006;*

20 (C) *“Southern White Pine County” and*
21 *dated November 29, 2006; and*

22 (D) *“Western White Pine County” and*
23 *dated November 29, 2006.*

24 (b) *RELEASE.*—

1 (1) *IN GENERAL.*—*Any public land described in*
2 *subsection (a) that is not designated as wilderness by*
3 *this subtitle—*

4 (A) *is no longer subject to section 603(c) of*
5 *the Federal Land Policy and Management Act of*
6 *1976 (43 U.S.C. 1782(c));*

7 (B) *shall be managed in accordance with—*

8 (i) *land management plans adopted*
9 *under section 202 of that Act (43 U.S.C.*
10 *1712); and*

11 (ii) *cooperative conservation agree-*
12 *ments in existence on the date of enactment*
13 *of this Act; and*

14 (C) *shall be subject to the Endangered Spe-*
15 *cies Act of 1973 (16 U.S.C. 1531 et seq.).*

16 (2) *EXCEPTION.*—*The requirements described in*
17 *paragraph (1) shall not apply to the portion of the*
18 *Goshute Canyon Wilderness Study Area located out-*
19 *side of the County.*

20 **SEC. 329. WILDLIFE MANAGEMENT.**

21 (a) *IN GENERAL.*—*In accordance with section 4(d)(7)*
22 *of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in*
23 *this subtitle affects the jurisdiction of the State with respect*
24 *to fish and wildlife management, including the regulation*

1 *of hunting, fishing, and trapping, in the wilderness areas*
2 *designated by this subtitle.*

3 (b) *MANAGEMENT ACTIVITIES.*—*In furtherance of the*
4 *purposes and principles of the Wilderness Act (16 U.S.C.*
5 *1131 et seq.), the Secretary may conduct such management*
6 *activities as are necessary to maintain or restore fish and*
7 *wildlife populations and habitats in the wilderness areas*
8 *designated by this subtitle if those activities are con-*
9 *ducted—*

10 (1) *consistent with relevant wilderness manage-*
11 *ment plans; and*

12 (2) *in accordance with—*

13 (A) *the Wilderness Act (16 U.S.C. 1131 et*
14 *seq.); and*

15 (B) *appropriate policies such as those set*
16 *forth in Appendix B of House Report 101–405,*
17 *including the occasional and temporary use of*
18 *motorized vehicles if the use, as determined by*
19 *the Secretary, would promote healthy, viable,*
20 *and more naturally distributed wildlife popu-*
21 *lations that would enhance wilderness values and*
22 *accomplish those tasks with the minimal impact*
23 *necessary to reasonably accomplish those tasks.*

24 (c) *EXISTING ACTIVITIES.*—*Consistent with section*
25 *4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and*

1 *in accordance with appropriate policies such as those set*
2 *forth in Appendix B of House Report 101–405, the State*
3 *may continue to use aircraft, including helicopters, to sur-*
4 *vey, capture, transplant, monitor, and provide water for*
5 *wildlife populations, including bighorn sheep, and feral*
6 *stock, feral horses, and feral burros.*

7 (d) *WILDLIFE WATER DEVELOPMENT PROJECTS.—*
8 *Subject to subsection (f), the Secretary shall authorize struc-*
9 *tures and facilities, including existing structures and facili-*
10 *ties, for wildlife water development projects, including guz-*
11 *zlers, in the wilderness areas designated by this subtitle if—*

12 (1) *the structures and facilities will, as deter-*
13 *mined by the Secretary, enhance wilderness values by*
14 *promoting healthy, viable, and more naturally dis-*
15 *tributed wildlife populations; and*

16 (2) *the visual impacts of the structures and fa-*
17 *cilities on the wilderness areas can reasonably be*
18 *minimized.*

19 (e) *HUNTING, FISHING, AND TRAPPING.—*

20 (1) *IN GENERAL.—The Secretary may designate*
21 *by regulation areas in which, and establish periods*
22 *during which, for reasons of public safety, adminis-*
23 *tration, or compliance with applicable laws, no hunt-*
24 *ing, fishing, or trapping will be permitted in the wil-*
25 *derness areas designated by this subtitle.*

1 (2) *CONSULTATION.*—*Except in emergencies, the*
2 *Secretary shall consult with the appropriate State*
3 *agency before promulgating regulations under para-*
4 *graph (1).*

5 (f) *COOPERATIVE AGREEMENT.*—

6 (1) *IN GENERAL.*—*The State (including a des-*
7 *ignee of the State) may conduct wildlife management*
8 *activities in the wilderness areas designated by this*
9 *subtitle—*

10 (A) *in accordance with the terms and con-*
11 *ditions specified in the cooperative agreement be-*
12 *tween the Secretary and the State, entitled*
13 *“Memorandum of Understanding between the*
14 *Bureau of Land Management and the Nevada*
15 *Department of Wildlife Supplement No. 9,” and*
16 *signed November and December 2003, including*
17 *any amendments to the cooperative agreement*
18 *agreed to by the Secretary and the State; and*

19 (B) *subject to all applicable laws and regu-*
20 *lations.*

21 (2) *REFERENCES.*—

22 (A) *CLARK COUNTY.*—*For purposes of this*
23 *subsection, any references to Clark County in the*
24 *cooperative agreement described in paragraph*

1 (1)(A) shall be considered to be references to
2 White Pine County, Nevada.

3 (B) BUREAU OF LAND MANAGEMENT.—For
4 purposes of this subsection, any references to the
5 Bureau of Land Management in the cooperative
6 agreement described in paragraph (1)(A) shall
7 also be considered to be references to the Forest
8 Service.

9 **SEC. 330. WILDFIRE, INSECT, AND DISEASE MANAGEMENT.**

10 Consistent with section 4(d)(1) of the Wilderness Act
11 (16 U.S.C. 1133(d)(1)), the Secretary may take such meas-
12 ures as may be necessary in the control of fire, insects, and
13 diseases, including coordination with a State or local agen-
14 cy, as the Secretary deems appropriate.

15 **SEC. 331. CLIMATOLOGICAL DATA COLLECTION.**

16 If the Secretary determines that hydrologic, meteorolo-
17 gic, or climatological collection devices are appropriate to
18 further the scientific, educational, and conservation pur-
19 poses of the wilderness areas designated by this subtitle,
20 nothing in this subtitle precludes the installation and main-
21 tenance of the collection devices within the wilderness areas.

1 ***Subtitle C—Transfers of***
2 ***Administrative Jurisdiction***

3 ***SEC. 341. TRANSFER TO THE UNITED STATES FISH AND***
4 ***WILDLIFE SERVICE.***

5 (a) *IN GENERAL.*—*Administrative jurisdiction over*
6 *the land described in subsection (b) is transferred from the*
7 *Bureau of Land Management to the United States Fish and*
8 *Wildlife Service for inclusion in the Ruby Lake National*
9 *Wildlife Refuge.*

10 (b) *DESCRIPTION OF LAND.*—*The parcel of land re-*
11 *ferred to in subsection (a) is approximately 645 acres of*
12 *land administered by the Bureau of Land Management and*
13 *identified on the map entitled “Ruby Lake Land Transfer”*
14 *and dated July 10, 2006, as “Lands to be transferred to*
15 *the Fish and Wildlife Service”.*

16 ***SEC. 342. TRANSFER TO THE BUREAU OF LAND MANAGE-***
17 ***MENT.***

18 (a) *IN GENERAL.*—*Subject to subsection (c), adminis-*
19 *trative jurisdiction over the parcels of land described in sub-*
20 *section (b) is transferred from the Forest Service to the Bu-*
21 *reau of Land Management.*

22 (b) *DESCRIPTION OF LAND.*—*The parcels of land re-*
23 *ferred to in subsection (a) are—*

24 (1) *the land administered by the Forest Service*
25 *and identified on the map entitled “Southern White*

1 *Pine County*” and dated November 29, 2006, as
2 “*Withdrawal Area*”;

3 (2) *the land administered by the Forest Service*
4 *and identified on the map entitled “Southern White*
5 *Pine County*” and dated November 29, 2006, as
6 “*Highland Ridge Wilderness*”; and

7 (3) *all other Federal land administered by the*
8 *Forest Service that is located adjacent to the High-*
9 *land Ridge Wilderness.*

10 (c) *CONTINUATION OF COOPERATIVE AGREEMENTS.—*
11 *Any existing Forest Service cooperative agreement or per-*
12 *mit in effect on the date of enactment of this Act relating*
13 *to a parcel of land to which administrative jurisdiction is*
14 *transferred by subsection (a) shall be continued by the Bu-*
15 *reau of Land Management unless there is reasonable cause*
16 *to terminate the agreement or permit, as determined by the*
17 *Secretary.*

18 (d) *WITHDRAWAL.—Subject to valid existing rights, all*
19 *Federal land within the Withdrawal Area is withdrawn*
20 *from all forms of—*

21 (1) *entry, appropriation, or disposal under the*
22 *public land laws;*

23 (2) *location, entry, and patent under the mining*
24 *laws; and*

1 (3) *operation of the mineral laws, geothermal*
2 *leasing laws, and mineral materials laws.*

3 (e) *MOTORIZED AND MECHANICAL VEHICLES.—Use of*
4 *motorized and mechanical vehicles in the withdrawal area*
5 *designated by this subtitle shall be permitted only on roads*
6 *and trails designated for their use, unless the use of those*
7 *vehicles is needed—*

8 (1) *for administrative purposes; or*

9 (2) *to respond to an emergency.*

10 **SEC. 343. TRANSFER TO THE FOREST SERVICE.**

11 (a) *IN GENERAL.—Subject to subsection (c), adminis-*
12 *trative jurisdiction over the parcels of land described in sub-*
13 *section (b) is transferred from the Bureau of Land Manage-*
14 *ment to the Forest Service.*

15 (b) *DESCRIPTION OF LAND.—The parcels of land re-*
16 *ferred to in subsection (a) are the approximately 5,799*
17 *acres of land administered by the Bureau of Land Manage-*
18 *ment and identified on the map entitled “Western White*
19 *Pine County”, dated November 29, 2006, as the BLM Pub-*
20 *lic Land Transfer to the US Forest Service.*

21 (c) *CONTINUATION OF COOPERATIVE AGREEMENTS.—*
22 *Any existing Bureau of Land Management cooperative*
23 *agreement or permit in effect on the date of enactment of*
24 *this Act relating to a parcel of land to which administrative*
25 *jurisdiction is transferred by subsection (a) shall be contin-*

1 *ued by the Forest Service unless there is reasonable cause*
 2 *to terminate the agreement or permit, as determined by the*
 3 *Secretary.*

4 **SEC. 344. AVAILABILITY OF MAP AND LEGAL DESCRIPTIONS.**

5 *The maps of the land transferred by this subtitle shall*
 6 *be on file and available for public inspection in the appro-*
 7 *priate offices of—*

- 8 *(1) the Bureau of Land Management;*
 9 *(2) the Forest Service;*
 10 *(3) the National Park Service; and*
 11 *(4) the United States Fish and Wildlife Service.*

12 ***Subtitle D—Public Conveyances***

13 **SEC. 351. CONVEYANCE TO THE STATE OF NEVADA.**

14 *(a) CONVEYANCE.—Notwithstanding section 202 of the*
 15 *Federal Land Policy and Management Act of 1976 (43*
 16 *U.S.C. 1712), the Secretary shall convey to the State, sub-*
 17 *ject to valid existing rights, for no consideration, all right,*
 18 *title, and interest of the United States in and to the parcels*
 19 *of land described in subsection (b) if the State and the*
 20 *County enter into a written agreement supporting the con-*
 21 *veyance.*

22 *(b) DESCRIPTION OF LAND.—The parcels of land re-*
 23 *ferred to in subsection (a) are—*

- 24 *(1) the approximately 6,281 acres of Bureau of*
 25 *Land Management land identified as “Steptoe Valley*

1 *Wildlife Management Area Expansion Proposal*” on
2 *the map entitled “Ely, Nevada Area” and dated No-*
3 *vember 29, 2006;*

4 (2) *the approximately 658 acres of Bureau of*
5 *Land Management land identified as “Ward Charcoal*
6 *Ovens Expansion” on the map entitled “Ely, Nevada*
7 *Area” and dated November 29, 2006; and*

8 (3) *the approximately 2,960 acres of Forest Serv-*
9 *ice identified as “Cave Lake State Park Expansion”*
10 *on the map entitled “Ely, Nevada Area” and dated*
11 *November 29, 2006.*

12 (c) *COSTS.—Any costs relating to a conveyance under*
13 *subsection (a), including costs for surveys and other admin-*
14 *istrative costs, shall be paid by the State.*

15 (d) *USE OF LAND.—*

16 (1) *IN GENERAL.—Any parcel of land conveyed*
17 *to the State under subsection (a) shall be used only*
18 *for—*

19 (A) *the conservation of wildlife or natural*
20 *resources; or*

21 (B) *a public park.*

22 (2) *FACILITIES.—Any facility on a parcel of*
23 *land conveyed under subsection (a) shall be con-*
24 *structed and managed in a manner consistent with*
25 *the uses described in paragraph (1).*

1 (e) *REVERSION.*—If a parcel of land conveyed under
2 subsection (a) is used in a manner that is inconsistent with
3 the uses described in subsection (d), the parcel of land shall,
4 at the discretion of the Secretary, revert to the United
5 States.

6 **SEC. 352. CONVEYANCE TO WHITE PINE COUNTY, NEVADA.**

7 (a) *IN GENERAL.*—Notwithstanding section 202 of the
8 Federal Land Policy and Management Act of 1976 (43
9 U.S.C. 1712), the Secretary shall convey to the County,
10 without consideration, all right, title, and interest of the
11 United States in and to the parcels of land described in
12 subsection (b).

13 (b) *DESCRIPTION OF LAND.*—The parcels of land re-
14 ferred to in subsection (a) are—

15 (1) the approximately 1,551 acres of land identi-
16 fied on the map entitled “Ely, Nevada Area”, dated
17 November 29, 2006, as the Airport Expansion; and

18 (2) the approximately 202 acres of land identi-
19 fied on the map entitled “Ely, Nevada Area”, dated
20 November 29, 2006, as the Industrial Park Expan-
21 sion.

22 (c) *AUTHORIZED USES.*—

23 (1) *AIRPORT EXPANSION.*—The parcel of land de-
24 scribed in subsection (b)(1) shall be used by the Coun-
25 ty to expand the Ely Airport.

1 (2) *INDUSTRIAL PARK EXPANSION.*—*The parcel*
2 *of land described in subsection (b)(2) shall be used by*
3 *the County to expand the White Pine County Indus-*
4 *trial Park.*

5 (3) *USE OF CERTAIN LAND FOR NONRESIDENTIAL*
6 *DEVELOPMENT.*—

7 (A) *IN GENERAL.*—*After conveyance to the*
8 *County of the land described in subsection (b),*
9 *the County may sell, lease, or otherwise convey*
10 *any portion of the land conveyed for purposes of*
11 *nonresidential development relating to the au-*
12 *thorized uses described in paragraphs (1) and*
13 *(2).*

14 (B) *METHOD OF SALE.*—*The sale, lease, or*
15 *conveyance of land under subparagraph (A) shall*
16 *be—*

17 (i) *through a competitive bidding proc-*
18 *ess; and*

19 (ii) *for not less than fair market value.*

20 (C) *DISPOSITION OF PROCEEDS.*—*The gross*
21 *proceeds from the sale, lease, or conveyance of*
22 *land under subparagraph (A) shall be distrib-*
23 *uted in accordance with section __12.*

24 (d) *REVERSION.*—*If a parcel of land conveyed under*
25 *subsection (a) is used in a manner that is inconsistent with*

1 *the use described for the parcel in paragraph (1), (2), or*
2 *(3) of subsection (c), the parcel of land shall, at the discre-*
3 *tion of the Secretary, revert to the United States.*

4 ***Subtitle E—Silver State Off-***
5 ***Highway Vehicle Trail***

6 **SEC. 355. SILVER STATE OFF-HIGHWAY VEHICLE TRAIL.**

7 (a) *STUDY.*—

8 (1) *IN GENERAL.*—*Not later than 3 years after*
9 *the date of enactment of this Act, the Secretary shall*
10 *complete a study of routes (with emphasis on roads*
11 *and trails in existence on the date of enactment of*
12 *this Act) in accordance with the National Environ-*
13 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for*
14 *the Silver State Off-Highway Vehicle Trail (referred*
15 *to in this section as the “Trail”).*

16 (2) *PREFERRED ROUTE.*—*Based on the study*
17 *conducted under paragraph (1), the Secretary, in con-*
18 *sultation with the State, the County, and any inter-*
19 *ested persons, shall identify the preferred route for the*
20 *Trail.*

21 (b) *DESIGNATION OF TRAIL.*—

22 (1) *IN GENERAL.*—*Subject to paragraph (2), not*
23 *later than 90 days after the date on which the study*
24 *is completed under subsection (a), the Secretary shall*
25 *designate the Trail.*

1 (2) *LIMITATIONS.*—*The Secretary shall designate*
2 *the Trail only if the Secretary—*

3 (A) *determines that the route of the Trail*
4 *would not have significant negative impacts on*
5 *wildlife, natural or cultural resources, or tradi-*
6 *tional uses; and*

7 (B) *ensures that the Trail designation—*

8 (i) *is an effort to extend the Silver*
9 *State Off-Highway Vehicle Trail designated*
10 *under section 401(b) of the Lincoln County*
11 *Conservation, Recreation, and Development*
12 *Act of 2004 (16 U.S.C. 1244 note; Public*
13 *Law 108–424); and*

14 (ii) *is limited to—*

15 (I) *1 route that generally runs in*
16 *a north-south direction; and*

17 (II) *1 potential spur running*
18 *west.*

19 (c) *MANAGEMENT.*—

20 (1) *IN GENERAL.*—*The Secretary shall manage*
21 *the Trail in a manner that—*

22 (A) *is consistent with any motorized and*
23 *mechanized uses of the Trail that are authorized*
24 *on the date of enactment of this Act under appli-*

1 *cable Federal and State laws (including regula-*
2 *tions);*

3 *(B) ensures the safety of the individuals*
4 *who use the Trail; and*

5 *(C) does not damage sensitive wildlife habi-*
6 *tat, natural, or cultural resources.*

7 (2) *MANAGEMENT PLAN.—*

8 *(A) IN GENERAL.—Not later than 2 years*
9 *after the date of designation of the Trail, the*
10 *Secretary, in consultation with the State, the*
11 *County, and any other interested persons, shall*
12 *complete a management plan for the Trail.*

13 *(B) COMPONENTS.—The management plan*
14 *shall—*

15 *(i) describe the appropriate uses and*
16 *management of the Trail;*

17 *(ii) authorize the use of motorized and*
18 *mechanized vehicles on the Trail; and*

19 *(iii) describe actions carried out to pe-*
20 *riodically evaluate and manage the appro-*
21 *priate levels of use and location of the Trail*
22 *to minimize environmental impacts and*
23 *prevent damage to cultural resources from*
24 *the use of the Trail.*

25 (3) *MONITORING AND EVALUATION.—*

1 (A) *ANNUAL ASSESSMENT.*—*The Secretary*
2 *shall annually assess—*

3 (i) *the effects of the use of off-highway*
4 *vehicles on the Trail to minimize environ-*
5 *mental impacts and prevent damage to cul-*
6 *tural resources from the use of the Trail;*
7 *and*

8 (ii) *in consultation with the Nevada*
9 *Department of Wildlife, the effects of the*
10 *Trail on wildlife and wildlife habitat to*
11 *minimize environmental impacts from the*
12 *use of the Trail.*

13 (B) *CLOSURE.*—*The Secretary, in consulta-*
14 *tion with the State and the County and subject*
15 *to subparagraph (C), may temporarily close or*
16 *permanently reroute a portion of the Trail if the*
17 *Secretary determines that—*

18 (i) *the Trail is having an adverse im-*
19 *pact on—*

20 (I) *wildlife habitats;*

21 (II) *natural resources;*

22 (III) *cultural resources; or*

23 (IV) *traditional uses;*

24 (ii) *the Trail threatens public safety;*

1 (iii) closure of the Trail is necessary to
2 repair damage to the Trail; or

3 (iv) closure of the Trail is necessary to
4 repair resource damage.

5 (C) *REROUTING.*—Any portion of the Trail
6 that is temporarily closed may be permanently
7 rerouted along existing roads and trails on pub-
8 lic land open to motorized use if the Secretary
9 determines that rerouting the portion of the
10 Trail would not significantly increase or de-
11 crease the length of the Trail.

12 (D) *NOTICE.*—The Secretary shall provide
13 information to the public with respect to any
14 routes on the Trail that are closed under sub-
15 paragraph (B), including through the provision
16 of appropriate signage along the Trail.

17 (4) *NOTICE OF OPEN ROUTES.*—The Secretary
18 shall ensure that visitors to the Trail have access to
19 adequate notice relating to the routes on the Trail
20 that are open through—

21 (A) the provision of appropriate signage
22 along the Trail; and

23 (B) the distribution of maps, safety edu-
24 cation materials, and any other information that
25 the Secretary determines to be appropriate.

1 (d) *NO EFFECT ON NON-FEDERAL LAND AND INTER-*
2 *ESTS IN LAND.*—*Nothing in this section affects the owner-*
3 *ship or management of, or other rights relating to, non-*
4 *Federal land or interests in non-Federal land.*

5 ***Subtitle F—Transfer of Land to Be***
6 ***Held in Trust for the Ely Sho-***
7 ***shone Tribe.***

8 ***SEC. 361. TRANSFER OF LAND TO BE HELD IN TRUST FOR***
9 ***THE ELY SHOSHONE TRIBE.***

10 (a) *IN GENERAL.*—*Subject to valid existing rights, all*
11 *right, title, and interest of the United States in and to the*
12 *land described in subsection (b)—*

13 (1) *shall be held in trust by the United States for*
14 *the benefit of the Ely Shoshone Tribe (referred to in*
15 *this section as the “Tribe”); and*

16 (2) *shall be part of the reservation of the Tribe.*

17 (b) *DESCRIPTION OF LAND.*—*The land referred to in*
18 *subsection (a) consists of parcels 1, 2, 3, and 4, totaling*
19 *the approximately 3,526 acres of land that are identified*
20 *on—*

21 (1) *the Ely, Nevada Area map dated November*
22 *29, 2006; and*

23 (2) *the Eastern White Pine County map dated*
24 *November 29, 2006, as the “Ely Shoshone Expan-*
25 *sion”.*

1 (c) *SURVEY*.—Not later than 180 days after the date
2 of enactment of this Act, the Bureau of Land Management
3 shall complete a survey of the boundary lines to establish
4 the boundaries of the trust land.

5 (d) *CONDITIONS*.—

6 (1) *GAMING*.—Land taken into trust under sub-
7 section (a) shall not be—

8 (A) considered to have been taken into trust
9 for gaming (as that term is used in the Indian
10 Gaming Regulatory Act (25 U.S.C. 2701 et
11 seq.)); and

12 (B) used for gaming.

13 (2) *TRUST LAND FOR CEREMONIAL USE*.—With
14 respect to the use of the land identified on the map
15 as “Ely Shoshone Expansion” and marked as “3”,
16 the Tribe—

17 (A) shall limit the use of the surface of the
18 land to traditional and customary uses and
19 stewardship conservation for the benefit of the
20 Tribe; and

21 (B) shall not permit any permanent resi-
22 dential or recreational development on, or com-
23 mercial use of, the surface of the land, including
24 commercial development or gaming.

1 (3) *THINNING; LANDSCAPE RESTORATION.*—With
2 *respect to land taken into trust under subsection (a),*
3 *the Forest Service and the Bureau of Land Manage-*
4 *ment may, in consultation and coordination with the*
5 *Tribe, carry out any thinning and other landscape*
6 *restoration work on the trust land that is beneficial*
7 *to the Tribe and the Forest Service or the Bureau of*
8 *Land Management.*

9 ***Subtitle G—Eastern Nevada***
10 ***Landscape Restoration Project.***

11 ***SEC. 371. FINDINGS; PURPOSES.***

12 (a) *FINDINGS.*—Congress finds that—

13 (1) *there is an increasing threat of wildfire in*
14 *the Great Basin;*

15 (2) *those wildfires—*

16 (A) *endanger homes and communities;*

17 (B) *damage or destroy watersheds and soils;*

18 *and*

19 (C) *pose a serious threat to the habitat of*
20 *threatened and endangered species;*

21 (3) *forest land and rangeland in the Great Basin*
22 *are degraded as a direct consequence of land manage-*
23 *ment practices (including practices to control and*
24 *prevent wildfires) that disrupt the occurrence of fre-*

1 quent low-intensity fires that have periodically re-
2 moved flammable undergrowth; and

3 (4) additional scientific information is needed in
4 the Great Basin for—

5 (A) the design, implementation, and adap-
6 tation of landscape-scale restoration treatments;
7 and

8 (B) the improvement of wildfire manage-
9 ment technology and practices.

10 (b) *PURPOSES.*—The purposes of this subtitle are to—

11 (1) support the Great Basin Restoration Initia-
12 tive through the implementation of the Eastern Ne-
13 vada Landscape Restoration Project; and

14 (2) ensure resilient and healthy ecosystems in the
15 Great Basin by restoring native plant communities
16 and natural mosaics on the landscape that function
17 within the parameters of natural fire regimes.

18 **SEC. 372. DEFINITIONS.**

19 In this subtitle:

20 (1) *INITIATIVE.*—The term “Initiative” means
21 the Great Basin Restoration Initiative.

22 (2) *PROJECT.*—The term “Project” means the
23 Eastern Nevada Landscape Restoration Project au-
24 thorized under section __73(a).

1 (3) *SECRETARIES.*—*The term “Secretaries”*
2 *means the Secretary of Agriculture and the Secretary*
3 *of the Interior.*

4 (4) *STATE.*—*The term “State” means the State*
5 *of Nevada.*

6 **SEC. 373. RESTORATION PROJECT.**

7 (a) *IN GENERAL.*—*In accordance with all applicable*
8 *Federal laws, the Secretaries shall carry out the Eastern*
9 *Nevada Landscape Restoration Project to—*

10 (1) *implement the Initiative; and*

11 (2) *restore native rangelands and native wood-*
12 *land (including riparian and aspen communities) in*
13 *White Pine and Lincoln Counties in the State.*

14 (b) *GRANTS; COOPERATIVE AGREEMENT.*—*In carrying*
15 *out the Project—*

16 (1) *the Secretaries may make grants to the East-*
17 *ern Nevada Landscape Coalition, the Great Basin In-*
18 *stitute, and other entities for the study and restora-*
19 *tion of rangeland and other land in the Great*
20 *Basin—*

21 (A) *to assist in—*

22 (i) *reducing hazardous fuels; and*

23 (ii) *restoring native rangeland and*
24 *woodland; and*

25 (B) *for other related purposes; and*

1 (2) *notwithstanding sections 6301 through 6308,*
2 *of title 31, United States Code, the Director of the Bu-*
3 *reau of Land Management and the Chief of the Forest*
4 *Service may enter into an agreement with the East-*
5 *ern Nevada Landscape Coalition, the Great Basin In-*
6 *stitute, and other entities to provide for the conduct*
7 *of scientific analyses, hazardous fuels and mechanical*
8 *treatments, and related work.*

9 (c) *RESEARCH FACILITY.—The Secretaries may con-*
10 *duct a feasibility study on the potential establishment of*
11 *an interagency science center, including a research facility*
12 *and experimental rangeland in the eastern portion of the*
13 *State.*

14 (d) *FUNDING.—Section 4(e)(3)(A) of the Southern Ne-*
15 *vada Public Land Management Act of 1998 (Public Law*
16 *105–263; 112 Stat. 2346; 116 Stat. 2007; 118 Stat. 2414)*
17 *is amended—*

18 (1) *by redesignating clause (viii) as clause (ix);*

19 *and*

20 (2) *by inserting after clause (vi) the following:*

21 *“(viii) to carry out the Eastern Ne-*
22 *vada Landscape Restoration Project in*
23 *White Pine County, Nevada and Lincoln*
24 *County, Nevada; and”.*

1 ***Subtitle H—Amendments to the***
2 ***Southern Nevada Public Land***
3 ***Management Act of 1998***

4 **SEC. 381. FINDINGS.**

5 *Section 2(a)(3) of the Southern Nevada Public Land*
6 *Management Act of 1998 (Public Law 105–263; 112 Stat.*
7 *2343) is amended by inserting “the Sloan Canyon National*
8 *Conservation Area,” before “and the Spring Mountains”.*

9 **SEC. 382. AVAILABILITY OF SPECIAL ACCOUNT.**

10 *Section 4(e) of the Southern Nevada Public Land Man-*
11 *agement Act of 1998 (Public Law 105–263; 112 Stat. 2346;*
12 *116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414) is amend-*
13 *ed—*

14 *(1) in paragraph (3)—*

15 *(A) in subparagraph (A)—*

16 *(i) by striking “may be expended” and*
17 *inserting “shall be expended”;*

18 *(ii) in clause (ii)—*

19 *(I) by inserting “, the Great*
20 *Basin National Park,” after “the Red*
21 *Rock Canyon National Conservation*
22 *Area”;*

23 *(II) by inserting “and the Forest*
24 *Service” after “the Bureau of Land*
25 *Management”; and*

1 (III) by striking “Clark and Lin-
2 coln Counties” and inserting “Clark,
3 Lincoln, and White Pine Counties”;

4 (iii) in clause (iii), by inserting “and
5 implementation” before “of a multispecies
6 habitat”;

7 (iv) in clause (iv), by striking “Clark
8 and Lincoln Counties,” and inserting
9 “Clark, Lincoln, and White Pine Counties
10 and Washoe County (subject to paragraph
11 (4)),”;

12 (v) in clause (v), by striking “Clark
13 and Lincoln Counties” and inserting
14 “Clark, Lincoln, and White Pine Counties”;

15 (vi) in clause (vi)—

16 (I) by striking “for development”
17 and inserting “development”; and

18 (II) by striking “and” at the end;

19 (vii) by redesignating clauses (viii)
20 and (ix) (as amended by section __73(d))
21 as clauses (x) and (xi), respectively; and

22 (viii) by inserting after clause (vii) the
23 following:

24 “(viii) reimbursement of any costs in-
25 curred by the Bureau of Land Management

1 to clear debris from and protect land that
2 is—

3 “(I) located in the disposal bound-
4 ary described in subsection (a); and

5 “(II) reserved for affordable hous-
6 ing;

7 “(ix) development and implementation
8 of comprehensive, cost-effective, multijuris-
9 dictional hazardous fuels reduction and
10 wildfire prevention plans (including sus-
11 tainable biomass and biofuels energy devel-
12 opment and production activities) for the
13 Lake Tahoe Basin (to be developed in con-
14 junction with the Tahoe Regional Planning
15 Agency), the Carson Range in Douglas and
16 Washoe Counties and Carson City in the
17 State, and the Spring Mountains in the
18 State, that are—

19 “(I) subject to approval by the
20 Secretary; and

21 “(II) not more than 10 years in
22 duration;”;

23 (B) by inserting after subparagraph (C) the
24 following:

1 “(D) *TRANSFER REQUIREMENT.*—Subject to
2 such terms and conditions as the Secretary may
3 prescribe, and notwithstanding any other provi-
4 sion of law—

5 “(i) for amounts that have been au-
6 thorized for expenditure under subpara-
7 graph (A)(iv) but not transferred as of the
8 date of enactment of this subparagraph, the
9 Secretary shall, not later than 60 days after
10 a request for funds from the applicable unit
11 of local government or regional govern-
12 mental entity, transfer to the applicable
13 unit of local government or regional govern-
14 mental entity the amount authorized for the
15 expenditure; and

16 “(ii) for expenditures authorized under
17 subparagraph (A)(iv) that are approved by
18 the Secretary, the Secretary shall, not later
19 than 60 days after a request for funds from
20 the applicable unit of local government or
21 regional governmental entity, transfer to the
22 applicable unit of local government or re-
23 gional governmental entity the amount ap-
24 proved for expenditure.”; and

25 (2) by adding at the end the following:

1 “(4) *LIMITATION FOR WASHOE COUNTY.*—Until
2 *December 31, 2011, Washoe County shall be eligible to*
3 *nominate for expenditure amounts to acquire land*
4 *(not to exceed 250 acres) and develop 1 regional park*
5 *and natural area.”.*

6 ***Subtitle I—Amendments to the Lin-***
7 ***coln County Conservation,***
8 ***Recreation, and Development***
9 ***Act of 2004***

10 ***SEC. 391. DISPOSITION OF PROCEEDS.***

11 *Section 103(b)(2) of the Lincoln County Conservation,*
12 *Recreation, and Development Act of 2004 (Public Law 108–*
13 *424; 118 Stat. 2405) is amended by inserting “education,*
14 *planning,” after “social services.”.*

15 ***Subtitle J—All American Canal***
16 ***Projects***

17 ***SEC. 395. ALL AMERICAN CANAL LINING PROJECT.***

18 *(a) DUTIES OF THE SECRETARY.*—Notwithstanding
19 *any other provision of law, upon the date of enactment of*
20 *this Act, the Secretary shall, without delay, carry out the*
21 *All American Canal Lining Project identified—*

22 *(1) as the preferred alternative in the record of*
23 *decision for that project, dated July 29, 1994; and*

1 (2) *in the allocation agreement allocating water*
2 *from the All American Canal Lining Project, entered*
3 *into as of October 10, 2003.*

4 **(b) DUTIES OF COMMISSIONER OF RECLAMATION.—**

5 (1) *IN GENERAL.—Subject to paragraph (2), if a*
6 *State conducts a review or study of the implications*
7 *of the All American Canal Lining Project as carried*
8 *out under subsection (a), upon request from the Gov-*
9 *ernor of the State, the Commissioner of Reclamation*
10 *shall cooperate with the State, to the extent prac-*
11 *ticable, in carrying out the review or study.*

12 (2) *RESTRICTION OF DELAY.—A review or study*
13 *conducted by a State under paragraph (1) shall not*
14 *delay the carrying out by the Secretary of the All*
15 *American Canal Lining Project.*

16 **SEC. 396. REGULATED STORAGE WATER FACILITY.**

17 **(a) CONSTRUCTION, OPERATION, AND MAINTENANCE**
18 **OF FACILITY.—***Notwithstanding any other provision of law,*
19 *upon the date of enactment of this Act, the Secretary shall,*
20 *without delay, pursuant to the Act of January 1, 1927 (44*
21 *Stat. 1010, chapter 47) (commonly known as the “River*
22 *and Harbor Act of 1927”), as amended, design and provide*
23 *for the construction, operation, and maintenance of a regu-*
24 *lated water storage facility (including all incidental works*
25 *that are reasonably necessary to operate the storage facility)*

1 *to provide additional storage capacity to reduce nonstorable*
2 *flows on the Colorado River below Parker Dam.*

3 (b) *LOCATION OF FACILITY.—The storage facility (in-*
4 *cluding all incidental works) described in subsection (a)*
5 *shall be located at or near the All American Canal.*

6 **SEC. 397. APPLICATION OF LAW.**

7 *The Treaty between the United States of America and*
8 *Mexico relating to the utilization of waters of the Colorado*
9 *and Tijuana Rivers and of the Rio Grande, and supple-*
10 *mentary protocol signed November 14, 1944, signed at*
11 *Washington February 3, 1944 (59 Stat. 1219) is the exclu-*
12 *sive authority for identifying, considering, analyzing, or*
13 *addressing impacts occurring outside the boundary of the*
14 *United States of works constructed, acquired, or used within*
15 *the territorial limits of the United States.*

16 **TITLE IV—OTHER PROVISIONS**

17 **SEC. 401. TOBACCO PERSONAL USE QUANTITY EXCEPTION**

18 **TO NOT APPLY TO DELIVERY SALES.**

19 (a) *DEFINITIONS.—Section 801 of the Tariff Act of*
20 *1930 (19 U.S.C. 1681) is amended by adding at the end*
21 *the following:*

22 “(3) *DELIVERY SALE.—The term ‘delivery sale’*
23 *means any sale of cigarettes or a smokeless tobacco*
24 *product to a consumer if—*

1 “(A) *the consumer submits the order for*
2 *such sale by means of a telephone or other meth-*
3 *od of voice transmission, the mail, or the Inter-*
4 *net or other online service, or the seller is other-*
5 *wise not in the physical presence of the buyer*
6 *when the request for purchase or order is made;*
7 *or*

8 “(B) *the cigarettes or smokeless tobacco*
9 *product is delivered by use of a common carrier,*
10 *private delivery service, or the mail, or the seller*
11 *is not in the physical presence of the buyer when*
12 *the buyer obtains personal possession of the de-*
13 *livered cigarettes or smokeless tobacco product.”.*

14 **(b) INAPPLICABILITY OF EXEMPTIONS FROM RE-**
15 **QUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES AND**
16 **SMOKELESS TOBACCO PRODUCTS.**—*Section 802(b)(1) of*
17 *the Tariff Act of 1930 (19 U.S.C. 1681a(b)(1)) is amended*
18 *by adding at the end the following new sentence: “The pre-*
19 *ceding sentence shall not apply to any cigarettes or smoke-*
20 *less tobacco products sold in connection with a delivery*
21 *sale.”.*

22 **(c) STATE ACCESS TO CUSTOMS CERTIFICATIONS.**—
23 *Section 802 of the Tariff Act of 1930 (19 U.S.C. 1681a)*
24 *is amended by adding at the end the following new sub-*
25 *section:*

1 “(d) *STATE ACCESS TO CUSTOMS CERTIFICATIONS.*—
2 *A State, through its Attorney General, shall be entitled to*
3 *obtain copies of any certification required under subsection*
4 *(c) directly—*

5 “(1) *upon request to the agency of the United*
6 *States responsible for collecting such certification; or*

7 “(2) *upon request to the importer, manufacturer,*
8 *or authorized official of such importer or manufac-*
9 *turer.”.*

10 “(d) *ENFORCEMENT PROVISIONS.*—*Section 803(b) of*
11 *the Tariff Act of 1930 (19 U.S.C. 1681b(b)) is amended—*

12 “(1) *in the first sentence, by inserting before the*
13 *period at the end the following: “, or to any State in*
14 *which such tobacco product, cigarette papers, or tube*
15 *is found”;* and

16 “(2) *in the second sentence, by inserting “, or to*
17 *any State,” after “the United States”.*

18 “(e) *INCLUSION OF SMOKELESS TOBACCO.*—

19 “(1) *Sections 802 and 803(a) of the Tariff Act of*
20 *1930 (19 U.S.C. 1681a and 1681b(a)) (other than the*
21 *last sentence of section 802(b)(1), as added by sub-*
22 *section (b) of this section) are further amended by in-*
23 *serting “or smokeless tobacco products” after “ciga-*
24 *rettes” each place it appears.*

25 “(2) *Section 802 of such Act is further amended—*

1 (A) in subsection (a)—

2 (i) in paragraph (1), by inserting “or
3 section 4 of the Comprehensive Smokeless
4 Tobacco Health Education Act of 1986 (15
5 U.S.C. 4403), as the case may be” after
6 “section 7 of the Federal Cigarette Labeling
7 and Advertising Act (15 U.S.C. 1335a)”;

8 (ii) in paragraph (2), by inserting “or
9 section 3 of the Comprehensive Smokeless
10 Tobacco Health Education Act of 1986 (15
11 U.S.C. 4402), as the case may be,” after
12 “section 4 of the Federal Cigarette Labeling
13 and Advertising Act (15 U.S.C. 1333)”;

14 (iii) in paragraph (3), by inserting
15 “or section 3(d) of the Comprehensive
16 Smokeless Tobacco Health Education Act of
17 1986 (15 U.S.C. 4402(d)), as the case may
18 be” after “section 4(c) of the Federal Ciga-
19 rette Labeling and Advertising Act (15
20 U.S.C. 1333(c))”;

21 (B) in subsection (b)—

22 (i) in the heading of paragraph (1), by
23 inserting “OR SMOKELESS TOBACCO PROD-
24 UCTS” after “CIGARETTES”; and

1 (ii) in the heading of paragraphs (2)
2 and (3), by inserting “OR SMOKELESS TO-
3 BACCO PRODUCTS” after “CIGARETTES”;
4 and

5 (C) in subsection (c)—

6 (i) in the heading, by inserting “OR
7 SMOKELESS TOBACCO PRODUCT” after “CIG-
8 ARETTE”;

9 (ii) in paragraph (1), by inserting “or
10 section 4 of the Comprehensive Smokeless
11 Tobacco Health Education Act of 1986 (15
12 U.S.C. 4403), as the case may be” after
13 “section 7 of the Federal Cigarette Labeling
14 and Advertising Act (15 U.S.C. 1335a)”;

15 (iii) in paragraph (2)(A), by inserting
16 “or section 3 of the Comprehensive Smoke-
17 less Tobacco Health Education Act of 1986
18 (15 U.S.C. 4402), as the case may be,” after
19 “section 4 of the Federal Cigarette Labeling
20 and Advertising Act (15 U.S.C. 1333)”;

21 (iv) in paragraph (2)(B), by inserting
22 “or section 3(d) of the Comprehensive
23 Smokeless Tobacco Health Education Act of
24 1986 (15 U.S.C. 4402(d)), as the case may
25 be” after “section 4(c) of the Federal Ciga-

1 *rette Labeling and Advertising Act (15*
2 *U.S.C. 1333(c))”.*

3 *(3) Section 803(b) of such Act, as amended by*
4 *subsection (d)(1) of this section, is further amended*
5 *by inserting “, or any smokeless tobacco product,”*
6 *after “or tube” the first place it appears.*

7 *(4)(A) The heading of title VIII of such Act is*
8 *amended by inserting “**AND SMOKELESS TO-***
9 ***BACCO PRODUCTS” after “CIGARETTES”.***

10 *(B) The heading of section 802 of such Act is*
11 *amended by inserting “**AND SMOKELESS TOBACCO***
12 ***PRODUCTS” after “CIGARETTES”.***

13 *(f) APPLICATION OF CIVIL PENALTIES TO RELANDINGS*
14 *OF TOBACCO PRODUCTS SOLD IN A DELIVERY SALE.—*

15 *(1) IN GENERAL.—Section 5761 of the Internal*
16 *Revenue Code of 1986 (relating to civil penalties) is*
17 *amended by redesignating subsections (d) and (e) as*
18 *subsections (e) and (f), respectively, and inserting*
19 *after subsection (c) the following new subsection:*

20 *“(d) PERSONAL USE QUANTITIES.—*

21 *“(1) IN GENERAL.—No quantity of tobacco prod-*
22 *ucts other than the quantity referred to in paragraph*
23 *(2) may be relanded or received as a personal use*
24 *quantity.*

1 “(2) *EXCEPTION FOR PERSONAL USE QUAN-*
2 *TITY.—Subsection (c) and section 5754 shall not*
3 *apply to any person who relands or receives tobacco*
4 *products in the quantity allowed entry free of tax and*
5 *duty under chapter 98 of the Harmonized Tariff*
6 *Schedule of the United States, and such person may*
7 *voluntarily relinquish to the Secretary at the time of*
8 *entry any excess of such quantity without incurring*
9 *the penalty under subsection (c).*

10 “(3) *SPECIAL RULE FOR DELIVERY SALES.—*

11 “(A) *IN GENERAL.—Paragraph (2) shall*
12 *not apply to any tobacco product sold in connec-*
13 *tion with a delivery sale.*

14 “(B) *DELIVERY SALE.—For purposes of*
15 *subparagraph (A), the term ‘delivery sale’ means*
16 *any sale of a tobacco product to a consumer if—*

17 “(i) *the consumer submits the order for*
18 *such sale by means of a telephone or other*
19 *method of voice transmission, the mail, or*
20 *the Internet or other online service, or the*
21 *seller is otherwise not in the physical pres-*
22 *ence of the buyer when the request for pur-*
23 *chase or order is made, or*

24 “(ii) *the tobacco product is delivered*
25 *by use of a common carrier, private deliv-*

1 *ery service, or the mail, or the seller is not*
2 *in the physical presence of the buyer when*
3 *the buyer obtains personal possession of the*
4 *tobacco product.”.*

5 (2) *CONFORMING AMENDMENTS.—*

6 (A) *Subsection (c) of section 5761 of such*
7 *Code is amended by striking the last two sen-*
8 *tences.*

9 (B) *Paragraph (1) of section 5754(c) of*
10 *such Code is amended by striking “section*
11 *5761(c)” and inserting “section 5761(d)”.*

12 (g) *EFFECTIVE DATE.—The amendments made by this*
13 *section shall apply with respect to goods entered, or with-*
14 *drawn from warehouse for consumption, on or after the*
15 *15th day after the date of the enactment of this Act.*

16 **SEC. 402. ETHANOL TARIFF SCHEDULE.**

17 *Headings 9901.00.50 and 9901.00.52 of the Har-*
18 *monized Tariff Schedule of the United States are each*
19 *amended in the effective period column by striking “10/1/*
20 *2007” each place it appears and inserting “1/1/2009”.*

1 **SEC. 403. WITHDRAWAL OF CERTAIN FEDERAL LAND AND**
2 **INTERESTS IN CERTAIN FEDERAL LAND**
3 **FROM LOCATION, ENTRY, AND PATENT**
4 **UNDER THE MINING LAWS AND DISPOSITION**
5 **UNDER THE MINERAL AND GEOTHERMAL**
6 **LEASING LAWS.**

7 (a) *DEFINITIONS.—In this section:*

8 (1) *BUREAU OF LAND MANAGEMENT LAND.—The*
9 *term “Bureau of Land Management land” means the*
10 *Bureau of Land Management land and any federally-*
11 *owned minerals located south of the Blackfeet Indian*
12 *Reservation and east of the Lewis and Clark National*
13 *Forest to the eastern edge of R. 8 W., beginning in*
14 *T. 29 N. down to and including T. 19 N. and all of*
15 *T. 18 N., R. 7 W.*

16 (2) *ELIGIBLE FEDERAL LAND.—The term “eligi-*
17 *ble Federal land” means the Bureau of Land Manage-*
18 *ment land and the Forest Service land, as generally*
19 *depicted on the map.*

20 (3) *FOREST SERVICE LAND.—The term “Forest*
21 *Service land” means—*

22 (A) *the Forest Service land and any feder-*
23 *ally-owned minerals located in the Rocky Moun-*
24 *tain Division of the Lewis and Clark National*
25 *Forest, including the approximately 356,111*
26 *acres of land made unavailable for leasing by the*

1 *August 28, 1997, Record of Decision for the*
2 *Lewis and Clark National Forest Oil and Gas*
3 *Leasing Environmental Impact Statement and*
4 *that is located from T. 31 N. to T. 16 N. and*
5 *R. 13 W. to R. 7 W.; and*

6 *(B) the Forest Service land and any feder-*
7 *ally-owned minerals located within the Badger*
8 *Two Medicine area of the Flathead National*
9 *Forest, including—*

10 *(i) the land located in T. 29 N. from*
11 *the western edge of R. 16 W. to the eastern*
12 *edge of R. 13 W.; and*

13 *(ii) the land located in T. 28 N., Rs.*
14 *13 and 14 W.*

15 *(4) MAP.—The term “map” means the map enti-*
16 *tled “Rocky Mountain Front Mineral Withdrawal*
17 *Area” and dated December 31, 2006.*

18 *(b) WITHDRAWAL.—*

19 *(1) IN GENERAL.—Subject to valid existing*
20 *rights, the eligible Federal land (including any inter-*
21 *est in the eligible Federal land) is withdrawn from—*

22 *(A) all forms of location, entry, and patent*
23 *under the mining laws; and*

24 *(B) disposition under all laws relating to*
25 *mineral and geothermal leasing.*

1 (2) *AVAILABILITY OF MAP.*—*The map shall be on*
2 *file and available for inspection in the Office of the*
3 *Chief of the Forest Service.*

4 (c) *TAX INCENTIVE FOR SALE OF EXISTING MINERAL*
5 *AND GEOTHERMAL RIGHTS TO TAX-EXEMPT ENTITIES.*—

6 (1) *EXCLUSION.*—*For purposes of the Internal*
7 *Revenue Code of 1986, gross income shall not include*
8 *25 percent of the qualifying gain from a conservation*
9 *sale of a qualifying mineral or geothermal interest.*

10 (2) *QUALIFYING GAIN.*—*For purposes of this sub-*
11 *section, the term “qualifying gain” means any gain*
12 *which would be recognized as long-term capital gain*
13 *under such Code.*

14 (3) *CONSERVATION SALE.*—*For purposes of this*
15 *subsection, the term “conservation sale” means a sale*
16 *which meets the following requirements:*

17 (A) *TRANSFEEE IS AN ELIGIBLE ENTI-*
18 *TY.*—*The transferee of the qualifying mineral or*
19 *geothermal interest is an eligible entity.*

20 (B) *QUALIFYING LETTER OF INTENT RE-*
21 *QUIRED.*—*At the time of the sale, such transferee*
22 *provides the taxpayer with a qualifying letter of*
23 *intent.*

1 (C) *NONAPPLICATION TO CERTAIN SALES.*—
2 *The sale is not made pursuant to an order of*
3 *condemnation or eminent domain.*

4 (4) *QUALIFYING MINERAL OR GEOTHERMAL IN-*
5 *TEREST.*—*For purposes of this subsection—*

6 (A) *IN GENERAL.*—*The term “qualifying*
7 *mineral or geothermal interest” means an inter-*
8 *est in any mineral or geothermal deposit located*
9 *on eligible Federal land which constitutes a tax-*
10 *payer’s entire interest in such deposit.*

11 (B) *ENTIRE INTEREST.*—*For purposes of*
12 *subparagraph (A)—*

13 (i) *an interest in any mineral or geo-*
14 *thermal deposit is not a taxpayer’s entire*
15 *interest if such interest in such mineral or*
16 *geothermal deposit was divided in order to*
17 *avoid the requirements of such subpara-*
18 *graph or section 170(f)(3)(A) of such Code,*
19 *and*

20 (ii) *a taxpayer’s entire interest in such*
21 *deposit does not fail to satisfy such sub-*
22 *paragraph solely because the taxpayer has*
23 *retained an interest in other deposits, even*
24 *if the other deposits are contiguous with*
25 *such certain deposit and were acquired by*

1 *the taxpayer along with such certain de-*
2 *posit in a single conveyance.*

3 (5) *OTHER DEFINITIONS.—For purposes of this*
4 *subsection—*

5 (A) *ELIGIBLE ENTITY.—The term “eligible*
6 *entity” means—*

7 (i) *a governmental unit referred to in*
8 *section 170(c)(1) of such Code, or an agency*
9 *or department thereof operated primarily*
10 *for 1 or more of the conservation purposes*
11 *specified in clause (i), (ii), or (iii) of sec-*
12 *tion 170(h)(4)(A) of such Code, or*

13 (ii) *an entity which is—*

14 (I) *described in section*
15 *170(b)(1)(A)(vi) or section*
16 *170(h)(3)(B) of such Code, and*

17 (II) *organized and at all times*
18 *operated primarily for 1 or more of the*
19 *conservation purposes specified in*
20 *clause (i), (ii), or (iii) of section*
21 *170(h)(4)(A) of such Code.*

22 (B) *QUALIFYING LETTER OF INTENT.—The*
23 *term “qualifying letter of intent” means a writ-*
24 *ten letter of intent which includes the following*
25 *statement: “The transferee’s intent is that this*

1 *acquisition will serve 1 or more of the conserva-*
2 *tion purposes specified in clause (i), (ii), or (iii)*
3 *of section 170(h)(4)(A) of the Internal Revenue*
4 *Code of 1986, that the transferee's use of the de-*
5 *posits so acquired will be consistent with section*
6 *170(h)(5) of such Code, and that the use of the*
7 *deposits will continue to be consistent with such*
8 *section, even if ownership or possession of such*
9 *deposits is subsequently transferred to another*
10 *person.”.*

11 (6) *TAX ON SUBSEQUENT TRANSFERS.—*

12 (A) *IN GENERAL.—A tax is hereby imposed*
13 *on any subsequent transfer by an eligible entity*
14 *of ownership or possession, whether by sale, ex-*
15 *change, or lease, of an interest acquired directly*
16 *or indirectly in—*

17 (i) *a conservation sale described in*
18 *paragraph (1), or*

19 (ii) *a transfer described in clause (i),*
20 *(ii), or (iii) of subparagraph (D).*

21 (B) *AMOUNT OF TAX.—The amount of tax*
22 *imposed by subparagraph (A) on any transfer*
23 *shall be equal to the sum of—*

24 (i) *20 percent of the fair market value*
25 *(determined at the time of the transfer) of*

1 *the interest the ownership or possession of*
2 *which is transferred, plus*

3 *(ii) the product of—*

4 *(I) the highest rate of tax specified*
5 *in section 11 of such Code, times*

6 *(II) any gain or income realized*
7 *by the transferor as a result of the*
8 *transfer.*

9 *(C) LIABILITY.—The tax imposed by sub-*
10 *paragraph (A) shall be paid by the transferor.*

11 *(D) RELIEF FROM LIABILITY.—The person*
12 *(otherwise liable for any tax imposed by sub-*
13 *paragraph (A)) shall be relieved of liability for*
14 *the tax imposed by subparagraph (A) with re-*
15 *spect to any transfer if—*

16 *(i) the transferee is an eligible entity*
17 *which provides such person, at the time of*
18 *transfer, a qualifying letter of intent,*

19 *(ii) in any case where the transferee is*
20 *not an eligible entity, it is established to the*
21 *satisfaction of the Secretary of the Treas-*
22 *ury, that the transfer of ownership or pos-*
23 *session, as the case may be, will be con-*
24 *sistent with section 170(h)(5) of such Code,*
25 *and the transferee provides such person, at*

1 *the time of transfer, a qualifying letter of*
2 *intent, or*

3 *(iii) tax has previously been paid*
4 *under this paragraph as a result of a prior*
5 *transfer of ownership or possession of the*
6 *same interest.*

7 *(E) ADMINISTRATIVE PROVISIONS.—For*
8 *purposes of subtitle F of such Code, the taxes im-*
9 *posed by this paragraph shall be treated as excise*
10 *taxes with respect to which the deficiency proce-*
11 *dures of such subtitle apply.*

12 *(7) REPORTING.—The Secretary of the Treasury*
13 *may require such reporting as may be necessary or*
14 *appropriate to further the purpose under this sub-*
15 *section that any conservation use be in perpetuity.*

16 *(d) EFFECTIVE DATES.—*

17 *(1) MORATORIUM.—Subsection (b) shall take ef-*
18 *fect on the date of the enactment of this Act.*

19 *(2) TAX INCENTIVE.—Subsection (c) shall apply*
20 *to sales occurring on or after the date of the enact-*
21 *ment of this Act.*

1 **SEC. 404. CONTINUING ELIGIBILITY FOR CERTAIN STU-**
2 **DENTS UNDER DISTRICT OF COLUMBIA**
3 **SCHOOL CHOICE PROGRAM.**

4 (a) *IN GENERAL.*—Section 307(a)(4) of the DC School
5 Choice Incentive Act of 2003 (sec. 38—1851.06(a)(4), D.C.
6 Official Code) is amended by striking “200 percent” and
7 inserting the following: “200 percent (or, in the case of an
8 eligible student whose first year of participation in the pro-
9 gram is an academic year ending in June 2005 or June
10 2006 and whose second or succeeding year is an academic
11 year ending on or before June 2009, 300 percent)”.

12 (b) *EFFECTIVE DATE.*—The amendment made by sub-
13 section (a) shall take effect as if included in the enactment
14 of the DC School Choice Incentive Act of 2003.

15 **SEC. 405. STUDY ON ESTABLISHING UNIFORM NATIONAL**
16 **DATABASE ON ELDER ABUSE.**

17 (a) *STUDY.*—

18 (1) *IN GENERAL.*—The Secretary of Health and
19 Human Services, in consultation with the Attorney
20 General, shall conduct a study on establishing a uni-
21 form national database on elder abuse.

22 (2) *ISSUES STUDIED.*—The study conducted
23 under paragraph (1) may consider the following:

24 (A) Current methodologies used for col-
25 lecting data on elder abuse, including a deter-
26 mination of the shortcomings, strengths, and

1 *commonalities of existing data collection efforts*
2 *and reporting forms, and how a uniform na-*
3 *tional database would capitalize on such efforts.*

4 *(B) The process by which uniform national*
5 *standards for reporting on elder abuse could be*
6 *implemented, including the identification and*
7 *involvement of necessary stakeholders, financial*
8 *resources needed, timelines, and the treatment of*
9 *existing standards with respect to elder abuse.*

10 *(C) Potential conflicts in Federal, State,*
11 *and local laws, and enforcement and jurisdic-*
12 *tional issues that could occur as a result of the*
13 *creation of a uniform national database on elder*
14 *abuse.*

15 *(D) The scope, purpose, and variability of*
16 *existing definitions used by Federal, State, and*
17 *local agencies with respect to elder abuse.*

18 *(3) DURATION.—The study conducted under*
19 *paragraph (1) shall be conducted for a period not to*
20 *exceed 2 years.*

21 *(b) REPORT.—Not later than 180 days after the com-*
22 *pletion of the study conducted under subsection (a)(1), the*
23 *Secretary of Health and Human Services shall submit a*
24 *report to the Committee on Finance of the Senate and the*
25 *Committee on Ways and Means of the House of Representa-*

1 *tives containing the findings of the study, together with rec-*
 2 *ommendations on how to implement a uniform national*
 3 *database on elder abuse.*

4 (c) *AUTHORIZATION.—There are authorized to be ap-*
 5 *propriated to carry out this section, \$500,000 for each of*
 6 *fiscal years 2007 and 2008.*

7 **SEC. 406. TEMPORARY DUTY REDUCTIONS FOR CERTAIN**
 8 **COTTON SHIRTING FABRIC.**

9 (a) *CERTAIN COTTON SHIRTING FABRICS.—*

10 (1) *IN GENERAL.—Subchapter II of chapter 99 of*
 11 *the Harmonized Tariff Schedule of the United States*
 12 *is amended by inserting in numerical sequence the*
 13 *following new headings:*

9902.52.08	Woven fabrics of cotton, of a type described in subheading 5208.21, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.09	Woven fabrics of cotton, of a type described in subheading 5208.22, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009

9902.52.10	Woven fabrics of cotton, of a type described in subheading 5208.29, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.11	Woven fabrics of cotton, of a type described in subheading 5208.31, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.12	Woven fabrics of cotton, of a type described in subheading 5208.32, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.13	Woven fabrics of cotton, of a type described in subheading 5208.39, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.14	Woven fabrics of cotton, of a type described in subheading 5208.41, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009

9902.52.15	Woven fabrics of cotton, of a type described in subheading 5208.42, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.16	Woven fabrics of cotton, of a type described in subheading 5208.49, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.17	Woven fabrics of cotton, of a type described in subheading 5208.51, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.18	Woven fabrics of cotton, of a type described in subheading 5208.52, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.19	Woven fabrics of cotton, of a type described in subheading 5208.59, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009

9902.52.20	Woven fabrics of cotton of a type described in subheading 5208.21, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.21	Woven fabrics of cotton of a type described in subheading 5208.22, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.22	Woven fabrics of cotton of a type described in subheading 5208.29, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.23	Woven fabrics of cotton of a type described in subheading 5208.31, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.24	Woven fabrics of cotton of a type described in subheading 5208.32, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009

9902.52.25	Woven fabrics of cotton of a type described in subheading 5208.39, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.26	Woven fabrics of cotton of a type described in subheading 5208.41, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.27	Woven fabrics of cotton of a type described in subheading 5208.42, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.28	Woven fabrics of cotton of a type described in subheading 5208.49, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.29	Woven fabrics of cotton of a type described in subheading 5208.51, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009

9902.52.30	Woven fabrics of cotton of a type described in subheading 5208.52, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	
9902.52.31	Woven fabrics of cotton of a type described in subheading 5208.59, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	”.

1 (2) *DEFINITIONS AND LIMITATION ON QUANTITY*
2 *OF IMPORTS.—The U.S. Notes to subchapter II of*
3 *chapter 99 of the Harmonized Tariff Schedule of the*
4 *United States are amended by adding at the end the*
5 *following:*

6 “18. *For purposes of headings 9902.52.08 through*
7 *9902.52.31, the term ‘manufacturer’ means a person or en-*
8 *tity that cuts and sews men’s and boys’ shirts in the United*
9 *States.*

10 “19. *The aggregate quantity of fabrics entered under*
11 *headings 9902.52.08 through 9902.52.19 from January 1*
12 *to December 31 of each year, inclusive, by or on behalf of*
13 *each manufacturer of men’s and boys’ shirts shall be limited*
14 *to 85 percent of the total square meter equivalents of all*
15 *imported woven fabrics of cotton containing 85 percent or*
16 *more by weight of cotton used by such manufacturer in cut-*

1 *ting and sewing men's and boys' cotton shirts in the United*
2 *States and purchased by such manufacturer during cal-*
3 *endar year 2000."*

4 (b) *DETERMINATION OF TARIFF-RATE QUOTAS.—*

5 (1) *AUTHORITY TO ISSUE LICENSES AND LI-*
6 *CENSE USE.—In order to implement the limitation on*
7 *the quantity of cotton woven fabrics that may be en-*
8 *tered under headings 9902.52.08 through 9902.52.19*
9 *of the Harmonized Tariff Schedule of the United*
10 *States, as required by U.S. Note 19 to subchapter II*
11 *of chapter 99 of such Schedule, the Secretary of Com-*
12 *merce shall issue licenses to eligible manufacturers*
13 *under such headings 9902.52.08 through 9902.52.19,*
14 *specifying the restrictions under each such license on*
15 *the quantity of cotton woven fabrics that may be en-*
16 *tered each year by or on behalf of the manufacturer.*
17 *A licensee may assign the authority (in whole or in*
18 *part) under the license to import fabric under head-*
19 *ings 9902.52.08 through 9902.52.19 of such Schedule.*

20 (2) *LICENSES UNDER U.S. NOTE 19.—For pur-*
21 *poses of U.S. Note 19 to subchapter II of chapter 99*
22 *of the Harmonized Tariff Schedule of the United*
23 *States, the Secretary of Commerce shall issue a license*
24 *to a manufacturer within 60 days after the manufac-*
25 *turer files with the Secretary of Commerce an appli-*

1 *cation containing a notarized affidavit from an offi-*
2 *cer of the manufacturer that the manufacturer is eli-*
3 *gible to receive a license and stating the quantity of*
4 *imported woven fabrics of cotton containing 85 per-*
5 *cent or more by weight of cotton purchased during*
6 *calendar year 2000 for use in the cutting and sewing*
7 *men's and boys' shirts in the United States.*

8 (3) *AFFIDAVITS.—For purposes of an affidavit*
9 *described in this subsection, the date of purchase shall*
10 *be—*

11 (A) *the invoice date if the manufacturer is*
12 *not the importer of record; and*

13 (B) *the date of entry if the manufacturer is*
14 *the importer of record.*

15 **SEC. 407. COTTON TRUST FUND.**

16 (a) *ESTABLISHMENT OF TRUST FUND.—There is es-*
17 *tablished in the Treasury of the United States a trust fund*
18 *to be known as the “Pima Cotton Trust Fund” (in this sec-*
19 *tion referred to as the “Trust Fund”), consisting of such*
20 *amounts as may be transferred to the Trust Fund under*
21 *subsection (b).*

22 (b) *TRANSFER OF AMOUNTS.—*

23 (1) *IN GENERAL.—Beginning October 1, 2006,*
24 *the Secretary of the Treasury shall transfer to the*
25 *Trust Fund, from the general fund of the Treasury,*

1 *amounts determined by the Secretary of the Treasury*
2 *to be equivalent to the amounts received in the general*
3 *fund that are attributable to duties received since*
4 *January 1, 1994, on articles under subheadings*
5 *5208.21.60, 5208.22.80, 5208.29.80, 5208.31.80,*
6 *5208.32.50, 5208.39.80, 5208.41.80, 5208.42.50,*
7 *5208.49.80, 5208.51.80, 5208.52.50, and 5208.59.80 of*
8 *the Harmonized Tariff Schedule of the United States,*
9 *subject to the limitation in paragraph (2).*

10 (2) *LIMITATION.—The Secretary may not trans-*
11 *fer more than \$16,000,000 to the Trust Fund in any*
12 *fiscal year, and may not transfer any amount begin-*
13 *ning on or after October 1, 2008.*

14 (c) *DISTRIBUTION OF FUNDS.—From amounts in the*
15 *Trust Fund, the Commissioner of the Bureau of Customs*
16 *and Border Protection shall make the following payments*
17 *annually beginning in fiscal year 2007:*

18 (1) *25 percent of the amounts in the Trust Fund*
19 *shall be paid annually to a nationally recognized as-*
20 *sociation established for the promotion of pima cotton*
21 *grown in the United States for the use in textile and*
22 *apparel goods.*

23 (2) *25 percent of the amounts in the Trust Fund*
24 *shall be paid annually to yarn spinners of pima cot-*
25 *ton grown in the United States, and shall be allocated*

1 *to each spinner in an amount that bears the same*
2 *ratio as—*

3 *(A) the spinner's production of ring spun*
4 *cotton yarns, measuring less than 83.33 decitex*
5 *(exceeding 120 metric number) from pima cotton*
6 *grown in the United States in single and plied*
7 *form during the period January 1, 1998 through*
8 *December 31, 2003 (as evidenced by an affidavit*
9 *provided by the spinner) bears to—*

10 *(B) the production of the yarns described in*
11 *subparagraph (A) during the period January 1,*
12 *1998 through December 31, 2003 for all spinners*
13 *who qualify under this paragraph.*

14 *(3) 50 percent of the amounts in the Trust Fund*
15 *shall be paid annually to those manufacturers who*
16 *cut and sew cotton shirts in the United States who*
17 *certify that they used imported cotton fabric during*
18 *the period January 1, 1998, through July 1, 2003,*
19 *and shall be allocated to each such manufacturer in*
20 *an amount that bears the same ratio as—*

21 *(A) the dollar value (excluding duty, ship-*
22 *ping, and related costs) of imported woven cotton*
23 *shirting fabric of 80s or higher count and 2-ply*
24 *in warp purchased by the manufacturer during*
25 *calendar year 2002 (as evidenced by an affidavit*

1 *from the manufacturer that meets the require-*
2 *ments of subsection (d)) used in the manufac-*
3 *turing of men's and boys' cotton shirts, bears*
4 *to—*

5 *(B) the dollar value (excluding duty, ship-*
6 *ping, and related costs) of the fabric described in*
7 *subparagraph (A) purchased during calendar*
8 *year 2002 by all manufacturers who qualify*
9 *under this paragraph.*

10 *(d) AFFIDAVIT OF SHIRTING MANUFACTURERS.—The*
11 *affidavit required by subsection (c)(3)(A) is a notarized af-*
12 *fidavit provided by an officer of the manufacturer of men's*
13 *and boys' shirts concerned that affirms—*

14 *(1) that the manufacturer used imported cotton*
15 *fabric during the period January 1, 1998, through*
16 *July 1, 2003, to cut and sew men's and boys' woven*
17 *cotton shirts in the United States;*

18 *(2) the dollar value of imported woven cotton*
19 *shirting fabric of 80s or higher count and 2-ply in*
20 *warp purchased during calendar year 2002;*

21 *(3) that the manufacturer maintains invoices*
22 *along with other supporting documentation (such as*
23 *price lists and other technical descriptions of the fab-*
24 *ric qualities) showing the dollar value of such fabric*
25 *purchased, the date of purchase, and evidencing the*

1 *fabric as woven cotton fabric of 80s or higher count*
2 *and 2-ply in warp; and*

3 *(4) that the fabric was suitable for use in the*
4 *manufacturing of men's and boys' cotton shirts.*

5 *(e) DATE OF PURCHASE.—For purposes of the affi-*
6 *davit under subsection (d), the date of purchase shall be*
7 *the invoice date, and the dollar value shall be determined*
8 *excluding duty, shipping, and related costs.*

9 *(f) AFFIDAVIT OF YARN SPINNERS.—The affidavit re-*
10 *quired by subsection (c)(2)(A) is a notarized affidavit pro-*
11 *vided by an officer of the producer of ring spun yarns that*
12 *affirms—*

13 *(1) that the producer used pima cotton grown in*
14 *the United States during the period January 1, 2002,*
15 *through December 31, 2002, to produce ring spun cot-*
16 *ton yarns, measuring less than 83.33 decitex (exceed-*
17 *ing 120 metric number), in single and plied form*
18 *during 2002;*

19 *(2) the quantity, measured in pounds, of ring*
20 *spun cotton yarns, measuring less than 83.33 decitex*
21 *(exceeding 120 metric number), in single and plied*
22 *form during calendar year 2002; and*

23 *(3) that the producer maintains supporting doc-*
24 *umentation showing the quantity of such yarns pro-*
25 *duced, and evidencing the yarns as ring spun cotton*

1 *yarns, measuring less than 83.33 decitex (exceeding*
2 *120 metric number), in single and plied form during*
3 *calendar year 2002.*

4 *(g) NO APPEAL.—Any amount paid by the Commis-*
5 *sioner of the Bureau of Customs and Border Protection*
6 *under this section shall be final and not subject to appeal*
7 *or protest.*

8 **SEC. 408. TAX COURT REVIEW OF REQUESTS FOR EQUI-**
9 **TABLE RELIEF FROM JOINT AND SEVERAL LI-**
10 **ABILITY.**

11 *(a) IN GENERAL.—Paragraph (1) of section 6015(e)*
12 *of the Internal Revenue Code of 1986 (relating to petition*
13 *for tax court review) is amended by inserting “, or in the*
14 *case of an individual who requests equitable relief under*
15 *subsection (f)” after “who elects to have subsection (b) or*
16 *(c) apply”.*

17 *(b) CONFORMING AMENDMENTS.—*

18 *(1) Section 6015(e)(1)(A)(i)(II) of such Code is*
19 *amended by inserting “or request is made” after*
20 *“election is filed”.*

21 *(2) Section 6015(e)(1)(B)(i) of such Code is*
22 *amended—*

23 *(A) by inserting “or requesting equitable re-*
24 *lief under subsection (f)” after “making an elec-*
25 *tion under subsection (b) or (c)”, and*

1 (B) by inserting “or request” after “to
2 which such election”.

3 (3) Section 6015(e)(1)(B)(ii) of such Code is
4 amended by inserting “or to which the request under
5 subsection (f) relates” after “to which the election
6 under subsection (b) or (c) relates”.

7 (4) Section 6015(e)(4) of such Code is amended
8 by inserting “or the request for equitable relief under
9 subsection (f)” after “the election under subsection (b)
10 or (c)”.

11 (5) Section 6015(e)(5) of such Code is amended
12 by inserting “or who requests equitable relief under
13 subsection (f)” after “who elects the application of
14 subsection (b) or (c)”.

15 (6) Section 6015(g)(2) of such Code is amended
16 by inserting “or of any request for equitable relief
17 under subsection (f)” after “any election under sub-
18 section (b) or (c)”.

19 (7) Section 6015(h)(2) of such Code is amended
20 by inserting “or a request for equitable relief made
21 under subsection (f)” after “with respect to an elec-
22 tion made under subsection (b) or (c)”.

23 (c) *EFFECTIVE DATE.*—The amendments made by this
24 section shall apply with respect to liability for taxes arising

1 *or remaining unpaid on or after the date of the enactment*
 2 *of this Act.*

3 ***DIVISION D—TEMPORARILY***
 4 ***MODIFY CERTAIN RATES OF***
 5 ***DUTY AND MAKE OTHER***
 6 ***TECHNICAL AMENDMENTS TO***
 7 ***THE TRADE LAWS, EXTEND***
 8 ***CERTAIN TRADE PREF-***
 9 ***ERENCE PROGRAMS, AND***
 10 ***OTHER PURPOSES***

11 ***SECTION 1. TABLE OF CONTENTS.***

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*DIVISION D—TEMPORARILY MODIFY CERTAIN RATES OF DUTY AND
 MAKE OTHER TECHNICAL AMENDMENTS TO THE TRADE LAWS,
 EXTEND CERTAIN TRADE PREFERENCE PROGRAMS, AND OTHER
 PURPOSES*

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- Sec. 1299. *BEPD70L.*
- Sec. 1300. *Boltorn-1 (bolt-1).*
- Sec. 1301. *Boltorn-2 (bolt-2).*
- Sec. 1302. *Cyclic TMP formal (CTF).*
- Sec. 1303. *DITMP.*
- Sec. 1304. *Polyol DPP (DPP).*
- Sec. 1305. *Hydroxypivalic acid (HPA).*
- Sec. 1306. *TMPDE.*
- Sec. 1307. *TMPME.*
- Sec. 1308. *TMP oxetane (TMPO).*
- Sec. 1309. *TMPO ethoxylate (TMPOE).*
- Sec. 1310. *Amyl-anthraquinone.*
- Sec. 1311. *T-butyl acrylate.*

- Sec. 1312. 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, *rel*-(1*R*,6*R*)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt.
- Sec. 1313. Mixtures of phosphate ammonium salt derivatives of a fluorochemical.
- Sec. 1314. 1-(3*H*)-isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1*H*-indol-3-yl)-.
- Sec. 1315. Mixture of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl]imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]] and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate.
- Sec. 1316. Certain bitumen-coated polyethylene sleeves specifically designed to protect in-ground wood posts.
- Sec. 1317. Nylon woolpacks used to package wool.
- Sec. 1318. Magnesium zinc aluminum hydroxide carbonate hydrate.
- Sec. 1319. C12–18 alkenes.
- Sec. 1320. Acrypet UT100.
- Sec. 1321. 5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1*R*,*S*)-(trifluoromethyl)-sulfinyl]-1*H*-pyrazole-3-carbonitrile (*Fipronil*).
- Sec. 1322. 2,3-Pyridinedicarboxylic acid.
- Sec. 1323. Mixtures of 2-amino-2,3-dimethylbutyl nitrile and toluene.
- Sec. 1324. 2,3-Quinolinedicarboxylic acid.
- Sec. 1325. 3,5-Difluoroaniline.
- Sec. 1326. Clomazone.
- Sec. 1327. Chloropivaloyl chloride.
- Sec. 1328. *N,N'*-Hexane-1,6-diylbis(3-(3,5-di-*tert*-butyl-4-hydroxyphenyl)propionamide).
- Sec. 1329. Reactive Red 268.
- Sec. 1330. Reactive Red 270.
- Sec. 1331. Certain glass thermo bulbs.
- Sec. 1332. Pyriproxyfen.
- Sec. 1333. Uniconazole-*P*.
- Sec. 1334. Bispyribac-sodium.
- Sec. 1335. Dinotefuran.
- Sec. 1336. Etoxazole.
- Sec. 1337. Bioallethrin.
- Sec. 1338. *S*-Bioallethrin.
- Sec. 1339. Tetramethrin.
- Sec. 1340. Tralomethrin.
- Sec. 1341. Flumiclorac-pentyl.
- Sec. 1342. 1-Propene-2-methyl homopolymer.
- Sec. 1343. Acronal-S-600.
- Sec. 1344. Lucirin TPO.
- Sec. 1345. Sokalan PG IME.
- Sec. 1346. Lycopene 10 percent.
- Sec. 1347. Mixtures of CAS Nos. 181274–15–7 and 208465–21–8.
- Sec. 1348. 2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)-1-propanone.
- Sec. 1349. 1,6-Hexanediamine, *N,N*- bis(2,2,6,6-tetramethyl-4-piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with *n*-butyl-1-butanamine and *N*-butyl- 2,2,6,6-tetramethyl-4-piperidinamine.
- Sec. 1350. Vat Black 25.
- Sec. 1351. Acid Orange 162.
- Sec. 1352. Methyl salicylate.
- Sec. 1353. 1,2-Octanediol.
- Sec. 1354. Menthone glycerin acetal.
- Sec. 1355. Pontamine Green 2b.

- Sec. 1356. Bayderm bottom 10 UD.
- Sec. 1357. Bayderm finish DLH.
- Sec. 1358. Levagard DMPP.
- Sec. 1359. Bayderm bottom DLV.
- Sec. 1360. Certain ethylene-vinyl acetate copolymers.
- Sec. 1361. Cyazofamid.
- Sec. 1362. Flonicamid.
- Sec. 1363. Zeta-cypermethrin.
- Sec. 1364. 2-Ethylhexyl 4-methoxycinnamate.
- Sec. 1365. Certain flame retardant plasticizers.
- Sec. 1366. Baypure DS.
- Sec. 1367. Bayowet C4.
- Sec. 1368. Certain bicycle parts.
- Sec. 1369. Other cycles.
- Sec. 1370. Certain bicycle parts.
- Sec. 1371. Certain bicycle parts.
- Sec. 1372. (2-Chloroethyl)phosphonic acid (Ethephon).
- Sec. 1373. Preparations containing, 2-(1-((3-chloro-2-propenyl)oxy)imino)propyl)-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexene-1-one (Clethodim).
- Sec. 1374. Urea, polymer with formaldehyde (pergopak).
- Sec. 1375. Ortho nitroaniline.
- Sec. 1376. 2,2 -(2,5-thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole).
- Sec. 1377. Certain chemicals and chemical mixtures.
- Sec. 1378. Acid Red 414.
- Sec. 1379. Solvent Yellow 163.
- Sec. 1380. 4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfohenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt.
- Sec. 1381. Reactive Red 123.
- Sec. 1382. Reactive Blue 250.
- Sec. 1383. Reactive Black 5.
- Sec. 1384. 5-[(2-Cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile.
- Sec. 1385. Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-indol-1-ylidene]-acetic acid, pentyl ester.
- Sec. 1386. [(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]]]bisbenzenesulfonic acid, disodium salt.
- Sec. 1387. [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b']difuran-3-yl)phenoxy]-acetic acid, 2-ethoxyethyl ester.
- Sec. 1388. 3-Phenyl-7-(4-propoxyphenyl)-benzo[1,2-b:4,5-b']difuran-2,6-dione.
- Sec. 1389. 2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt.
- Sec. 1390. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfohenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt.
- Sec. 1391. 7-[[[2-(Aminocarbonyl)amino]-4-[[4-[[4-[[2-[[3-[(aminocarbonyl)amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt.

- Sec. 1392. 4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt.
- Sec. 1393. [4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]-acetic acid, 2-ethoxyethyl ester.
- Sec. 1394. *Basic Yellow 40* chloride based.
- Sec. 1395. *Direct Yellow 119*.
- Sec. 1396. *Naugard 412s*.
- Sec. 1397. *Triacetoneamine*.
- Sec. 1398. *Ipconazole*.
- Sec. 1399. *Omite tech*.
- Sec. 1400. *Pantera technical*.
- Sec. 1401. *p-Toluenesulfonyl chloride*.
- Sec. 1402. *Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide.*
- Sec. 1403. *p-Aminobenzamide (4-aminobenzamide)*.
- Sec. 1404. *p-Chloroaniline*.
- Sec. 1405. *4-Chloro-2-nitroaniline*.
- Sec. 1406. *o-Chloro-p-toluidine (3-chloro-4-methylaniline)*.
- Sec. 1407. *2-Chloroacetoacetanilide*.
- Sec. 1408. *p-Acetoacetanilide*.
- Sec. 1409. *1-Hydroxy-2-naphthoic acid*.
- Sec. 1410. *Pigment Green 7 crude, not ready for use as a pigment*.
- Sec. 1411. *1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione)*.
- Sec. 1412. *Diisopropyl succinate*.
- Sec. 1413. *2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol*.
- Sec. 1414. *Direct Black 22*.
- Sec. 1415. *Methylene bis-benzotriazolyl tetramethylbutylphenol*.
- Sec. 1416. *Bis-ethylhexyloxyphenol methoxyphenol triazine*.
- Sec. 1417. *Reactive Orange 132*.
- Sec. 1418. *Acid Black 244*.
- Sec. 1419. *Certain cores used in remanufacture*.
- Sec. 1420. *ADTP*.
- Sec. 1421. *DCBTF*.
- Sec. 1422. *Noviflumuron*.
- Sec. 1423. *Parachlorobenzotrifluoride*.
- Sec. 1424. *Mixtures of insecticide*.
- Sec. 1425. *Mixture of fungicide*.
- Sec. 1426. *1,2-Benzisothiazol-3(2H)-one*.
- Sec. 1427. *Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6CI) beads with low ash*.
- Sec. 1428. *Mixtures of fungicide*.
- Sec. 1429. *2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt*.
- Sec. 1430. *Charge control agent 7*.
- Sec. 1431. *Pro-jet Black 820 liquid feed*.
- Sec. 1432. *Pro-jet Magenta M700*.
- Sec. 1433. *Pro-jet Fast Black 287 NA liquid feed*.
- Sec. 1434. *Pro-jet Fast Black 286 stage*.
- Sec. 1435. *Pro-jet Cyan 485 stage*.
- Sec. 1436. *Pro-jet Black 661 liquid feed*.
- Sec. 1437. *Pro-jet Black Cyan 854 liquid feed*.
- Sec. 1438. *Erasers*.
- Sec. 1439. *Artificial flowers*.
- Sec. 1440. *Suspension system stabilizer bars*.
- Sec. 1441. *Rattan webbing*.

- Sec. 1442. *Tractor body parts.*
- Sec. 1443. *AC electric motors of an output exceeding 74.6 W but not exceeding 85 W.*
- Sec. 1444. *AC electric motors of an output exceeding 74.6 W but not exceeding 105 W.*
- Sec. 1445. *AC electric motors of an output exceeding 74.6 W but not exceeding 95 W.*
- Sec. 1446. *Certain AC electric motors.*
- Sec. 1447. *Viscose rayon yarn.*
- Sec. 1448. *Certain twisted yarn of viscose rayon.*
- Sec. 1449. *Allyl ureido monomer.*
- Sec. 1450. *Synthetic elastic staple fiber.*
- Sec. 1451. *Certain fiberglass sheets.*
- Sec. 1452. *Halophosphor calcium diphosphate.*
- Sec. 1453. *Certain rayon staple fibers.*
- Sec. 1454. *Synthetic quartz or fused silica photomask substrates.*
- Sec. 1455. *Certain integrated machines for manufacturing pneumatic tires.*
- Sec. 1456. *Tramway cars.*
- Sec. 1457. *Certain artificial filament single yarn (other than sewingthread).*
- Sec. 1458. *Certain electrical transformers rated at 25VA.*
- Sec. 1459. *Certain electrical transformers rated at 40VA.*

CHAPTER 2—REDUCTIONS

- Sec. 1461. *Floor coverings and mats of vulcanized rubber.*
- Sec. 1462. *Manicure and pedicure sets.*
- Sec. 1463. *Nitrocellulose.*
- Sec. 1464. *Sulfentrazone technical.*
- Sec. 1465. *Clock radio combos.*
- Sec. 1466. *Thiamethoxam technical.*
- Sec. 1467. *Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning.*
- Sec. 1468. *Certain men's footwear covering the ankle with coated or laminated textile fabrics.*
- Sec. 1469. *Certain footwear not covering the ankle with coated or laminated textile fabrics.*
- Sec. 1470. *Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning.*
- Sec. 1471. *Certain women's footwear.*
- Sec. 1472. *Numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material.*
- Sec. 1473. *Tetrakis.*
- Sec. 1474. *Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer.*
- Sec. 1475. *Diethyl ketone.*
- Sec. 1476. *Acephate.*
- Sec. 1477. *Flumioxazin.*
- Sec. 1478. *Garenoxacin mesylate.*
- Sec. 1479. *Butylated hydroxyethylbenzene.*
- Sec. 1480. *Certain automotive catalytic converter mats.*
- Sec. 1481. *3,3'-Dichlorobenzidine dihydrochloride.*
- Sec. 1482. *TMC114.*
- Sec. 1483. *Biaxially oriented polypropylene dielectric film.*
- Sec. 1484. *Biaxially oriented polyethylene terephthalate dielectric film.*

- Sec. 1485. Certain bicycle parts.*
Sec. 1486. Certain bicycle parts.
Sec. 1487. Bifenthrin.
Sec. 1488. Reduced Vat 1.
Sec. 1489. 4-Chlorobenzonitrile.
Sec. 1490. Nail clippers and nail files.
Sec. 1491. Electric automatic shower cleaners.
Sec. 1492. Mesotrione technical.
Sec. 1493. Certain crank-gear and other bicycle parts.

Subtitle B—Existing Suspensions and Reductions

- Sec. 1501. Extensions of existing suspensions and other modifications.*

Subtitle C—Effective Date

- Sec. 1511. Effective date.*

TITLE II—RELIQUIDATIONS

- Sec. 2001. Reliquidation of certain entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania.*
Sec. 2002. Certain entries of pasta.
Sec. 2003. Clarification of reliquidation provision.
Sec. 2004. Reliquidation of certain drawback claim.
Sec. 2005. Payment of interest on amounts owed pursuant to reliquidation of certain entries.

TITLE III—TECHNICAL CORRECTIONS AND OTHER PROVISIONS

Subtitle A—Technical corrections

- Sec. 3001. Amendments to the HTS.*
Sec. 3002. Technical correction to the Tariff Act of 1930.
Sec. 3003. Amendments to the Pension Protection Act of 2006.
Sec. 3004. NMSBA.
Sec. 3005. Certain monochrome glass envelopes.
Sec. 3006. Flexible magnets and composite goods containing flexible magnets.
Sec. 3007. Cellar treatment of wine.

Subtitle B—Other Provisions

- Sec. 3011. Consideration of certain civil actions delayed because of the terrorist attacks of September 11, 2001.*
Sec. 3012. Effective date of modifications to the Harmonized Tariff Schedule.

TITLE IV—EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF VIETNAM

- Sec. 4001. Findings.*
Sec. 4002. Termination of application of title IV of the Trade Act of 1974 to Vietnam.
Sec. 4003. Procedure for determining prohibited subsidies by Vietnam.
Sec. 4004. Consultations upon initiation of investigation.
Sec. 4005. Public participation and consultation.
Sec. 4006. Arbitration and imposition of quotas.
Sec. 4007. Definitions.

TITLE V—HAITI

Sec. 5001. *Short title.*

Sec. 5002. *Trade benefits for Haiti.*

Sec. 5003. *ITC study.*

Sec. 5004. *Sense of Congress on interpretation of textile and apparel provisions for Haiti.*

Sec. 5005. *Technical amendments.*

Sec. 5006. *Effective date.*

TITLE VI—AFRICAN GROWTH AND OPPORTUNITY ACT

Sec. 6001. *Short title.*

Sec. 6002. *Preferential treatment of apparel products of lesser developed countries.*

Sec. 6003. *Technical corrections.*

Sec. 6004. *Effective date for AGOA.*

TITLE VII—ANDEAN TRADE PREFERENCE ACT

Sec. 7001. *Short title.*

Sec. 7002. *ATPA extension.*

Sec. 7003. *Technical amendments.*

TITLE VIII—GENERALIZED SYSTEM OF PREFERENCES (GSP)
PROGRAM

Sec. 8001. *Limitations on waivers of competitive need limitation.*

Sec. 8002. *Extension of GSP program.*

1 **TITLE I—TARIFF PROVISIONS**2 **SEC. 1001. REFERENCE; EXPIRED PROVISIONS.**

3 (a) *REFERENCE.*—*Except as otherwise expressly pro-*
4 *vided, whenever in this title, title II, and title III an*
5 *amendment or repeal is expressed in terms of an amend-*
6 *ment to, or repeal of, a chapter, subchapter, note, additional*
7 *U.S. note, heading, subheading, or other provision, the ref-*
8 *erence shall be considered to be made to a chapter, sub-*
9 *chapter, note, additional U.S. note, heading, subheading, or*
10 *other provision of the Harmonized Tariff Schedule of the*
11 *United States (19 U.S.C. 3007).*

12 (b) *EXPIRED PROVISIONS.*—*Subchapter II of chapter*
13 *99 is amended by striking the following headings:*

	9902.32.20
9902.05.34	9902.32.23
9902.06.01	9902.32.24
9902.06.62	9902.32.25
9902.08.10	9902.32.44 (relating to CAS No. 201932-24-3)
9902.19.80	9902.32.44 (relating to CAS No. 186537-30-4)
9902.20.05	9902.32.46
9902.21.06	9902.32.50
9902.21.42	9902.32.53
9902.26.11	9902.32.58
9902.28.40	9902.32.59
9902.28.94	9902.32.60
9902.29.01	9902.32.64
9902.29.04	9902.32.65
9902.29.05	9902.32.66
9902.29.06 (relating to racemic dl-menthol)	9902.32.67
9902.29.13	9902.32.80
9902.29.14	9902.32.81
9902.29.27	9902.32.84
9902.29.30	9902.32.86
9902.29.31	9902.32.88
9902.29.33	9902.32.96
9902.29.39	9902.32.98
9902.29.40	9902.37.01
9902.29.41	9902.37.02
9902.29.42	9902.38.00
9902.29.47	9902.38.01
9902.29.56	9902.38.02
9902.29.63	9902.38.03
9902.29.68	9902.38.13
9902.29.69	9902.38.20
9902.29.75	9902.38.22
9902.29.76	9902.38.24
9902.29.78	9902.38.29
9902.29.79	9902.38.30
9902.29.84	9902.38.50
9902.29.85	9902.38.51
9902.29.86	9902.38.53
9902.29.88	9902.39.07
9902.29.92	9902.39.31
9902.29.94	9902.39.32
9902.29.96	9902.52.01
9902.29.97	9902.52.03
9902.29.99	9902.70.01
9902.30.08	9902.84.00
9902.30.11	9902.84.16
9902.30.13	9902.84.19
9902.30.46	9902.84.30
9902.32.05	9902.84.40
9902.32.06	9902.84.70
9902.32.09	9902.85.00
9902.32.10	9902.90.20
9902.32.15	9902.98.07
9902.32.17	

1 ***Subtitle A—New Duty Suspensions***
 2 ***and Reductions***

3 ***CHAPTER 1—NEW DUTY SUSPENSIONS***

4 ***SEC. 1111. DIETHYL SULFATE.***

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.22.01	<i>Diethyl sulfate (CAS No. 64-67-5) (provided for in subheading 2920.90.50)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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7 ***SEC. 1112. SORAFENIB.***

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.22.02	<i>4-(4-{3-[4-Chloro-3-(trifluoromethyl)phenyl]ureido}phenoxy)-N-2-methylpyridine-2-carboxamide 4-methylbenzenesulfonate (Sorafenib tosylate) (CAS No. 475207-59-1) (provided for in subheading 2933.39.41)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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10 ***SEC. 1113. PROHEXADIONE CALCIUM.***

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.22.03	<i>Prohexadione calcium (calcium 3-oxido-5-oxo-4-propionylcyclohexa-3-enecarboxylate) (CAS No. 127277-53-6) (provided for in subheading 2918.30.90)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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13 ***SEC. 1114. METHYL METHOXYACETATE.***

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.22.04	Methyl methoxyacetate (CAS No. 6290-49-9) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1115. METHOXYACETIC ACID.**

2 *Subchapter II of chapter 99 is amended by inserting*

3 *in numerical sequence the following new heading:*

“	9902.22.05	Methoxyacetic acid (CAS No. 625-45-6) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1116. N-METHYLPIPERIDINE.**

5 *Subchapter II of chapter 99 is amended by inserting*

6 *in numerical sequence the following new heading:*

“	9902.22.06	N-Methylpiperidine (CAS No. 626-67-5) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1117. QUINCLORAC TECHNICAL.**

8 *Subchapter II of chapter 99 is amended by inserting*

9 *in numerical sequence the following new heading:*

“	9902.22.07	3,7-Dichloroquinoline-8-carboxylic acid (Quinclorac) (CAS No. 84087-01-4) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1118. PYRIDABEN.**

11 *Subchapter II of chapter 99 is amended by inserting*

12 *in numerical sequence the following new heading:*

“	9902.22.08	2-Tert-butyl-5-(4-tert-butylbenzylthio)-4-chloropyridazin-3(2H)-one (Pyridaben) (CAS No. 96489-71-3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1119. CERTAIN RUBBER OR PLASTIC FOOTWEAR.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.22.09	<i>Footwear for persons other than women, with outer soles of leather or composition leather and with uppers of textile materials (provided for in subheading 6404.20.60)</i>	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1120. SODIUM ORTHO-PHENYLPHENOL.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.22.10	<i>2-Phenylphenol sodium salt (CAS No. 132-27-4) (provided for in subheading 2907.19.80)</i>	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1121. CERTAIN CHEMICAL.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.22.11	<i>Adsorbent resin comprised of a macroporous polymer of diethylnbenzene (CAS No. 9003-69-4) (provided for in subheading 3911.90.90)</i>	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1122. BAYPURE CX.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.22.12	<i>Iminodisuccinic acid, triammonium salt, in aqueous solutions (CAS No. 415719-09-04) (provided for in subheading 2922.49.80)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1123. ISOEICOSANE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.22.13	<i>Isoeicosane (CAS No. 93685-79-1) (provided for in subheading 2710.19.90)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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4 **SEC. 1124. ISODODECANE.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.22.14	<i>Isododecane (CAS No. 31807-55-3) (provided for in subheading 2710.11.90)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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7 **SEC. 1125. ISOHEXADECANE.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.22.15	<i>Isohexadecane (CAS No. 60908-77-2) (provided for in subheading 2710.19.90)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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10 **SEC. 1126. AMINO GUANIDINE BICARBONATE.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.22.16	<i>Aminoguanidine bicarbonate (CAS No. 2582-30-1) (provided for in subheading 2928.00.50)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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13 **SEC. 1127. O-CHLOROTOLUENE.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new headings:*

“	9902.22.17	2-Chlorotoluene (CAS No. 95–49–8) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	”.
	9902.22.18	Chloromethylbenzene (CAS No. 25168–05–2) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	”.

1 **SEC. 1128. BAYDERM BOTTOM DLV-N.**

2 *Subchapter II of chapter 99 is amended by inserting*

3 *in numerical sequence the following new heading:*

“	9902.22.19	Aqueous polyurethane dispersions containing 38 percent to 42 percent solids content of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with 2-[(2-aminoethyl)amino]ethanesulfonic acid monosodium salt, 1,6-divisocyanatohexane, dimethyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, and α -hydro- ω -hydroxypoly[oxy(methyl-1,2-ethanediyl)], polyethylene-polypropylene glycol monobutyl ether blocked (CAS No. 841251–36–3) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1129. 2,3-DICHLORONITROBENZENE.**

5 *Subchapter II of chapter 99 is amended by inserting*

6 *in numerical sequence the following new heading:*

“	9902.22.20	2,3-Dichloronitrobenzene (CAS No. 3209–22–1) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1130. 1-METHOXY-2-PROPANOL.**

8 *Subchapter II of chapter 99 is amended by inserting*

9 *in numerical sequence the following new heading:*

“	9902.22.21	1-Methoxy-2-propanol (CAS No. 107–98–2) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1131. BASIC RED 1 DYE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.22.22	Basic Red 1 (CAS No. 989-38-8) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1132. BASIC RED 1:1 DYE.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.22.23	Basic Red 1:1 (CAS No. 3068-39-1) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1133. BASIC VIOLET 11 DYE.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.22.24	Basic Violet 11 (CAS No. 2390-63-8) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1134. BASIC VIOLET 11:1 DYE.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.22.25	Basic Violet 11:1 (CAS No. 39393-39-0) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1135. N-CYCLOHEXYLTHIOPHTHALIMIDE.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.22.26	<i>N</i> -Cyclohexylthiophthalimide (CAS No. 17796–82–6) (pro- vided for in subheading 2930.90.24)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1136. 4,4'-DITHIODIMORPHOLINE.**

2 *Subchapter II of chapter 99 is amended by inserting*

3 *in numerical sequence the following new heading:*

“	9902.22.27	<i>4,4'</i> -Dithiodimorpholine (CAS No. 103–34–4) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1137. TETRAETHYLTHIURAM DISULFIDE.**

5 *Subchapter II of chapter 99 is amended by inserting*

6 *in numerical sequence the following new heading:*

“	9902.22.28	Tetraethylthiuram disulfide (CAS No. 97–77–8) (provided for in subheading 2930.30.60)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1138. CERTAIN TETRAMETHYLTHIURAM DISULFIDE.**

8 *Subchapter II of chapter 99 is amended by inserting*

9 *in numerical sequence the following new heading:*

“	9902.22.29	Tetramethylthiuram disulfide (CAS No. 137–26–8) (pro- vided for in subheading 2930.30.60)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1139. CERTAIN AEROSOL VALVES.**

11 *Subchapter II of chapter 99 is amended by inserting*

12 *in numerical sequence the following new heading:*

“	9902.22.30	<i>Aerosol valves designed to deliver a metered dose (50 microliters) of a pressurized liquid pharmaceutical product, having a mounting cup with inside diameter of 20.1 mm and height (skirt to shoulder) of 7.49 mm with a stem outside diameter of 2.79 mm, with such components of stainless steel and buna rubber and with a retaining cup of aluminum (provided for in subheading 8481.80.30)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1140. 4-METHYL-5-N-PROPOXY-2,4-DIHYDRO-1,2,4-**
2 **TRIAZOL-3-ONE.**

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

“	9902.22.31	<i>4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one (CAS No. 145027-96-9) (provided for in subheading 2933.99.97)</i>	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1141. ETHOXYQUIN.**

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

“	9902.22.32	<i>Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) (CAS No. 91-53-2) (provided for in subheading 2933.49.10)</i>	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1142. TRICHLORO BENZENE.**

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

“	9902.22.33	<i>1,2,4-Trichlorobenzene (CAS No. 120-82-1) (provided for in subheading 2903.69.10)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1143. BENZOIC ACID, 3,4,5-TRIHYDROXY-, PROPYL**
 2 **ESTER.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.22.34	<i>Benzoic acid, 3,4,5-trihydroxy-, propyl ester (CAS No. 121-79-9) (propyl gallate) (provided for in subheading 2918.29.75)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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5 **SEC. 1144. 2-CYANOPYRIDINE.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.22.35	<i>2-Cyanopyridine (CAS No. 100-70-9) (provided for in subheading 2933.39.91)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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8 **SEC. 1145. MIXED XYLIDINES.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.22.36	<i>Mixed xylidines (CAS No. 1300-73-8) (provided for in subheading 2921.49.50) ..</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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11 **SEC. 1146. CERTAIN RECEPTION APPARATUS NOT CON-**
 12 **TAINING A CLOCK OR CLOCK TIMER, INCOR-**
 13 **PORATING ONLY AM RADIO.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.22.37	<i>Radiobroadcast receivers capable of operating without an external source of power, not containing a clock or clock timer in the same housing, each containing only an AM radiobroadcast receiver (provided for in subheading 8527.19.50)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1147. PIGMENT YELLOW 219.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.22.38	Pigment Yellow 219 (CAS No. 347174-87-2) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1148. PIGMENT BLUE 80.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.22.39	Pigment Blue 80 (CAS No. 391663-82-4) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1149. 1-OXA-3, 20-DIAZADISPIRO-[5.1.11.2]-HENEICOSAN-**

8 **21-ONE, 2,2,4,4-TETRAMETHYL-**
 9 **,HYDROCHLORIDE, REACTION PRODUCTS**
 10 **WITH EPICHLOROHYDRIN, HYDROLYZED, PO-**
 11 **LYMERIZED.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.22.40	1-Oxa-3,20-diazadispiro-[5.1.11.2]-heneicosan-21-one,2,2,4,4-tetramethyl-,hydrochloride, reaction products with epichlorohydrin, hydrolyzed, polymerized (CAS No. 202483-55-4) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1150. ISOBUTYL PARAHYDROXYBENZOIC ACID AND ITS**
 2 **SODIUM SALT.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.22.41	Isobutyl 4-hydroxybenzoate (CAS No. 4247-02-3) and its sodium salt (CAS No. 84930-15-4) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1151. PHOSPHINIC ACID, DIETHYL-, ALUMINUM SALT.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.22.42	Phosphinic acid, diethyl-, aluminum salt (CAS No. 225789-38-8) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1152. EXOLIT OP 1312.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.22.43	Phosphinic acid, diethyl-, aluminum salt (CAS No. 225789-38-8) with synergists and encapsulating agents (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1153. SODIUM HYPOPHOSPHITE.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.22.44	Sodium hypophosphite monohydrate (CAS No. 10039-56-2) (provided for in subheading 2835.10.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1154. CYANURIC CHLORIDE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.22.45	Cyanuric chloride (CAS No. 108-77-0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1155. CERTAIN LEATHER FOOTWEAR FOR PERSONS**

5 **OTHER THAN MEN OR WOMEN.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.22.46	Other footwear with uppers of leather or composition leather, for persons other than for men or women (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1156. CERTAIN OTHER WORK FOOTWEAR.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.22.47	Other work footwear for women, with outer soles and uppers of rubber or plastics, other than house slippers and other than tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6402.99.18)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1157. CERTAIN TURN OR TURNED FOOTWEAR.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.22.48	Turn or turned footwear with outer soles of leather and uppers of leather, other than for men or women (provided for in subheading 6403.59.15)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1158. CERTAIN WORK FOOTWEAR WITH OUTER SOLES**
 2 **OF LEATHER.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.22.49	<i>Footwear with outer soles of leather and uppers of leather, covering the ankle, other than for women (provided for in subheading 6403.51.90)</i>	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1159. CERTAIN FOOTWEAR WITH OUTER SOLES OF**
 6 **RUBBER OR PLASTICS AND WITH OPEN TOES**
 7 **OR HEELS.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.22.50	<i>Footwear with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels, the foregoing other than house slippers and other than footwear for women (provided for in subheading 6404.19.30)</i>	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1160. CERTAIN ATHLETIC FOOTWEAR.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.22.51	<i>Footwear with outer soles of leather or composition leather and uppers of textile materials, valued over \$2.50 per pair, the foregoing other than for men or women (provided for in subheading 6404.20.40)</i>	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1161. CERTAIN WORK FOOTWEAR.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.22.52	Work footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather, not covering the ankle (provided for in subheading 6403.99.60 or 6403.99.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1162. CERTAIN FOOTWEAR.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.22.53	Footwear with outer soles and uppers of rubber or plastics, incorporating a protective metal toecap, having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is rubber or plastics (provided for in subheading 6402.30.30)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1163. 1-NAPHTHYL METHYLCARBAMATE.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.22.54	1-Naphthyl methylcarbamate (Carbaryl) (CAS No. 63-25-2) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1164. CERTAIN 16-INCH VARIABLE SPEED SCROLL SAW**
 8 **MACHINES.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.22.55	Variable speed scroll sawing machines each having a throat depth of approximately 406 mm, new (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1165. 3,4-DIMETHOXYBENZALDEHYDE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.22.56	3,4-Dimethoxybenzaldehyde (CAS No. 120-14-9) (provided for in subheading 2912.49.25)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1166. 2-AMINOTHIOPHENOL.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.22.57	2-Aminothiophenol (CAS No. 137-07-5) (provided for in subheading 2930.90.29) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1167. SOLVENT RED 227.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.22.58	Solvent Red 227 (CI 60510) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1168. MIXTURES OF FORMALDEHYDE POLYMER AND**
 11 **TOLUENE.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.22.59	Formaldehyde, polymer with toluene (CAS No. 25155-81-1) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1169. 1,2-BIS(3-AMINOPROPYL)ETHYLENEDIAMINE,**
 2 **POLYMER WITH N-BUTYL-2,2,6,6-**
 3 **TETRAMETHYL-4-PIPERIDINAMINE AND 2,4,6-**
 4 **TRICHLORO-1,3,5-TRIAZINE.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“ 9902.22.60	1,2-Bis(3-aminopropyl)ethylenediamine, polymer with N-butyl-2,2,6,6-tetramethyl-4-piperidinamine and 2,4,6-trichloro-1,3,5-triazine (CAS No. 136504-96-6) (provided for in subheading 3812.30.60) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1170. MIXTURE OF BARIUM CARBONATE, STRONTIUM**
 8 **CARBONATE, CALCIUM CARBONATE, 1-**
 9 **METHOXY-2-PROPANANOL ACETATE, FOR USE**
 10 **AS EMITTER SUSPENSION CATHODE COAT-**
 11 **ING.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“ 9902.22.61	A mixture of barium carbonate, strontium carbonate, calcium carbonate, and 1-methoxy-2-propanol acetate, for use as emitter suspension cathode coating (CAS Nos. 513-77-9, 1633-05-2, 471-34-1, and 108-65-6) (provided for in subheading 3824.90.91) ..	Free	No change	No change	On or before 12/31/2009	”.
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14 **SEC. 1171. RESIN CEMENT.**

15 *Subchapter II of chapter 99 is amended by inserting*
 16 *in numerical sequence the following new heading:*

“	9902.22.62	Resin cement based on calcium carbonate and silicone resins (CAS Nos. 471-34-1 and 68037-83-2) (provided for in subheading 3214.10.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1172. PHOSPHOR YOX, YTTRIUM OXIDE PHOSPHOR, AC-**
 2 **TIVATED BY EUROPIUM.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.22.63	Yttrium oxide phosphor, activated by europium of a kind used as a luminophore (CAS No. 68585-82-0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1173. PHOSPHOR-BAG-BARIUM MAGNESIUM ALU-**
 6 **MINATE PHOSPHOR.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.22.64	Compound of barium magnesium aluminate phosphor, activated by europium or manganese, of a kind used as luminophores (CAS Nos. 63774-55-0 and 1308-96-9) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1174. YTTRIUM VANADATE PHOSPHOR.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.22.65	Yttrium vanadate phosphor, of a kind used as a luminophore (CAS No. 6874-82-7) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1175. PHOSPHOR SCAP STRONTIUM CHLOROAPATITE-**
 2 **EUROPIUM.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.22.66	Compound of strontium chloroapatite-europium, of a kind used as a luminophore (CAS No. 68784-77-0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1176. PHOSPHOR ZINC SILICATE.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.22.67	Phosphor of zinc silicate, of a kind used as a luminophore (CAS No. 68611-47-2) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1177. STRONTIUM MAGNESIUM PHOSPHATE-TIN**
 9 **DOPED.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.22.68	Strontium magnesium phosphate-tin doped inorganic products of a kind used as luminophores (CAS Nos. 1314-11-0, 1314-56-3, 1309-48-4, and 18282-10-5) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1178. PHOSPHOR-YOF FLU PDR YOX; YTTRIUM OXIDE**
 13 **PHOSPHOR, ACTIVATED BY EUROPIUM.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.22.69	<i>Yttrium oxide phosphor, activated by europium used as a luminophore (CAS No. 68585-82-0) (provided for in subheading 3206.50.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1179. CALCIUM CHLORIDE PHOSPHATE PHOSPHOR.**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.22.70	<i>Calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore (CAS No. 75535-31-8) (provided for in subheading 3206.50.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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4 **SEC. 1180. CERAMIC FRIT POWDER.**

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.22.71	<i>A mixture of aluminum oxide, calcium oxide, barium oxide, magnesium oxide, boron oxide, butylmethacrylate resin and C.I. Solvent Red 24 used in the manufacture of ceramic arc tubes (CAS Nos. 1344-28-1, 1305-78-8, 1304-28-5, 1309-48-4, 1303-86-2, 9003-63-8, and 85-83-6) (provided for in subheading 3824.90.91)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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7 **SEC. 1181. PHOSPHOR LITE WHITE AND PHOSPHOR BLUE**

8 **HALO.**

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

“	9902.22.72	<i>Calcium chloride phosphate phosphor used as a luminophore (CAS No. 75535-31-8) (provided for in subheading 3206.50.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1185. KASHMIR.**

2 (a) *IN GENERAL.*—Subchapter II of chapter 99 is
 3 amended by inserting in numerical sequence the following
 4 new headings:

“	9902.22.76	Fine animal hair of Kashmir (cashmere) goats, not processed in any manner beyond the degreased or carbonized condition (provided for in subheading 5102.11.10) ...	Free	No change	No change	On or before 12/31/2009	”
“	9902.22.77	Fine animal hair of Kashmir (cashmere) goats (provided for in subheading 5102.11.90)	Free	No change	No change	On or before 12/31/2009	”

5 (b) *CONFORMING AMENDMENT.*—Subchapter II of
 6 chapter 99 is amended by striking headings 9902.51.15 (re-
 7 lating to articles provided for in subheading 5102.11.10)
 8 and 9902.51.16 (relating to articles provided for in sub-
 9 heading 5102.11.90).

10 **SEC. 1186. CERTAIN ARTICLES OF PLATINUM.**

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.22.78	Spheres of platinum, containing approximately 18 percent by weight of iridium, of a kind used in manufacturing electrodes for spark plugs (provided for in subheading 7115.90.60)	Free	No change	No change	On or before 12/31/2009	”
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13 **SEC. 1187. NICKEL ALLOY WIRE.**

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new heading:

“	9902.22.79	<i>Cold-formed wire of nickel alloys containing 0.09 percent or more but not more than 1.6 percent by weight of silicon, certified by the importer to be used in the manufacture of spark plug electrodes, the foregoing either round wire measuring 1.7 mm or more but not over 4.9 mm in cross-sectional diameter or flat wire of rectangular cross section measuring 0.9 mm or more but not over 2.2 mm in thickness and 1.7 mm or more but not over 3.3 mm in width (provided for in subheading 7505.22.10)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1188. TITANIUM MONONITRIDE.**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.22.80	<i>Titanium mononitride (CAS No. 25583-20-4) (provided for in subheading 2850.00.07)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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4 **SEC. 1189. HIGH ACCURACY, METAL, MARINE SEXTANTS,**
5 **USED FOR NAVIGATING BY CELESTIAL BOD-**
6 **IES.**

7 *Subchapter II of chapter 99 is amended by inserting*
8 *in numerical sequence the following new heading:*

“	9902.22.81	<i>Marine sextants of metal, designed for use in navigating by celestial bodies (provided for in subheading 9014.80.10)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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9 **SEC. 1190. ELECTRICALLY OPERATED PENCIL SHARPENERS.**

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

“	9902.22.82	<i>Electrically operated pencil sharpeners (provided for in subheading 8472.90.40)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1191. VALVE ASSEMBLIES (VACUUM RELIEF).**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.22.83	Pedestal assemblies for vacuum relief valves, designed for use in aircraft (provided for in subheading 8481.40.00)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1192. SEALS, AERODYNAMIC, FIREPROOF.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.22.84	Seals of polyester fabric bonded over a silicone core, designed for use in airplanes (provided for in subheading 3926.90.00 or 5911.90.00)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1193. WING ILLUMINATION LIGHTS.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.22.85	Wing illumination lights, designed for use on airplanes (provided for in subheading 9405.60.40)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1194. EXTERIOR EMERGENCY LIGHTS.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.22.86	Exterior emergency lights, designed for use on airplanes (provided for in subheading 9405.60.40)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1195. MAGNESIUM PEROXIDE.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.22.87	<i>Magnesium peroxide, minimum 25 percent purity (CAS No. 1335-26-8) (provided for in subheading 2816.10.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 SEC. 1196. CERTAIN FOOTWEAR OTHER THAN FOR MEN.

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.22.88	<i>Footwear, other than for men, with outer soles of leather or composition leather and uppers of textile materials, valued not over \$2.50 per pair (provided for in subheading 6404.20.20)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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4 SEC. 1197. GRASS SHEARS WITH ROTATING BLADE.

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.22.89	<i>Grass shears with swiveling heads and with rotating vertical and horizontal cutting blades of steel (provided for in subheading 8201.90.30)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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7 SEC. 1198. CERIUM SULFIDE PIGMENTS.

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.22.90	<i>Cerium sulfide pigments (CAS Nos. 12014-93-6 and 12031-49-1) (provided for in subheading 3206.49.50)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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10 SEC. 1199. KRESOXIM METHYL.

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

“	9902.22.91	<i>Mixtures of methyl (E)-methoxyimino-[α-(o-tolylory)-o-tolyl]acetate (Kresoxim methyl) (CAS No. 143390-89-0) and application adjuvants (provided for in subheading 3808.20.15)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1200. 4-PIECE OR 5-PIECE FIREPLACE TOOLS OF IRON**
 2 **OR STEEL.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.22.92	Packages containing 4 or 5 different fireplace tools, such tools of iron or steel, intended for sale to the ultimate consumer in such packages (provided for in subheading 8205.51.30)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1201. RSD 1235.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.22.93	3-Pyrrolidinol, 1-[(1R,2R)-2-[2-(3,4-dimethoxyphenyl)ethoxy]cyclohexyl]-hydrochloride, (3R) (CAS No. 748810-28-8) (provided for in subheading 2933.99.53)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1202. MCPB ACID AND MCPB SODIUM SALT.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.22.94	4-(4-Chloro-2-methylphenoxy) butanoic acid (CAS No. 94-81-5); 4-(4-chloro-2-methylphenoxy)butanoic acid, sodium salt (CAS No. 6062-26-6) (provided for in subheading 2918.90.20)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1203. GIBBERELIC ACID.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.22.95	Gibberelic acid (GA3) (CAS No. 77-06-5) and a mixture of gibberellin A4 (CAS No. 468-44-0) and gibberellin A7 (CAS No. 510-75-8) (provided for in subheading 2932.29.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1204. TRIPHENYLTIN HYDROXIDE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.22.96	Triphenyltin hydroxide (CAS No. 76-87-9) (provided for in subheading 2931.00.25)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1205. BROMOXYNIL OCTONOATE.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.22.97	3,5-Dibromo-4-hydroxybenzointrile octonoate (CAS No. 1689-84-5) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1206. METHYL 3-(TRIFLUOROMETHYL)BENZOATE.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.22.98	Methyl 3-(trifluoromethyl)benzoate (CAS No. 2557-13-3) (provided for in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1207. 4-(TRIFLUOROMETHOXY)PHENYL ISOCYANATE.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.22.99	4-(Trifluoromethoxy)phenyl isocyanate (CAS No. 35037-73-1) (provided for in subheading 2929.10.55)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1208. 4-METHYLBENZONITRILE.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.23.01	4-Methylbenzointrile (CAS No. 104-85-8) (provided for in subheading 2926.90.43) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1209. DIAMINODECANE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.23.02	Diaminodecane (CAS No. 646-25-3) (provided for in subheading 2921.29.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1210. CERTAIN COMPOUNDS OF LANTHANUM**
 5 **PHOSPHATES.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.23.03	Lanthanum phosphate (CAS No. 13778- 59-1) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1211. CERTAIN COMPOUNDS OF YTTRIUM EUROPIUM**
 9 **OXIDE COPRECIPITATES.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.23.04	Mixtures or coprecipitates of yttrium oxide (CAS No. 1314-36-9) and euro- pium oxide (CAS No. 1308-96-9) having a yttrium oxide content of at least 90 per- cent (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1212. CERTAIN COMPOUNDS OF LANTHANUM, CERIUM,**
 13 **AND TERBIUM PHOSPHATES.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.23.05	Mixtures or coprecipitates of lanthanum phosphate, cerium phosphate, and terbium phosphate (CAS Nos. 13778-59-1, 13454- 71-2, and 13863-48-4 or 95823-34-0) (provided for in subheadings 2846.10.00 and 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1213. CERTAIN COMPOUNDS OF YTTRIUM CERIUM**
 2 **PHOSPHATES.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.23.06	Mixtures or coprecipitates of yttrium phosphate (CAS No. 13990-54-0) and cerium phosphate (CAS No. 13454-71-2) (provided for in subheadings 2846.10.00 and 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1214. CANNED, BOILED OYSTERS, NOT SMOKED.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.23.07	Oysters (other than smoked), prepared or preserved (provided for in subheading 1605.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1215. BOOTS.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.23.08	Boots constructed by hand of natural rubber, the foregoing with steel toes and incorporating ballistic nylon for cut protection, with self-cleaning lug soles or with “caulked” soles for slip and fall protection (provided for in subheading 6401.10.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1216. VINYLIDENE CHLORIDE-METHYL METHACRY-**
 12 **LATE-ACRYLONITRILE COPOLYMER.**

13 *Subchapter II of chapter 99 is amended by inserting*
 14 *in numerical sequence the following new heading:*

“	9902.23.09	Vinylidene chloride-methyl methacrylate-acrylonitrile copolymer (CAS No. 25214-39-5) (provided for in subheading 3904.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1217. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED,**
 2 **POLYMERIZED, REDUCED HYDROLYZED.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.23.10	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized, reduced hydrolyzed (CAS No. 161075-14-5) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1218. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED,**
 6 **POLYMERIZED.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.23.11	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized (CAS No. 69991-67-9) (provided for in subheading 3907.20.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1219. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, TELOMER**
 10 **WITH CHLOROTRIFLUOROETHENE, OXIDIZED,**
 11 **REDUCED, ETHYL ESTER, HYDROLYZED.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.23.12	1-Propene, 1,1,2,3,3,3-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, ethyl ester, hydrolyzed (CAS No. 220182-27-4) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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14 **SEC. 1220. INFRARED ABSORBING DYE.**

15 *Subchapter II of chapter 99 is amended by inserting*
 16 *in numerical sequence the following new heading:*

“	9902.23.13	1H-Benz[e]indolium, 2-[2-[2-chloro-3-[(1,3-dihydro-1,1,3-trimethyl-2H-benz[e]indol-2-ylidene)ethylidene]-1-cyclohexen-1-yl]ethenyl]-1,1,3-trimethyl-, salt with 4-methylbenzenesulfonic acid (1:1) (CAS No. 134127-48-3) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1221. 1,1,2-2-TETRAFLUOROETHENE, OXIDIZED, POLYM-**
2 **ERIZED.**

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

“	9902.23.14	1,1,2-2-Tetrafluoroethene, oxidized, polymerized (CAS No. 69991-61-3) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1222. METHOXYCARBONYL-TERMINATED**
6 **PERFLUORINATED POLYOXYMETHYLENE-**
7 **POLYOXYETHYLENE.**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.23.15	Methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene (CAS No. 107852-49-3) (provided for in subheading 3907.20.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1223. ETHENE, TETRAFLUORO, OXIDIZED, POLYM-**
11 **ERIZED, REDUCED, DECARBOXYLATED.**

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

“	9902.23.16	Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated (CAS No. 161075-02-1) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1224. ETHENE, TETRAFLUORO, OXIDIZED, POLYM-**
 2 **ERIZED REDUCED, METHYL ESTERS, RE-**
 3 **DUCED, ETHOXYLATED.**

4 *Subchapter II of chapter 99 is amended by inserting*
 5 *in numerical sequence the following new heading:*

“	9902.23.17	<i>Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced, ethoxylated (CAS No. 162492-15-1) (provided for in subheading 3907.20.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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6 **SEC. 1225. OXIRANEMETHANOL, POLYMERS WITH REDUCED**
 7 **METHYL ESTERS OF REDUCED POLYMERIZED**
 8 **OXIDIZED TETRAFLUOROETHYLENE.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.23.18	<i>Oxiranemethanol, polymers with reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene (CAS No. 156559-18-1) (provided for in subheading 3907.20.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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11 **SEC. 1226. ETHENE, TETRAFLUORO, OXIDIZED, POLYM-**
 12 **ERIZED REDUCED, METHYL ESTERS, RE-**
 13 **DUCED.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.23.19	<i>Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced (CAS No. 88645-29-8) (provided for in subheading 3907.20.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1227. CERTAIN LIGHT-ABSORBING PHOTO DYES.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.23.20	Morpholine, 4-[4,5-dihydro-4-[3-[5-hydroxy-1-methyl-3-(4-morpholinylcarbonyl)-1H-pyrazol-4-yl]-2-propenylidene]-1-methyl-5-oxo-1H-pyrazol-3-yl]carbonyl]-, potassium salt (CAS No. 183196-57-8) (provided for in subheading 2934.99.90); 1,4-benzenedisulfonic acid, 2-[4-[5-[1-(2,5-disulfophenyl)-1,5-dihydro-3-[(methylamino)carbonyl]-5-oxo-4H-pyrazol-4-ylidene]-3-(2-oxo-1-pyrrolidinyl)-1,3-pentadienyl]-5-hydroxy-3-[(methylamino)carbonyl]-1H-pyrazol-1-yl]-, pentapotassium salt (CAS No. 202482-44-8) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1228. CERTAIN SPECIALTY MONOMERS.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.23.21	3,4-Dimethylbenzene, 1,1'-[2,2,2-trifluoro-1-(trifluoromethyl)ethylenediyl]bis- (CAS No. 65294-20-4) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1229. SUSPENSION OF DUTY ON EXOFLEX F BX7011.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.23.22	1,4-Benzenedicarboxylic acid, dimethyl ester, polymer with 1,4-butanediol and hexanedioic acid (CAS No. 55231-08-8) (provided for in subheading 3907.99.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1230. TRIPHENYL PHOSPHINE.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.23.23	Triphenyl phosphine (CAS No. 603-35-0) (provided for in subheading 2931.00.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1231. CERTAIN GOLF BAG BODIES.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.23.24	<i>Golf bag bodies made of woven fabrics of nylon or polyester, sewn together with rainhoods, pockets, dividers, and graphite shaft protection (provided for in subheading 6307.90.98)</i>	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1232. DICHLORPROP-P ACID, DICHLORPROP-P DI-**
 5 **METHYLAMINE SALT, AND DICHLORPROP-P 2-**
 6 **ETHYLHEXYL ESTER.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.23.25	<i>(+)-(R)-2-(2,4-Dichlorophenoxy) propanoic acid (CAS No. 15165-67-0); (+)-(R)-2-(2,4-dichlorophenoxy) propanoic acid, 2-ethylhexyl ester (CAS No. 79270-78-3) (provided for in subheading 2918.90.20), and (+)-(R)-2-(2,4-dichlorophenoxy)propanoic acid, dimethylamine salt (CAS No. 104786-87-0) (provided for in subheading 2921.19.60) ..</i>	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1233. 2,4-DB ACID AND 2,4-DB DIMETHYLAMINE SALT.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.23.26	<i>4-(2,4-Dichlorophenoxy) butyric acid (CAS No. 94-82-6) (provided for in subheading 2918.90.20); and 4-(2,4-dichlorophenoxy)butyric acid, dimethylamine salt (CAS No. 2758-42-1) (provided for in subheading 2921.19.60)</i>	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1234. FILAMENT FIBER TOW OF RAYON.**

13 *Subchapter II of chapter 99 is amended by inserting*
 14 *in numerical sequence the following new heading:*

“	9902.23.27	Filament tow of rayon (provided for in heading 5502.00.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1235. PARTS FOR USE IN THE MANUFACTURE OF CER-**
2 **TAIN HIGH-PERFORMANCE LOUDSPEAKERS.**

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

“	9902.23.28	Parts (provided for in subheading 8518.90.80) certified by the importer as for use exclusively in the manufacture of loudspeakers which (when not mounted in their enclosures) meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands when tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1236. CERTAIN PLASTIC LAMP-HOLDER HOUSINGS**
6 **CONTAINING SOCKETS.**

7 *Subchapter II of chapter 99 is amended by inserting*
8 *in numerical sequence the following new heading:*

“	9902.23.29	Lamp-holder housings of plastics, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1237. CERTAIN PORCELAIN LAMP-HOLDER HOUSINGS**
10 **CONTAINING SOCKETS.**

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

“	9902.23.30	Lamp-holder housings of porcelain, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1238. CERTAIN ALUMINUM LAMP-HOLDER HOUSINGS**
 2 **CONTAINING SOCKETS.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.23.31	Lamp-holder housings of aluminum, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1239. CERTAIN BRASS LAMP-HOLDER HOUSINGS CON-**
 6 **TAINING SOCKETS.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.23.32	Lamp-holder housings of brass, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1240. STAPLE FIBERS OF VISCOSE RAYON, NOT**
 10 **CARDED.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.23.33	Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning, measuring 1.67 to 16.67 decitex and having a fiber length each measuring 20 mm or more but not over 150 mm (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1241. STAPLE FIBERS OF RAYON, CARDED, COMBED,**
 14 **OR OTHERWISE PROCESSED.**

15 *Subchapter II of chapter 99 is amended by inserting*
 16 *in numerical sequence the following new heading:*

“	9902.23.34	Staple fibers of rayon, carded, combed, or otherwise processed for spinning, the foregoing presented in the form of top (provided for in heading 5507.00.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1242. MINI DVD CAMCORDER WITH 680K PIXEL CCD.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.23.35	<i>Camcorders each capable of recording and reproducing video images on mini-DVD media in all the following formats: DVD-R, DVD-RW, DVD-RAM, or DVD+RW, the foregoing each with 25 power optical zoom and a lens diameter of 34 mm (provided for in subheading 8525.40.80)</i>	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1243. MINI DVD CAMCORDER WITH 20G HDD.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.23.36	<i>Camcorders each capable of recording and reproducing video images on mini-DVD media in all the following formats: DVD-R, DVD-RW, DVD-RAM, or DVD+RW, the foregoing each with an internal 20 gigabyte (20G) hard disk drive and a USB 2.0 port (provided for in subheading 8525.40.80)</i>	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1244. METAL HALIDE LAMP.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.23.37	<i>Metal halide lamps designed for use in video projectors (provided for in subheading 8539.32.00)</i>	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1245. HAND-HELD ELECTRONIC CAN OPENERS.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.23.38	<i>Hand-held electromechanical can openers, with self-contained electric motor (provided for in subheading 8509.80.00)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1246. ELECTRIC KNIVES.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.23.39	<i>Electromechanical knives, with self-contained electric motor (provided for in subheading 8509.80.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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4 **SEC. 1247. TOASTER OVENS WITH SINGLE-SLOT TRADI-**
 5 **TIONAL TOASTER OPENING ON TOP OF OVEN.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.23.40	<i>Electrothermic toaster ovens, each incorporating a single-slot toaster opening on top of the oven (provided for in subheading 8516.72.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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8 **SEC. 1248. ICE SHAVERS.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.23.41	<i>Electromechanical ice shavers, with self-contained electric motor (provided for in subheading 8509.40.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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11 **SEC. 1249. DUAL-PRESS SANDWICH MAKERS WITH FLOAT-**
 12 **ING UPPER LID AND LOCK.**

13 *Subchapter II of chapter 99 is amended by inserting*
 14 *in numerical sequence the following new heading:*

“	9902.23.42	<i>Dual-grid electric sandwich grillers, each with lock and floating upper lid (provided for in subheading 8516.60.60)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1250. ELECTRIC JUICE EXTRACTORS GREATER THAN**
 2 **300 WATTS BUT LESS THAN 400 WATTS.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.23.43	Electromechanical juice extractors, each with a self-contained 2-speed electric motor rated over 300 W but not over 400 W (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1251. ELECTRIC JUICE EXTRACTORS NOT LESS THAN**
 6 **800 WATTS.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.23.44	Electromechanical juice extractors, each with a self-contained 2-speed electric motor rated at 800 W or higher (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1252. OPEN-TOP ELECTRIC INDOOR GRILLS.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.23.45	Open-top electric grills designed for indoor use (provided for in subheading 8516.60.60)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1253. AUTOMATIC DRIP COFFEEMAKERS OTHER THAN**
 13 **THOSE WITH CLOCKS.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.23.46	Electrothermic automatic drip coffeemakers without electronic clock, each with self-contained coffee holding chamber and designed to be used without separate carafe (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1254. AUTOMATIC DRIP COFFEEMAKERS WITH ELEC-**
 2 **TRONIC CLOCKS.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.23.47	<i>Electrothermic automatic drip coffeemakers each with electronic clock and with self-contained coffee holding chamber, the foregoing designed to be used without separate carafe (provided for in subheading 8516.71.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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5 **SEC. 1255. ELECTRIC UNDER-THE-CABINET MOUNTING CAN**
 6 **OPENERS.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.23.48	<i>Electromechanical can openers, with self-contained electric motor, the foregoing designed to be mounted below kitchen cabinets (provided for in subheading 8509.80.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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9 **SEC. 1256. DIMETHYL MALONATE.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.23.49	<i>Dimethyl malonate (CAS No. 108-59-8) (provided for in subheading 2917.19.70) ..</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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12 **SEC. 1257. LIGHTWEIGHT DIGITAL CAMERA LENSES.**

13 *Subchapter II of chapter 99 is amended by inserting*
 14 *in numerical sequence the following new heading:*

“	9902.23.50	<i>Lenses designed for digital cameras, the foregoing with focal length 55 mm or more but not over 200 mm and not exceeding 255.2 g in weight (provided for in subheading 9002.11.90)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1258. DIGITAL ZOOM CAMERA LENSES.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.23.51	<i>Lenses designed for digital cameras, the foregoing with focal length 17 mm or more but not over 55 mm and not exceeding 765.5 g in weight (provided for in subheading 9002.11.90)</i>	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1259. COLOR FLAT PANEL SCREEN MONITORS.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.23.52	<i>Color video monitors each having a flat panel screen, BNC input connection and video loop-thru connector, the foregoing with a video display diagonal of either 41.9 cm or more but not more than 44.5 cm, or 47 cm or more but not more than 49.5 cm (provided for in subheading 8528.21.70)</i>	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1260. COLOR MONITORS WITH A VIDEO DISPLAY DI-**
 8 **AGONAL OF 35.56 CM OR GREATER.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.23.53	<i>Color video monitors each having a cathode-ray tube and a video display diagonal exceeding 35.56 cm (provided for in subheading 8528.21.39)</i>	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1261. COLOR MONITORS.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.23.54	<i>Color video monitors, each having a cathode-ray tube and a video display diagonal of more than 34.29 cm but not more than 35.56 cm (provided for in subheading 8528.21.29)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1262. BLACK AND WHITE MONITORS.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.23.55	<i>Black and white or other monochrome monitors with cathode-ray tubes, the foregoing each with a video display diagonal of either 21.6 cm or more but not more than 24.1 cm, 29.2 cm or more but not more than 31.8 cm or 41.9 cm or more but not more than 44.5 cm (provided for in subheading 8528.22.00)</i>	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1263. 6 V LEAD-ACID STORAGE BATTERIES.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.23.56	<i>6 V lead-acid storage batteries with a maximum length of 8.89 cm, maximum width of 5.08 cm and maximum height of 11.43 cm, rated at less than 10 ampere-hours, certified by the importer as intended for use as the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.30.80)</i>	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1264. ZIRCONYL CHLORIDE.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.23.57	<i>Zirconium oxychloride (zirconyl chloride or zirconium dichloride oxide) (CAS No. 15461-27-5) (provided for in subheading 2827.49.50)</i>	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1265. NAPHTHOL AS-CA.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.23.58	<i>5'-Chloro-3-hydroxy-2'-methoxy-2-naphthamide (CAS No. 137-52-0) (provided for in subheading 2924.29.36)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1266. NAPHTHOL AS-KB.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.23.59	5'-Chloro-3-hydroxy-2'-methyl-2-naphthamide (CAS No. 135-63-7) (provided for in subheading 2924.29.36)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1267. BASIC VIOLET 1.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.23.60	Basic Violet 1 (CAS No. 8004-87-3) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1268. BASIC BLUE 7.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.23.61	Basic Blue 7 (CAS No. 2390-60-5) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1269. 3-AMINO-4-METHYLBENZAMIDE.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.23.63	3-Amino-4-methylbenzamide (CAS No. 19406-86-1) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1270. ACETOACETYL-2,5-DIMETHOXY-4-**
 14 **CHLOROANILIDE.**

15 *Subchapter II of chapter 99 is amended by inserting*
 16 *in numerical sequence the following new heading:*

“	9902.23.64	Acetoacetyl-2,5-dimethoxy-4-chloroanilide (CAS No. 4433-79-8) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1271. PHENYL SALICYLATE (BENZOIC ACID, 2-HY-**
2 **DROXY-, PHENYL ESTER).**

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

“	9902.23.65	Phenyl salicylate (benzoic acid, 2-hy- droxy-, phenyl ester) (CAS No. 118-55-8) (provided for in subheading 2918.23.10) ..	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1272. SYNTHETIC INDIGO POWDER.**

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

“	9902.23.66	Synthetic indigo powder, (3H-indol-3-one, 2-(1,3-dihydro-3-oxo-2H-indol-2-ylidene)- 1,2-dihydro-) (CAS No. 482-89-3) (pro- vided for in subheading 3204.15.10)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1273. 1,3,5-TRIAZINE-2,4-DIAMINE, 6-[2-(2-METHYL-1H-**
9 **IMIDAZOL-1-YL)ETHYL]-.**

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

“	9902.23.67	1,3,5-Triazine-2,4-diamine, 6-[2-(meth- yl-1H-imidazol-1-yl)ethyl]- (CAS No. 38668-46-1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1274. 50/50 MIXTURE OF 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-**
 2 **TRIONE, 1,3,5-TRIS[(2R)-OXIRANYLMETHYL]-**
 3 **AND 1,3,5,-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE,**
 4 **1,3,5-TRIS[(2S)-OXIRANYLMETHYL]-.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.23.68	50/50 Mixture of 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2R)-oxiranylmethyl]- and 1,3,5,-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2S)-oxiranylmethyl]- (CAS Nos. 240408-78-0 and 240408-81-5) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1275. 9H-THIOXANTHENE-2-CARBOXALDEHYDE, 9-OXO-,**
 8 **2-(O-ACETYLOXIME).**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.23.69	9H-Thioxanthene-2-carboxaldehyde, 9-oxo-, 2-(o-acetylloxime) (CAS No. 362624-80-4) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1276. 1H-IMIDAZOLE, 2-ETHYL-4-METHYL-**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.23.70	1H-Imidazole, 2-ethyl-4-methyl- (CAS No. 931-36-2) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2009	”.
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14 **SEC. 1277. 1H-IMIDAZOLE-4-METHANOL, 5-METHYL-2-**
 15 **PHENYL-**

16 *Subchapter II of chapter 99 is amended by inserting*
 17 *in numerical sequence the following new heading:*

“	9902.23.71	1H-Imidazole-4-methanol, 5-methyl-2-phenyl- (CAS No. 13682-32-1) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1278. 4-CYCLOHEXENE-1,2-DICARBOXYLIC ACID,**
2 **COMPD. WITH 1,3,5-TRIAZINE-2,4,6-TRIAMINE**
3 **(1:1).**

4 *Subchapter II of chapter 99 is amended by inserting*
5 *in numerical sequence the following new heading:*

“	9902.23.72	4-Cyclohexene-1,2-dicarboxylic acid, compd. with 1,3,5-triazine-2,4,6-triamine (1:1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1279. 1,3,5-TRIAZINE-2,4-DIAMINE, 6-[2-(2-UNDECYL-1H-**
7 **IMIDAZOL-1-YL)ETHYL]-.**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.23.73	1,3,5-Triazine-2,4-diamine, 6-[2-(2-undecyl-1H-imidazol-1-yl)ethyl]- (CAS No. 50729-75-4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1280. CERTAIN FOOTWEAR VALUED OVER \$20 A PAIR**
11 **WITH COATED OR LAMINATED TEXTILE FAB-**
12 **RICS.**

13 *Subchapter II of chapter 99 is amended by inserting*
14 *in numerical sequence the following new heading:*

“	9902.23.74	Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1281. CERTAIN WOMEN’S FOOTWEAR WITH COATED OR**
 2 **LAMINATED TEXTILE FABRICS.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.23.75	Women’s footwear with outer soles and uppers of rubber or plastics (except footwear of vulcanized rubber and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1282. CERTAIN MEN’S FOOTWEAR WITH COATED OR**
 2 **LAMINATED TEXTILE FABRICS.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.23.76	<i>Men’s footwear (except vul- canized footwear and footwear with waterproof molded bot- toms, including bottoms com- prising an outer sole and all or part of the upper), valued over \$20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)</i>	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1283. CERTAIN MEN’S FOOTWEAR VALUED OVER \$20 A**
 6 **PAIR WITH COATED OR LAMINATED TEXTILE**
 7 **FABRICS.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.23.77	<i>Men’s footwear (except vul- canized footwear and footwear with waterproof molded bot- toms, including bottoms com- prising an outer sole and all or part of the upper), valued over \$20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1284. CERTAIN WOMEN’S FOOTWEAR VALUED OVER \$20**
 2 **A PAIR WITH COATED OR LAMINATED TEX-**
 3 **TILE FABRICS.**

4 *Subchapter II of chapter 99 is amended by inserting*
 5 *in numerical sequence the following new heading:*

“	9902.23.78	Women’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1285. CERTAIN OTHER FOOTWEAR VALUED OVER \$20 A**
 7 **PAIR WITH COATED OR LAMINATED TEXTILE**
 8 **FABRICS.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.23.79	Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1286. CERTAIN FOOTWEAR WITH COATED OR LAMI-**
 2 **NATED TEXTILE FABRICS.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.23.80	<i>Footwear (other than for men or women and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)</i>	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1287. CERTAIN OTHER FOOTWEAR COVERING THE**
 6 **ANKLE WITH COATED OR LAMINATED TEX-**
 7 **TILE FABRICS.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.23.81	<i>Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1288. CERTAIN WOMEN’S FOOTWEAR COVERING THE**
 2 **ANKLE WITH COATED OR LAMINATED TEX-**
 3 **TILE FABRICS.**

4 *Subchapter II of chapter 99 is amended by inserting*
 5 *in numerical sequence the following new heading:*

“	9902.23.82	Women’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1289. CERTAIN WOMEN’S FOOTWEAR NOT COVERING**
 7 **THE ANKLE WITH COATED OR LAMINATED**
 8 **TEXTILE FABRICS.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.23.83	Women’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1290. FELT-BOTTOM BOOTS FOR USE IN FISHING WAD-**
 2 **ERS.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.23.84	Vulcanized rubber felt-bottom boots for actual use in fishing waders (provided for in subheading 6405.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1291. LUG BOTTOM BOOTS FOR USE IN FISHING WAD-**
 6 **ERS.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.23.85	Vulcanized rubber lug bottom boots for actual use in fishing waders (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1292. CERTAIN PARTS AND ACCESSORIES FOR MEAS-**
 10 **URING OR CHECKING INSTRUMENTS.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.23.86	Parts or accessories of instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.88) (but not including subassemblies containing one or more printed circuit assemblies for such instruments or apparatus (provided for in subheading 9030.90.88))	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1293. CERTAIN PRINTED CIRCUIT ASSEMBLIES.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.23.87	<i>Printed circuit assemblies for instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.68)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1294. CERTAIN SUBASSEMBLIES FOR MEASURING**
2 **EQUIPMENT FOR TELECOMMUNICATIONS.**

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

“	9902.23.88	<i>Subassemblies containing one or more printed circuit assemblies for instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.88)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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5 **SEC. 1295. CHLORONEB.**

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

“	9902.23.89	<i>1,4-Dichloro-2,5-dimethoxybenzene (Chloroneb) (CAS No. 2675-77-6) (provided for in subheading 2909.30.30)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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8 **SEC. 1296. P-NITROBENZOIC ACID (PNBA).**

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

“	9902.23.90	<i>p-Nitrobenzoic acid (CAS No. 62-23-7) (provided for in subheading 2916.39.75)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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11 **SEC. 1297. ALLYL PENTAERYTHRITOL (APE).**

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

“	9902.23.91	Allyl pentaerythritol (CAS No. 91648-24-7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1298. BUTYL ETHYL PROPANEDIOL (BEP).**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.23.92	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115-84-4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1299. BEPD70L.**

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.23.93	Mixture of 2-butyl-2-ethylpropane-1,3-diol (CAS No. 115-84-4) and neopentyl glycol (CAS No. 126-30-7) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1300. BOLTORN-1 (BOLT-1).**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.23.94	Polymers of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane (CAS No. 326794-48-3) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1301. BOLTORN-2 (BOLT-2).**

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

“	9902.23.95	<i>Polymer of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane, decanoate octanoate (CAS No. 326794-49-4) (provided for in subheading 3907.99.00)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1302. CYCLIC TMP FORMAL (CTF).**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.23.96	<i>1,3-Dioxane-5-methanol, 5-ethyl- (CAS No. 5187-23-5) (provided for in subheading 2932.99.90)</i>	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1303. DITMP.**

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.23.97	<i>Ditrimethylol propane (CAS No. 23235-61-2) (provided for in subheading 2909.49.60)</i>	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1304. POLYOL DPP (DPP).**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.23.98	<i>Poly(oxy-1,2-ethanediyl), α-hydro-α-hydroxy-ether with 2,2'-(oxybis(methylene)) bis(2-hydroxymethyl)-1,3-propanediol) (6:1) (CAS No. 50977-32-7) (provided for in subheading 3907.20.00)</i>	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1305. HYDROXYPIVALIC ACID (HPA).**

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

“	9902.23.99	Hydroxypropionic acid (CAS No. 4835-90-9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1306. TMPDE.**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.24.01	Trimethylolpropane diallyl ether (CAS No. 682-09-7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1307. TMPME.**

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.24.02	Trimethylolpropane monoallyl ether (CAS No. 682-11-1) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1308. TMP OXETANE (TMPO).**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.24.03	3-Ethyl-3-oxetanemethanol (trimethylolpropane oxetane) (CAS No. 3047-32-3) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1309. TMPO ETHOXYLATE (TMPOE).**

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

“	9902.24.04	Poly(oxy-1,2-ethanediy), α -((3-ethyl-3-oxetanyl) methyl)- ω -hydroxy- (CAS No. 76996-65-1) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1310. AMYL-ANTHRAQUINONE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.24.05	9, 10-Anthracenedione, 2-pentyl- (CAS No. 13936-21-5) (provided for in subheading 2914.69.90) or in organic solution (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1311. T-BUTYL ACRYLATE.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.24.06	Acrylic acid, tert-butyl ester (CAS No. 1663-39-4) (provided for in subheading 2916.12.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1312. 3-CYCLOHEXENE-1-CARBOXYLIC ACID, 6-[(DI-2-**
 8 **PROPENYLAMINO)CARBONYL]-, REL-(1R,6R)-,**
 9 **REACTION PRODUCTS WITH**
 10 **PENTAFLUOROiodoethane-tetrafluoro-**
 11 **ETHYLENE TELOMER, AMMONIUM SALT.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.24.07	3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1R,6R)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt (CAS No. 392286-82-7) (provided for in subheading 3809.92.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1313. MIXTURES OF PHOSPHATE AMMONIUM SALT DE-**
 2 **RIVATIVES OF A FLUOROCHEMICAL.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.24.08	5,5-Bis[(γ , ω -perfluoro(C4-20)alkylthio)methyl]-2-hydroxy-2-oxo-1,3,2-dioxaphosphorinane, ammonium salt (CAS No. 148240-85-1) and 2,2-bis[(γ , ω -perfluoro(C4-20)alkylthio)methyl]-3-hydroxypropyl phosphate, diammonium salt (CAS No. 148240-87-3) and di-[2,2-bis[(γ , ω -perfluoro(C4-20)alkylthio)methyl]-3-hydroxypropyl phosphate, ammonium salt (CAS No. 148240-89-5) and 2,2-bis[(γ , ω -perfluoro(C4-20)alkylthio)methyl]-1,3-dihydrogenphosphate)propane, tetraammonium salt (provided for in subheading 3809.92.50)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1314. 1-(3H)-ISOBENZOFURANONE, 3,3-BIS(2-METHYL-1-**
 6 **OCTYL-1H-INDOL-3-YL)-.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.24.09	1-(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)- (CAS No. 50292-95-0) (provided for in subheading 3204.19.40)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1315. MIXTURE OF POLY[[6-[(1,1,3,3-**
 2 **TETRAMETHYLBUTYL)AMINO]-1,3,5-TRIAZINE-**
 3 **2,4-DIYL] [2,2,6,6-TETRAMETHYL-4-**
 4 **PIPERIDINYL)IMINO]-1,6-HEXANEDIYL[(2,2,6,6-**
 5 **TETRAMETHYL-4-PIPERIDINYL)IMINO]] AND**
 6 **BIS(2,2,6,6-TETRAMETHYL-4-PIPERIDYL) SEBA-**
 7 **CATE.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.24.10	Mixture of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidyl)imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidyl)imino]] and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate (CAS Nos. 71878-19-8 and 52829-07-9) (provided for in subheading 3812.30.90)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1316. CERTAIN BITUMEN-COATED POLYETHYLENE**
 11 **SLEEVES SPECIFICALLY DESIGNED TO PRO-**
 12 **TECT IN-GROUND WOOD POSTS.**

13 *Subchapter II of chapter 99 is amended by inserting*
 14 *in numerical sequence the following new heading:*

“	9902.24.11	Bitumen-coated shrink-wrap polyethylene boots for the protection of in-ground wood posts (provided for in subheading 3926.90.98)	Free	No change	No change	On or before 12/31/2009	”.
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15 **SEC. 1317. NYLON WOOLPACKS USED TO PACKAGE WOOL.**

16 *Subchapter II of chapter 99 is amended by inserting*
 17 *in numerical sequence the following new heading:*

“	9902.24.12	<i>Sacks and bags, of undyed woven fabric of nylon multifilament yarns not to exceed 10 decitez, used for packing wool for transport, storage, or sale (provided for in subheading 6305.39.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1318. MAGNESIUM ZINC ALUMINUM HYDROXIDE CAR-**
2 **BONATE HYDRATE.**

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

“	9902.24.13	<i>Magnesium zinc aluminum hydroxide carbonate hydrate (CAS No. 169314–88–9) coated with an organic fatty acid (provided for in subheading 3812.30.90)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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5 **SEC. 1319. C12–18 ALKENES.**

6 *(a) IN GENERAL.—Subchapter II of chapter 99 is*
7 *amended by inserting in numerical sequence the following*
8 *new heading:*

“	9902.24.14	<i>C12–18 alkenes, polymers (TPX) with 4-methyl-1-pentene (CAS Nos. 25155–83–3, 81229–87–0, and 103908–22–1) (provided for in subheading 3902.90.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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9 *(b) CONFORMING AMENDMENT.—Subchapter II of*
10 *chapter 99 is amended by striking heading 9902.03.86.*

11 **SEC. 1320. ACRYPET UT100.**

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

“	9902.24.15	2-Propenoic acid, 2-methyl-, methyl ester, polymer with 1-cyclohexyl-1H-pyrrole-2,5-dione, ethenylbenzene and (1-methylethenyl)benzene (CAS No. 107194-09-2) (provided for in subheading 3906.90.20)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1321. 5-AMINO-1-[2,6-DICHLORO-4-**
2 **(TRIFLUOROMETHYL)PHENYL]-4-[(1R,S)-**
3 **(TRIFLUOROMETHYL)-SULFINYL]-1H-PYR-**
4 **AZOLE-3-CARBONITRILE (FIPRONIL).**

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.24.16	5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)-(trifluoromethyl)sulfinyl]-1H-pyrazole-3-carbonitrile (Fipronil) (CAS No. 120068-37-3) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1322. 2,3-PYRIDINEDICARBOXYLIC ACID.**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.24.17	2,3-Pyridinedicarboxylic acid (CAS No. 89-00-9) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1323. MIXTURES OF 2-AMMINO-2,3-**
11 **DIMETHYLBUTYLNITRILE AND TOLUENE.**

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

“	9902.24.18	Mixtures of 2-amino-2,3-dimethylbutanenitrile (CAS No. 13893-53-3) and toluene (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1324. 2,3-QUINOLINEDICARBOXYLIC ACID.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.24.19	2,3-Quinolinedicarboxylic acid (CAS No. 643-38-9) (provided for in subheading 2933.49.60)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1325. 3,5-DIFLUOROANILINE.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.24.20	3,5-Difluoroaniline (CAS No. 372-39-4) (provided for in subheading 2921.42.65)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1326. CLOMAZONE.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.24.21	2-[(2-Chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone (Clomazone) (CAS No. 81777-89-1) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1327. CHLOROPIVALOYL CHLORIDE.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.24.22	3-Chloropivaloyl chloride (CAS No. 4300-97-4) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1328. N,N'-HEXANE-1,6-DIYLBIS(3-(3,5-DI-TERT-BUTYL-4-**
 2 **HYDROXYPHENYLPROPIONAMIDE)).**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.24.23	N,N'-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)) (CAS No. 23128-74-7) (provided for in subheading 2924.29.31)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1329. REACTIVE RED 268.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.24.24	Reactive Red 268 (CAS No. 152397-21-2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1330. REACTIVE RED 270.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.24.25	Reactive Red 270 (CAS No. 155522-05-7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1331. CERTAIN GLASS THERMO BULBS.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.24.26	Liquid-filled glass bulbs designed for sprinkler systems and other release devices (provided for in subheading 7020.00.60)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1332. PYRIPROXYFEN.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.24.27	2-[1-Methyl-2-(4-phenoxyphenoxy)ethoxy]pyridine (Pyriproxyfen) (CAS No. 95737-68-1) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1333. UNICONAZOLE-P.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.24.28	(E)-(+)-(S)-1-(4-Chlorophenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pent-1-en-3-ol (Uniconazole-P) (CAS No. 83657-17-4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1334. BISPYRIBAC-SODIUM.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.24.29	Sodium 2,6-bis[(4,6-dimethoxypyrimidin-2-yl)oxy]benzoate (Bispyribac-sodium) (CAS No. 125401-92-5) (provided for in subheading 2933.59.10)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1335. DINOTEFURAN.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.24.30	N-Methyl-N' -nitro-N''-(tetrahydro-3-furanyl)methyl]guanidine (Dinotefuran) (CAS No. 165252-70-0) (provided for in subheading 2932.19.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1336. ETOXAZOLE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.24.31	2-(2,6-Difluorophenyl)-4-[4-(1,1-dimethylethyl)-2-ethoxyphenyl]-4,5-dihydrooxazole (Etoxazole) (CAS No. 153233-91-1) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1337. BIOALLETHRIN.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.24.32	[1RS-[1 α (S*),3 β]]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylate (Bioallethrin) (CAS No. 584-79-2) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1338. S-BIOALLETHRIN.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.24.33	[1R-[1 α (S*),3 β]]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (S-Bioallethrin) (CAS No. 28434-00-6) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1339. TETRAMETHRIN.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.24.34	(1,3,4,5,6,7-Hexahydro-1,3-dioxo-2H-isoindol-2-yl)methyl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (CAS No. 7696-12-0) (Tetramethrin) (provided for in subheading 2925.19.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1340. TRALOMETHRIN.**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.24.35	Cyano(3-phenoxyphenyl)methyl 2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)-cyclopropanecarboxylate (Tralomethrin) (CAS No. 66841-25-6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1341. FLUMICLORAC-PENTYL.**

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.24.36	Pentyl [2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (Flumiclorac-pentyl) (CAS No. 87547-04-4) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1342. 1-PROPENE-2-METHYL HOMOPOLYMER.**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.24.37	1-Propene-2-methyl homopolymer (CAS No. 9003-27-4) (provided for in subheading 3902.30.00)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1343. ACRONAL-S-600.**

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

“	9902.24.38	2-Propenoic acid, polymer with ethenylbenzene and 2-ethylhexyl 2-propenoate (CAS No. 25085-19-2) (provided for in subheading 3903.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1344. LUCIRIN TPO.**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.24.39	Diphenyl (2,4,6-trimethylbenzoyl) phosphine oxide (CAS No. 75980-60-8) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1345. SOKALAN PG IME.**

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.24.40	1H-Imidazole, polymer with (chloromethyl) oxirane (CAS No. 68797-57-9) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1346. LYCOPENE 10 PERCENT.**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.24.41	Lycopene 10 percent (CAS No. 502-65-8) (provided for in subheading 2106.90.95)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1347. MIXTURES OF CAS NOS. 181274-15-7 AND 208465-**
11 **21-8.**

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

“	9902.24.42	Mixtures of methyl 2-(4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-yl)carboxamidosulfonbenzoate, sodium salt (Propoxycarbazone-sodium) (CAS No. 181274-15-7), 2-[(4,6-dimethoxyppyrimidin-2-ylcarbamoyl)sulfamoyl]- α -(methanesulfonamido)-p-toluic acid, methyl ester (Mesosulfuron-methyl) (CAS No. 208465-21-8), and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1348. 2-METHYL-1-[4-(METHYLTHIO)PHENYL]-2-(4-**
2 **MORPHOLINYL)-1-PROPANONE.**

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

“	9902.24.43	2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)-1-propanone (CAS No. 71868-10-5) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1349. 1,6-HEXANEDIAMINE, N,N- BIS(2,2,6,6-**
6 **TETRAMETHYL-4- PIPERIDINYL)-, POLYMER**
7 **WITH 2,4,6-TRICHLORO-1,3,5-TRIAZINE, REAC-**
8 **TION PRODUCTS WITH N-BUTYL-1-**
9 **BUTANAMINE AND N-BUTYL- 2,2,6,6-**
10 **TETRAMETHYL-4- PIPERIDINAMINE.**

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

“	9902.24.44	1,6-Hexanediamine, N,N-bis(2,2,6,6-tetramethyl-4-piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl-1-butanamine and N-butyl- 2,2,6,6-tetramethyl-4-piperidinamine (CAS No. 192268-64-7) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1350. VAT BLACK 25.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.24.45	Vat Black 25 (CAS No. 4395-53-3) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1351. ACID ORANGE 162.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.24.46	Acid Orange 162 (CAS No. 73612-40-5) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1352. METHYL SALICYLATE.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.24.47	Methyl salicylate (CAS No. 119-36-8) (provided for in subheading 2918.23.20)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1353. 1,2-OCTANEDIOL.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.24.48	1,2-Octanediol (CAS No. 1117-86-8) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1354. MENTHONE GLYCERIN ACETAL.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.24.49	Menthone glycerin acetal (CAS No. 63187-91-7) (pro- vided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1355. PONTAMINE GREEN 2B.

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.24.50	Dyestuff containing as active ingredient 2,7- naphthalenedisulfonic acid, 3,3'-[carbonylbis(imino-4,1- phenyleneazo)]bis[4-amino-5- hydroxy-6-(phenylazo)-, tetrasodium salt (CAS No. 59262-64-5) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1356. BAYDERM BOTTOM 10 UD.

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.24.51	Aqueous polyurethane disper- sions containing 29 percent to 31 percent solids content of hexanedioic acid, polymer with N-(2-aminoethyl)-1,2- ethanediamine, 2-butene-1,4- diol, 1,6-diisocyanatohexane, 1,2-ethanediol, 1,3- isobenzofurandione, methyloxirane, oxirane and sodium hydrogen sulfite, 2-(2- butoxyethoxy)ethanol-blocked (CAS No. 100486-94-0) (pro- vided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1357. BAYDERM FINISH DLH.

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.24.52	<i>Hexanedioic acid, polymer with 1,4-butanediol, 1,6-diisocyanatohexane and 1,6-hexanediol, 2-((2-aminoethyl)amino)ethanesulfonic acid, of 38 to 42 percent solids content in aqueous dispersion (CAS No. 68037-41-2) (provided for in subheading 3909.50.50)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1358. LEVAGARD DMPP.

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.24.53	<i>Dimethyl propylphosphonate (CAS No. 18755-43-6) (provided for in subheading 2931.00.90)</i>	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1359. BAYDERM BOTTOM DLV.

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.24.54	<i>Aqueous polyurethane dispersions containing 38 percent to 42 percent solids content of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with 2-[(2-aminoethyl)amino]ethanesulfonic acid, monosodium salt, 1,6-diisocyanatohexane, diphenyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, methyloxirane, oxirane and 1,2-propanediol, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 137898-95-4) (provided for in subheading 3909.50.50)</i>	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1360. CERTAIN ETHYLENE-VINYL ACETATE COPOLY-
8 MERS.

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.24.55	<i>Ethylene-vinyl acetate copolymers, other than those in aqueous dispersions, containing 50 percent or more by weight vinyl acetate monomer (CAS No. 24937-78-8) (provided for in subheading 3905.29.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 SEC. 1361. CYAZOFAMID.

2 *Subchapter II of chapter 99 is amended by inserting*

3 *in numerical sequence the following new heading:*

“	9902.24.56	<i>Mixtures of 4-chloro-2-cyano-N,N-dimethyl-5-(4-methylphenyl)-1H-imidazole-1-sulfonamide (Cyazofamid) (CAS No. 120116-88-3) and application adjuvants (provided for in subheading 3808.20.15)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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4 SEC. 1362. FLONICAMID.

5 *Subchapter II of chapter 99 is amended by inserting*

6 *in numerical sequence the following new heading:*

“	9902.24.57	<i>N-(Cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide (Flonicamid) (CAS No. 158062-67-0) (provided for in subheading 2933.39.27)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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7 SEC. 1363. ZETA-CYPERMETHRIN.

8 *Subchapter II of chapter 99 is amended by inserting*

9 *in numerical sequence the following new heading:*

“	9902.24.58	<i>(S)-Cyano-(3-phenoxyphenyl)methyl (+)cis-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate and (S)-cyano-(3-phenoxyphenyl)methyl (+)trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (Zeta-cypermethrin) (CAS No. 52315-07-8) (provided for in subheading 2926.90.30)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1364. 2-ETHYLHEXYL 4-METHOXYCINNAMATE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.24.60	2-Ethylhexyl 4-methoxycinnamate (CAS No. 5466-77-3) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1365. CERTAIN FLAME RETARDANT PLASTICIZERS.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new headings:*

“	9902.24.61	Plasticizers containing diphenyl cresyl phosphate (CAS No. 26444-49-5), triphenyl phosphate (CAS No. 115-86-6), tricresyl phosphate (CAS No. 1330-78-5), and phenyl dicresyl phosphate (CAS No. 26446-73-1) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2009	”.
	9902.24.62	Phosphoric acid, tris (2-ethylhexyl) ester (CAS No. 78-42-2) (provided for in subheading 2919.00.50)	Free	No change	No change	On or before 12/31/2009	”.

7 **SEC. 1366. BAYPURE DS.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.24.63	Polyaspartic acid, sodium salt, in aqueous solution (CAS No. 181828-06-8) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1367. BAYOWET CA.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.24.64	1,1,2,2,3,3,4,4,4- Nonafluorobutanesulfonic acid, potassium salt (CAS No. 29420-49-3) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1368. CERTAIN BICYCLE PARTS.

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.24.65	Bicycle speedometers (pro- vided for in subheading 9029.20.20)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1369. OTHER CYCLES.

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.24.67	Unicycles (provided for in subheading 8712.00.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1370. CERTAIN BICYCLE PARTS.

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.24.68	Sets of steel tubing cut to exact length and each set hav- ing the number of tubes need- ed for the assembly (with other parts) into the frame and fork of one bicycle (pro- vided for in subheading 8714.91.50)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1371. CERTAIN BICYCLE PARTS.

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

“	9902.24.71	Brakes designed for bicycles (other than drum brakes, cal- iper and cantilever brakes, and coaster brakes) and parts thereof (provided in sub- heading 8714.94.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1372. (2-CHLOROETHYL)PHOSPHONIC ACID**
 2 **(ETHEPHON).**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.24.73	(2-Chloroethyl)phosphonic acid (Ethephon) (CAS No. 16672-87-0) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1373. PREPARATIONS CONTAINING 2-(1-((3-CHLORO-2-**
 6 **PROPENYL)OXY)IMINO)PROPYL)-5-(2-**
 7 **(ETHYLTHIO)PROPYL)-3-HYDROXY-2-**
 8 **CYCLOHEXENE-1-ONE (CLETHODIM).**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.24.74	Preparations containing 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexene-1-one (Clethodim) (CAS No. 99129-21-2) and application adjuvants (provided for in subheading 3808.30.20)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1374. UREA, POLYMER WITH FORMALDEHYDE**
 12 **(PERGOPAK).**

13 *Subchapter II of chapter 99 is amended by inserting*
 14 *in numerical sequence the following new heading:*

“	9902.24.75	Urea, polymer with formaldehyde (Pergopak) (CAS No. 9011-05-6) (provided for in subheading 3909.10.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1375. ORTHO NITROANILINE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.24.76	2-Nitroaniline (CAS No. 88-74-4) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1376. 2,2 -(2,5-THIOPHENEDIYL)BIS(5-(1,1-**
 5 **DIMETHYLETHYL)BENZOXAZOLE).**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.24.77	2,2 -(2,5-Thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole) (CAS No. 7128-64-5) (provided for in subheading 3204.20.80)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1377. CERTAIN CHEMICALS AND CHEMICAL MIXTURES.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new headings:*

9902.24.78	3-[(2-Chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine (Thiamethoxam) (CAS No. 153719-23-4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2009
9902.24.79	Mixtures of (±)-(cis and trans)-1-(2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxalan-2-yl)methyl)-1H-1,2,4-triazole (Propiconazole) (CAS No. 60207-90-1) and 3-iodo-2-propynyl butylcarbamate (CAS No. 55406-53-6), and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009
9902.24.80	Mixtures of 4,6-dimethyl-N-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112-28-0), (±)-1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1H-imidazole sulfate (Imazalil Sulfate) (CAS No. 58595-72-2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009
9902.24.81	(±)-3-[2-[4-(6-Fluoro-1,2-benzisoxazol-3-yl)-1-piperidinyl]ethyl]-6,7,8,9-tetrahydro-9-hydroxy-2-methyl-4H-pyrido[1,2-a]pyrimidin-4-one (CAS No. 144598-75-4) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009
9902.24.82	3-Benzo[b]thien-2-yl-5, 6-dihydro-1,4,2-oxathiazine 4-oxide (Bethoxazin) (CAS No. 163269-30-5) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2009
9902.24.83	4-Bromo-2-(4-chlorophenyl)-1-(ethoxymethyl)-5-(trifluoromethyl)-1H-pyrrole-3-carbonitrile (Chlorfenapyr) (CAS No. 122453-73-0) (provided for in subheading 2933.99.17)	Free	No change	No change	On or before 12/31/2009
9902.24.84	2-(p-Chlorophenyl)-3-cyano-4-bromo-5-trifluoromethylpyrrole (Tralopyril) (CAS No. 122454-29-9) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009
9902.24.85	Mixtures of 4,6-dimethyl-N-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112-28-0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009

1 **SEC. 1378. ACID RED 414.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.24.86	Acid Red 414 (CAS No. 152287-09-7) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1379. SOLVENT YELLOW 163.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.24.87	Solvent Yellow 163 (CAS No. 13676-91-0) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1380. 4-AMINO-3,6-BIS[[5-[[4-CHLORO-6-[METHYL[2-**
 8 **(METHYLAMINO)-2-OXOETHYL]AMINO]-1,3,5-**
 9 **TRIAZIN-2-YL]AMINO]-2-SULFOPHENYL]AZO]-5-**
 10 **HYDROXY-2,7-NAPHTHALENEDISULFONIC**
 11 **ACID, LITHIUM POTASSIUM SODIUM SALT.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.24.88	4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt (CAS No. 205764-96-1) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.
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14 **SEC. 1381. REACTIVE RED 123.**

15 *Subchapter II of chapter 99 is amended by inserting*
 16 *in numerical sequence the following new heading:*

“	9902.24.89	Reactive Red 123 (CAS No. 85391-83-9) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1382. REACTIVE BLUE 250.**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.24.90	Reactive Blue 250 (CAS No. 93951-21-4) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1383. REACTIVE BLACK 5.**

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.24.91	Reactive Black 5 (CAS No. 17095-24-8) (provided for in subheading 3204.16.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1384. 5-[(2-CYANO-4-NITROPHENYL)AZO]-2-[[2-(2-**
8 ***HYDROXYETHOXY)ETHYL]AMINO]-4-METHYL-***
9 ***6-(PHENYLAMINO)-3-PYRIDINECARBONITRILE.***

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

“	9902.24.93	5-[(2-Cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile (CAS No. 149988-44-3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1385. CYANO[3-[(6-METHOXY-2-**
 2 **BENZOTHIAZOLYL)AMINO]-1H-ISOINDOL-1-**
 3 **YLIDENE]-ACETIC ACID, PENTYL ESTER.**

4 *Subchapter II of chapter 99 is amended by inserting*
 5 *in numerical sequence the following new heading:*

“	9902.24.94	Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]acetic acid, pentyl ester (CAS No. 173285-74-0) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1386. [(9,10-DIHYDRO-9,10-DIOXO-1,4-**
 7 **ANTHRACENEDIYL)BIS[IMINO[3-(2-**
 8 **METHYLPROPYL)-3,1-**
 9 **PROPANEDIYL]]]BISBENZENESULFONIC ACID,**
 10 **DISODIUM SALT.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.24.95	[(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]]]bisbenzenesulfonic acid, disodium salt (CAS No. 72749-90-7) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1387. [4-(2,6-DIHYDRO-2,6-DIOXO-7-PHENYLBENZO[1,2-**
 14 **B:4,5-B']DIFURAN-3-YL)PHENOXY]ACETIC ACID,**
 15 **2-ETHOXYETHYL ESTER.**

16 *Subchapter II of chapter 99 is amended by inserting*
 17 *in numerical sequence the following new heading:*

“	9902.24.96	[4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b']difuran-3-yl)phenoxy]acetic acid, 2-ethoxyethyl ester (CAS No. 126877-05-2) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1388. 3-PHENYL-7-(4-PROPOXYPHENYL)BENZO[1,2-B:4,5-**
2 **B']DIFURAN-2,6-DIONE.**

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

“	9902.24.97	3-Phenyl-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b']difuran-2,6-dione (CAS No. 79694-17-0) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1389. 2-[[[2, 5-DICHLORO-4-[(2-METHYL-1H-INDOL-3-**
6 **YL)AZO]PHENYL]SULFONYL]AMINO]-**
7 **ETHANESULFONIC ACID, MONOSODIUM SALT.**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.24.98	2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]ethanesulfonic acid, monosodium salt (CAS No. 68959-19-3) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1390. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-**
11 **CHLORO-6-[(3-SULFOPHENYL)AMINO]-1,3,5-**
12 **TRIAZIN-2-YL]AMINO]-4-HYDROXY-3-[[4-[[2-**
13 **(SULFOXY)ETHYL]SULFONYL]PHENYL]AZO]-,**
14 **SODIUM SALT.**

15 *Subchapter II of chapter 99 is amended by inserting*
16 *in numerical sequence the following new heading:*

“	9902.24.99	2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt. (CAS No. 78952-61-1) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1391. 7-[[2-[(AMINOCARBONYL)AMINO]-4-[[4-4-[2-[[4-[[3-**
2 **[(AMINOCARBONYL) AMINO]-4-[(3,6,8-**
3 **TRISULFO-2-**
4 **NAPHTHALENYL)AZO]PHENYL]AMINO]-6-**
5 **CHLORO-1,3,5-TRIAZIN-2-YL]AMINO]ETHYL]- 1-**
6 **PIPERAZINYL]-6-CHLORO-1,3,5-TRIAZIN-2-**
7 **YL]AMINO]PHENYL]AZO]-1,3,6-**
8 **NAPHTHALENETRISULFONIC ACID, LITHIUM**
9 **POTASSIUM SODIUM SALT.**

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

“	9902.25.01	7-[[2-[(Aminocarbonyl)amino]-4-[[4-4-[2-[[4-[[3-[(aminocarbonyl) amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]- 1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt (CAS No. 202667-43-4) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1392. 4-[[3-(ACETYLAMINO)PHENYL]AMINO]-1-AMINO-**
 2 **9,10-DIHYDRO-9,10-DIOXO-2-**
 3 **ANTHRACENESULFONIC ACID, MONOSODIUM**
 4 **SALT.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.25.02	4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt (CAS No. 70571-81-2) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1393. [4-[2,6-DIHYDRO-2,6-DIOXO-7-(4-**
 8 **PROPOXYPHENYL)BENZO[1,2-B:4,5-B**
 9 **]DIFURAN-3-YL]PHENOXY]ACETIC ACID, 2-**
 10 **ETHOXYETHYL ESTER.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.25.03	[4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]acetic acid, 2-ethoxyethyl ester (CAS No. 126877-06-3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1394. BASIC YELLOW 40 CHLORIDE BASED.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.25.04	Basic Yellow 40 chloride based (CAS No. 29556-33-0) (provided for in subheading 3204.13.10)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1395. DIRECT YELLOW 119.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.25.05	<i>Direct Yellow 119 (CAS No. 4121-67-9) (provided for in subheading 3204.14.50)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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4 **SEC. 1396. NAUGARD 412S.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.25.06	<i>Pentaerythritol tetrakis[3-(dodecylthio)propionate] (CAS No. 29598-76-3) (provided for in subheading 2930.90.90)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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7 **SEC. 1397. TRIACETONAMINE.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.25.07	<i>2,2,6,6-Tetramethyl-4-piperidinone (CAS No. 826-36-8) (provided for in subheading 2933.39.61)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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10 **SEC. 1398. IPCONAZOLE.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.25.08	<i>2-[(4-Chlorophenyl)methyl]-5-(1-methylethyl)-1-(1H-1,2,4-triazol-1-ylmethyl) cyclopentanol (Ipriconazole) (CAS No. 125225-28-7) (provided for in subheading 2933.99.22)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1399. OMITE TECH.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.25.09	2-(4-Tert-butylphenoxy)cyclohexylprop-2-ynyl sulfite (Propargite) (CAS No. 2312-35-8) (provided for in subheading 2920.90.10)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1400. PANTERA TECHNICAL.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.25.10	(+)-Tetrahydrofurfuryl-(R)-2-[4-(6-chloroquinoxalin-2-ylloxy)phenoxy]propionate (Quizalofop p-tefuryl) (CAS No. 119738-06-6) (provided for in subheading 2934.99.15) and any formulations containing such compound (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1401. P-TOLUENESULFONYL CHLORIDE.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.25.11	p-Toluenesulfonyl chloride (CAS No. 98-59-9) (provided for in subheading 2904.10.10)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1402. PREFORMED PELLETS OF A MIXTURE OF SODIUM**
 11 **IODIDE, THALLIUM IODIDE, DYSPROSIUM TRI-**
 12 **IODIDE, HOLMIUM TRI-IODIDE, THULIUM TRI-**
 13 **IODIDE, AND SOMETIMES CALCIUM IODIDE.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.25.12	Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium triiodide, holmium triiodide, thulium triiodide, and sometimes calcium iodide (CAS Nos. 7681–82–5, 7790–30–9, 15474–63–2, 13813–41–7, 1381–43–9, or 10102–68–8) (provided for in subheading 2827.60.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1403. P-AMINO BENZAMIDE (4-AMINO BENZAMIDE).**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.25.13	p-Aminobenzamide (4-aminobenzamide) (CAS No. 2835–68–9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1404. P-CHLOROANILINE.**

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.25.14	p-Chloroaniline (CAS No. 106–47–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1405. 4-CHLORO-2-NITROANILINE.**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.25.15	4-Chloro-2-nitroaniline (CAS No. 89–63–4) (provided for in subheading 2921.42.55)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1406. O-CHLORO-P-TOLUIDINE (3-CHLORO-4-**
11 **METHYLANILINE).**

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

“	9902.25.16	<i>o</i> -Chloro- <i>p</i> -toluidine (3-chloro-4-methylaniline) (CAS No. 95-74-9) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1407. 2-CHLOROACETOACETANILIDE.**

2 *Subchapter II of chapter 99 is amended by inserting*

3 *in numerical sequence the following new heading:*

“	9902.25.17	<i>2</i> -Chloroacetoacetanilide (CAS No. 93-70-9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1408. P-ACETOACETANISIDIDE.**

5 *Subchapter II of chapter 99 is amended by inserting*

6 *in numerical sequence the following new heading:*

“	9902.25.18	<i>p</i> -Acetoacetanisidide (CAS No. 5437-98-9) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1409. 1-HYDROXY-2-NAPHTHOIC ACID.**

8 *Subchapter II of chapter 99 is amended by inserting*

9 *in numerical sequence the following new heading:*

“	9902.25.19	<i>1</i> -Hydroxy-2-naphthoic acid (CAS No. 86-48-6) (provided for in subheading 2918.29.04)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1410. PIGMENT GREEN 7 CRUDE, NOT READY FOR USE**

11 **AS A PIGMENT.**

12 *Subchapter II of chapter 99 is amended by inserting*

13 *in numerical sequence the following new heading:*

“	9902.25.20	Copper Phthalocyanine Green 7, Crude (CAS No. 1328-53-6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1411. 1,8-NAPHTHALIMIDE (1H-**
 2 **BENZ[DE]ISOQUINOLINE-1,3(2H)-DIONE).**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.25.21	1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione) (CAS No. 81-83-4) (provided for in subheading 2925.19.42)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1412. DIISOPROPYL SUCCINATE.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.25.22	Diisopropyl succinate (CAS No. 924-88-9) (provided for in subheading 2917.19.70)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1413. 2,4-DI-TERT-BUTYL-6-(5-CHLOROBENZOTRIAZOL-2-**
 9 **YL)PHENOL.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.25.23	2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol (CAS No. 3864-99-1) (provided for in subheading 2933.99.12)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1414. DIRECT BLACK 22.**

13 *Subchapter II of chapter 99 is amended by inserting*
 14 *in numerical sequence the following new heading:*

“	9902.25.25	Direct Black 22 (CAS No. 6473-13-8) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1415. METHYLENE BIS-BENZOTRIAZOLYL**
 2 **TETRAMETHYLBUTYLPHENOL.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.25.26	2,2'-Methylenebis[6-(2H-benzotriazol-2-yl)-4-(1,1,3,3-tetramethylbutyl)phenol] (CAS No. 103597-45-1) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1416. BIS-ETHYLHEXYLOXYPHENOL METHOXYPHENOL**
 6 **TRIAZINE.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.25.27	2,2'-(6-(4-Methoxyphenyl)-1,3,5-triazine-2,4-diy)bis(5-(2-ethylhexyloxy)phenol) (CAS No. 187393-00-6) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1417. REACTIVE ORANGE 132.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.25.28	Reactive Orange 132 (CAS No. 149850-31-7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1418. ACID BLACK 244.**

13 *Subchapter II of chapter 99 is amended by inserting*
 14 *in numerical sequence the following new heading:*

“	9902.25.29	Acid Black 244 (CAS No. 30785-74-1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1419. CERTAIN CORES USED IN REMANUFACTURE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new headings:*

“	9902.25.30	<i>Used fuel, lubricating or cooling medium pumps for internal combustion piston engines (provided for in subheading 8413.30.10 or 8413.30.90)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>
	9902.25.31	<i>Used compression-ignition internal combustion piston engines to be installed in vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8408.20.20)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>
	9902.25.32	<i>Used gear boxes for the vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8708.40.10)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.

4 **SEC. 1420. ADTP.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.25.33	<i>2-Amino-5,8-dimethoxy-(1,2,4)triazolo(1,5-c)pyrimidine (CAS No. 219715-62-5) (provided for in subheading 2933.59.95)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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7 **SEC. 1421. DCBTF.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.25.34	<i>3,4-Dichlorobenzotrifluoride (CAS No. 328-84-7) (provided for in subheading 2903.69.08)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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10 **SEC. 1422. NOVIFLUMURON.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.25.35	<i>N</i> -[[[3,5-Dichloro-2-fluoro-4-(1,1,2,3,3,3-hexafluoropropoxy)phenyl]amino]carbonyl]-2,6-difluorobenzamide (Noviflumuron) (CAS No. 121451-02-3) (provided for in subheading 2924.29.52)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1423. PARACHLOROBENZOTRIFLUORIDE.

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.25.36	<i>1-Chloro-4-(trifluoromethyl)benzene</i> (CAS No. 98-56-6) (provided for in subheading 2903.69.08)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1424. MIXTURES OF INSECTICIDE.

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.25.37	<i>Mixtures of insecticide containing gamma-cyhalothrin ((S)-α-cyano-3-phenoxybenzyl (Z)-(1R, 3R)-3-(2-chloro-3,3,3-trifluoropropenyl)-2,2-dimethyl cyclopropanecarboxylate) as the active ingredient and application adjuvants</i> (CAS No. 76703-62-3) (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1425. MIXTURE OF FUNGICIDE.

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.25.38	<i>Mixture of quinoxyfen</i> (5,7-dichloro-4-(4-fluorophenoxyquinoline)) and application adjuvants (CAS No. 124495-18-7) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1426. 1,2-BENZISOTHIAZOL-3(2H)-ONE.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.25.39	1,2-Benzisothiazol-3(2H)-one (CAS No. 2634-33-5) (pro- vided for in subheading 3808.40.10)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1427. STYRENE, AR-ETHYL-, POLYMER WITH**
 5 **DIVINYLBENZENE AND STYRENE (6CI) BEADS**
 6 **WITH LOW ASH.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.25.40	Styrene, ar-ethyl-, polymer with divinylbenzene and sty- rene beads having low ash content and specifically man- ufactured for use as a spe- cialty filler in lost wax mold casting applications and in a variety of other specialty filler applications (CAS No. 9052-95-3) (provided for in subheading 3903.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1428. MIXTURES OF FUNGICIDE.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.25.41	Mixtures of myclobutanil (α - Butyl- α -(4-chlorophenyl)-1H- 1,2,4-triazole-1- propanenitrile, and applica- tion adjuvants (CAS No. 88671-89-0) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1429. 2-METHYL-4-CHLOROPHENOXY-ACETIC ACID, DI-**
 13 **METHYLAMINE SALT.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.25.42	2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039-46-5) (provided for in subheading 2921.11.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1430. CHARGE CONTROL AGENT 7.**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.25.43	Charge control agent 7 Chromate(1-),bis{1-{(5-chloro-2-hydroxyphenyl)azo}-2-naphthalenolato(2-)-}hydrogen (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1431. PRO-JET BLACK 820 LIQUID FEED.**

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.25.44	Substituted naphthalene [[substituted pyridinyl azo] alkoryphenyl azo]azo, potassium / sodium salt (PMN No. P04-390) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1432. PRO-JET MAGENTA M700.**

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.25.45	Nickel [substituted naphthenyl azo] substituted triazole, sodium salt (PMN No. P-03-307) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1433. PRO-JET FAST BLACK 287 NA LIQUID FEED.**

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

“	9902.25.46	Pro-jet fast black 287 NA liquid feed ([[substituted naphthalenylazo] substituted naphthalenyl azo] carboxyphenylene, sodium salt) (PMN No. P-90-391) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1434. PRO-JET FAST BLACK 286 STAGE.

2 *Subchapter II of chapter 99 is amended by inserting*

3 *in numerical sequence the following new heading:*

“	9902.25.47	Pro-jet fast black 286 stage [(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt (PMN No. P-90-394) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1435. PRO-JET CYAN 485 STAGE.

5 *Subchapter II of chapter 99 is amended by inserting*

6 *in numerical sequence the following new heading:*

“	9902.25.48	Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium salt (PMN No. P-99-105) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1436. PRO-JET BLACK 661 LIQUID FEED.

8 *Subchapter II of chapter 99 is amended by inserting*

9 *in numerical sequence the following new heading:*

“	9902.25.49	Aryl substituted pyrazonyl [[[substituted phenyl azo]substituted naphthenyl] Azo phenyl]azo, sodium salt (PMN No. P-03-78) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1437. PRO-JET BLACK CYAN 854 LIQUID FEED.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.25.50	<i>Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonamides, sodium/ammonium salts (PMN No. P02-893) (provided for in subheading 3204.14.30)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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4 **SEC. 1438. ERASERS.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.25.51	<i>Erasers of vulcanized rubber other than hard rubber or cellular rubber (provided for in subheading 4016.92.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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7 **SEC. 1439. ARTIFICIAL FLOWERS.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.25.65	<i>Artificial flowers of man-made fibers (provided for in subheading 6702.90.35)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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10 **SEC. 1440. SUSPENSION SYSTEM STABILIZER BARS.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.25.77	<i>Suspension system stabilizer bars of alloy steel of Japanese JIS grade SCM525S (26CrMo4) or SCM435H (34CrMo4), each weighing approximately 42 kg, comprising one rod measuring approximately 98.8 cm in length at each end of which is welded at approximately right angles to a rod measuring approximately 51 cm in length (provided for in subheading 8708.99.70), the foregoing designed for use in Class 7 and 8 trucks only</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1441. RATTAN WEBBING.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.25.78	Rattan webbing (provided for in subheading 4601.91.20)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1442. TRACTOR BODY PARTS.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.25.79	Parts and accessories of bodies (including cabs) for tractors for agricultural use (provided for in subheadings 8708.29.10, 8708.29.15, 8708.29.25, or 8708.29.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1443. AC ELECTRIC MOTORS OF AN OUTPUT EXCEED-**
 8 **ING 74.6 W BUT NOT EXCEEDING 85 W.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.85.06	AC electric motors of an output exceeding 74.6 W but not exceeding 85 W, single phase; each equipped with a capacitor, a speed control mechanism, a motor mount of plastics and a self-contained gear mechanism for oscillation (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1444. AC ELECTRIC MOTORS OF AN OUTPUT EXCEED-**
 12 **ING 74.6 W BUT NOT EXCEEDING 105 W.**

13 *Subchapter II of chapter 99 is amended by inserting*
 14 *in numerical sequence the following new heading:*

“	9902.85.07	AC electric motors of an output exceeding 74.6 W but not exceeding 105 W, single phase; each equipped with a capacitor, a rotary speed control mechanism, and a motor mounting cooling ring (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1445. AC ELECTRIC MOTORS OF AN OUTPUT EXCEED-**
 2 **ING 74.6 W BUT NOT EXCEEDING 95 W.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.85.08	AC electric motors of an output exceeding 74.6 W but not exceeding 95 W, single phase, each equipped with a capacitor and a speed control mechanism (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1446. CERTAIN AC ELECTRIC MOTORS.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.85.09	AC electric motors of an output exceeding 37.5 W but not exceeding 72 W, single phase; each equipped with a capacitor, a speed control mechanism, a motor mount of plastics and a self-contained gear mechanism for oscillation (provided for in subheading 8501.40.20)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1447. VISCOSE RAYON YARN.**

9 *Subchapter II of chapter 99 is amended by inserting*
 10 *in numerical sequence the following new heading:*

“	9902.54.03	Single yarn of viscose rayon, untwisted or with a twist not exceeding 120 turns/m (provided for in subheading 5403.31.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1448. CERTAIN TWISTED YARN OF VISCOSE RAYON.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.54.04	Single yarn of viscose rayon, with a twist exceeding 120 turns/m (provided for in subheading 5403.32.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1449. ALLYL UREIDO MONOMER.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.06.02	2-Imidazolidinone, 1-(2-aminoethyl)-, reaction product with oxirane, ((2-propenyloxy)methyl)- (CAS No. 90412-00-3) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2007	”.
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4 **SEC. 1450. SYNTHETIC ELASTIC STAPLE FIBER.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.55.03	Bi-component staple fibers of elasterell-p, measuring less than 3.5 decitex (provided for in subheading 5503.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1451. CERTAIN FIBERGLASS SHEETS.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.70.19	Thin smooth nonwoven fiberglass sheets, approximately .0125 inches thick, comprised principally of glass fibers bound together in a polyvinyl alcohol matrix, of a type primarily used as acoustical facing for ceiling panels provided for in subheading 7019.32.00)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1452. HALOPHOSPHOR CALCIUM DIPHOSPHATE.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.32.33	Halophosphor calcium diphosphate; inorganic product of a kind used as luminophores (CAS No. 7790-76-3) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1453. CERTAIN RAYON STAPLE FIBERS.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.55.04	<i>Viscose rayon filaments having a decitex of less than 5.0 and a multi-limbed cross-section, the limbs having a length-to-width aspect ratio of at least 2:1 (provided for in subheading 5504.10.00)</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2008</i>	”.
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4 **SEC. 1454. SYNTHETIC QUARTZ OR FUSED SILICA**
 5 **PHOTOMASK SUBSTRATES.**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.70.60	<i>Synthetic fused silica (100 percent SiO₂) photomask blank substrates in squares having a surface area of 150 cm² or more but not over 522 cm² and a thickness of 2.2 mm or more but not over 6.45 mm (provided for in subheading 7006.00.40) ..</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2008</i>	”.
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8 **SEC. 1455. CERTAIN INTEGRATED MACHINES FOR MANU-**
 9 **FACTURING PNEUMATIC TIRES.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.84.10	<i>Machines for molding or forming pneumatic tires, the forgoing containing in a single housing both components for processing rubber, for positioning and assembling tire components (including but not limited to belts, cords, and other reinforcing materials) and for curing “green tires” to produce finished pneumatic tires of heading 4011; parts of such machines (including molds); or molds entered separately (provided for in 8477.59.80, 8477.90.85, or 8480.71.80, respectively) ...</i>	<i>Free</i>	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1456. TRAMWAY CARS.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new headings:*

“	9902.26.01	<i>Tramway cars imported pursuant to contract by or on behalf of the City of Seattle (provided for in subheading 8603.10.00)</i>	Free	No change	No change	On or before 12/31/2009
	9902.26.02	<i>Parts imported pursuant to contract by or on behalf of the City of Seattle, to be used in the tramway cars described in heading 9902.26.01, whether or not such parts are principally used as parts of such articles and whether or not covered by a specific provision within the meaning of additional United States rule of interpretation 1(c) (however: provided for in the tariff schedule)</i>	Free	No change	No change	On or before 12/31/2009	”.

4 **SEC. 1457. CERTAIN ARTIFICIAL FILAMENT SINGLE YARN**
 5 **(OTHER THAN SEWING THREAD).**

6 *Subchapter II of chapter 99 is amended by inserting*
 7 *in numerical sequence the following new heading:*

“	9902.26.12	<i>Artificial filament single yarn (other than sewing thread), not put up for retail sale, of viscose rayon, untwisted or with a twist not exceeding 120 turns/m (provided for in subheading 5403.31)</i>	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1458. CERTAIN ELECTRICAL TRANSFORMERS RATED**
 9 **AT 25VA.**

10 *Subchapter II of chapter 99 is amended by inserting*
 11 *in numerical sequence the following new heading:*

“	9902.85.05	<i>120 volt/60 Hz electrical transformers, each with dimensions of 77 mm by 61 mm by 50 mm, containing a layered and uncut round core with two balanced bobbins, the foregoing rated at 25VA (provided for in subheading 8504.31.40)</i>	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1459. CERTAIN ELECTRICAL TRANSFORMERS RATED**
 2 **AT 40VA.**

3 *Subchapter II of chapter 99 is amended by inserting*
 4 *in numerical sequence the following new heading:*

“	9902.85.06	120 volt/60 Hz electrical transformers, each with dimensions of 80 mm by 71 mm by 59 mm, containing a layered and uncut round core with two balanced bobbins, the foregoing rated at 40VA (provided for in subheading 8504.31.40)	Free	No change	No change	On or before 12/31/2009	”.
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5 **CHAPTER 2—REDUCTIONS**

6 **SEC. 1461. FLOOR COVERINGS AND MATS OF VULCANIZED**
 7 **RUBBER.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.25.54	Floor coverings and mats of vulcanized rubber (provided for in subheading 4016.91.00)	2.17%	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1462. MANICURE AND PEDICURE SETS.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.25.55	Manicure and pedicure sets, and combinations thereof, whether or not shrink-wrapped for retail display, the foregoing other than such sets or combinations in leather cases or other immediate cases or containers (provided for in subheading 8214.20.90)	2.3%	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1463. NITROCELLULOSE.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.25.56	Cellulose nitrate (nitrocellulose) (CAS No. 9004-70-0) (provided for in subheading 3912.20.00)	4.4%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1464. SULFENTRAZONE TECHNICAL.**

2 *Subchapter II of chapter 99 of the Harmonized Tariff*
3 *Schedule of the United States is amended by inserting in*
4 *numerical sequence the following new heading:*

“	9902.25.57	<i>N</i> -[2,4-Dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1 <i>H</i> -1,2,4-triazol-1-yl]phenyl]methanesulfonamide (Sulfentrazone) (CAS No. 122836-35-5) (provided for in subheading 2935.00.75)	1.2%	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1465. CLOCK RADIO COMBOS.**

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

“	9902.25.58	<i>Radiobroadcast receivers capable of operating without an external source of power, incorporating a clock or clock timer (provided for in subheading 8527.19.50)</i>	0.7%	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1466. THIAMETHOXAM TECHNICAL.**

9 *(a) CALENDAR YEARS 2007–2008.—*

10 *(1) IN GENERAL.—Heading 9902.03.11 of the*
11 *Harmonized Tariff Schedule of the United States (re-*
12 *lating to Thiamethoxam Technical) is amended—*

13 *(A) by striking “3.0%” and inserting*
14 *“Free”; and*

15 *(B) by striking “12/31/2009” and inserting*
16 *“12/31/2008”.*

1 (2) *EFFECTIVE DATE.*—*The amendments made*
 2 *by paragraph (1) shall take effect on January 1,*
 3 *2007.*

4 (b) *CALENDAR YEAR 2009.*—

5 (1) *IN GENERAL.*—*Heading 9902.03.11, as*
 6 *amended by subsection (a), is further amended—*

7 (A) *by striking “Free” and inserting*
 8 *“1.8%”; and*

9 (B) *by striking “12/31/2008” and inserting*
 10 *“12/31/2009”.*

11 (2) *EFFECTIVE DATE.*—*The amendments made*
 12 *by paragraph (1) shall take effect on January 1,*
 13 *2009.*

14 **SEC. 1467. STAPLE FIBERS OF VISCOSE RAYON, NOT**
 15 **CARDED, COMBED, OR OTHERWISE PROC-**
 16 **ESSED FOR SPINNING.**

17 *Subchapter II of chapter 99 is amended by inserting*
 18 *in numerical sequence the following new heading:*

“	9902.35.59	Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning (provided for in subheading 5504.10.00)	3.4%	No change	No change	On or before 12/31/2009	”.
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19 **SEC. 1468. CERTAIN MEN’S FOOTWEAR COVERING THE**
 20 **ANKLE WITH COATED OR LAMINATED TEX-**
 21 **TILE FABRICS.**

22 *Subchapter II of chapter 99 is amended by inserting*
 23 *in numerical sequence the following new heading:*

“	9902.25.60	Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	12.8%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1469. CERTAIN FOOTWEAR NOT COVERING THE ANKLE**
 2 **WITH COATED OR LAMINATED TEXTILE FAB-**
 3 **RICS.**

4 *Subchapter II of chapter 99 is amended by inserting*
 5 *in numerical sequence the following new heading:*

“	9902.25.61	Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	15.2%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1470. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE**
 2 **FIBERS, NOT CARDED, COMBED, OR OTHER-**
 3 **WISE PROCESSED FOR SPINNING.**

4 *Subchapter II of chapter 99 is amended by inserting*
 5 *in numerical sequence the following new heading:*

“	9902.25.62	<i>Acrylic or modacrylic staple fibers, not carded, combed, or otherwise processed for spinning (provided for in subheading 5503.30.00)</i>	3.7%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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6 **SEC. 1471. CERTAIN WOMEN'S FOOTWEAR.**

7 *Subchapter II of chapter 99 is amended by inserting*
 8 *in numerical sequence the following new heading:*

“	9902.25.63	<i>Footwear for women with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels or of the slip-on type (provided for in subheading 6404.19.30)</i>	1.5%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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9 **SEC. 1472. NUMEROUS OTHER SEALS MADE OF RUBBER OR**
 10 **SILICONE, AND COVERED WITH, OR REIN-**
 11 **FORCED WITH, A FABRIC MATERIAL.**

12 *Subchapter II of chapter 99 is amended by inserting*
 13 *in numerical sequence the following new heading:*

“	9902.25.64	<i>Seals of textile material or fabric covering or reinforcing a core of rubber or silicone, the foregoing designed for use in airplanes (provided for in subheading 5911.90.00)</i>	3.0%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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14 **SEC. 1473. TETRAKIS.**

15 *Subchapter II of chapter 99 is amended by inserting*
 16 *in numerical sequence the following new heading:*

“	9902.25.65	<i>Tetrakis(2,4-di-tert-butylphenyl) 4,4'-biphenyldiphosphinate (CAS No. 38613-77-3) (provided for in subheading 2931.00.30)</i>	3.6%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1474. GLYCINE, N,N-BIS[2-HYDROXY-3-(2-**
2 **PROPENYLOXY)PROPYL]-, MONOSODIUM**
3 **SALT, REACTION PRODUCTS WITH AMMO-**
4 **NIUM HYDROXIDE AND**
5 **PENTAFLUOROiodoethane-tetrafluoro-**
6 **ETHYLENE TELOMER.**

7 *Subchapter II of chapter 99 is amended by inserting*
8 *in numerical sequence the following new heading:*

“	9902.25.66	<i>Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer (CAS number 220459-70-1) (provided for in subheading 3809.92.50)</i>	1.1%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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9 **SEC. 1475. DIETHYL KETONE.**

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

“	9902.25.67	<i>Diethyl ketone (CAS No. 96-22-0) (provided for in subheading 2914.19.00)</i>	1.3%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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12 **SEC. 1476. ACEPHATE.**

13 *Subchapter II of chapter 99 is amended by inserting*
14 *in numerical sequence the following new heading:*

“	9902.25.68	<i>O,S-Dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560-19-1) (provided for in subheading 2930.90.44)</i>	1.8%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 SEC. 1477. FLUMIOXAZIN.

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.25.69	<i>2-[7-Fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione (Flumioxazin)(CAS No. 103361-09-7) (provided for in subheading 2934.99.15)</i>	5.3%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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4 SEC. 1478. GARENOXACIN MESYLATE.

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

“	9902.25.70	<i>1-Cyclopropyl-8-(difluoromethoxy)-7-[(1R)-1-methyl-2,3-dihydro-1H-5-isoindolyl]-4-oxo-1,4-dihydroquinoline-3-carboxylic acid monoethanesulfonate monohydrate (Garenoxacin mesylate) (CAS No. 223652-90-2) (provided for in subheading 2933.49.26)</i>	3.1%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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7 SEC. 1479. BUTYLATED HYDROXYETHYLBENZENE.

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

“	9902.25.71	<i>2,6-Di-tert-butyl-4-ethylphenol (CAS No. 4130-42-1) (provided for in subheading 2907.19.20)</i>	2.7%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1480. CERTAIN AUTOMOTIVE CATALYTIC CONVERTER**

2 **MATS.**

3 *Subchapter II of chapter 99 is amended by inserting*

4 *in numerical sequence the following new heading:*

“	9902.25.72	Catalytic converter mats of ceramic fibers containing over 65 percent by weight of aluminum oxide, the foregoing 4.7625 mm or more in thickness, in bulk, sheets or rolls and designed for motor vehicles of heading 8703 (provided for in subheading 6806.10.00)	1.5%	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1481. 3,3'-DICHLOROBENZIDINE DIHYDROCHLORIDE.**

6 *Subchapter II of chapter 99 is amended by inserting*

7 *in numerical sequence the following new heading:*

“	9902.25.73	3,3'-Dichlorobenzidine dihydrochloride ([1,1'-biphenyl]-4,4'-diamino, 3,3'-dichloro-) (CAS No. 612-83-9) (provided for in subheading 2921.59.80)	5.9%	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1482. TMC114.**

9 *Subchapter II of chapter 99 is amended by inserting*

10 *in numerical sequence the following new heading:*

“	9902.25.74	3-[4-Aminobenzensulfonyl]isobutylamino]-1-[benzyl-2-hydroxypropyl]carbamate acid, hexahydrofuro[2,3-b]furan-3-yl ester ethanolate (CAS No. 206361-99-1) (provided for in subheading 2932.99.61)	6.4%	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1483. BIAXIALLY ORIENTED POLYPROPYLENE DIELEC-**

12 **TRIC FILM.**

13 *Subchapter II of chapter 99 is amended by inserting*

14 *in numerical sequence the following new heading:*

“	9902.25.75	<i>Biaxially oriented polypropylene film, certified by the importer as intended for use in capacitors and as produced from solvent-washed low ash content (<50 ppm) polymer resin (CAS No. 9003-07-0) (provided for in subheading 3920.20.00)</i>	3.7%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1484. BIAXIALLY ORIENTED POLYETHYLENE**
2 **TEREPHTHALATE DIELECTRIC FILM.**

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

“	9902.25.76	<i>Biaxially oriented polyethylene terephthalate film, certified by the importer as intended for use in capacitors and as produced from solvent-washed low ash content (<300 ppm) polymer resin (CAS No. 25038-59-9) (provided for in subheading 3920.62.00)</i>	3.4%	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1485. CERTAIN BICYCLE PARTS.**

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

“	9902.24.66	<i>Child carriers, chain tension adjusters, chain covers, mechanical grips with 2.223 cm internal diameter, air horns, wide-angle reflectors, saddle covers of plastics, chain tensioners, toe clips, head sets or seat posts, all the foregoing designed for use on bicycles (provided for in subheading 8714.99.80)</i>	9.2%	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1486. CERTAIN BICYCLE PARTS.**

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

“	9902.24.69	<i>Bicycle wheel rims (provided for in subheading 8714.92.10)</i>	1.8%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1487. BIFENTHRIN.**

2 *Subchapter II of chapter 99 is amended by inserting*
 3 *in numerical sequence the following new heading:*

“	9902.24.72	(2-Methyl[1,1'-biphenyl]-3-yl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate (Bifenthrin) (CAS No. 82637-04-3) (provided for in subheading 2916.20.50)	0.7%	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1488. REDUCED VAT 1.**

5 *Subchapter II of chapter 99 is amended by inserting*
 6 *in numerical sequence the following new heading:*

“	9902.24.92	Reduced Vat 1 (CAS No. 207692-02-2) (provided for in subheading 3204.15.40)	1.9%	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1489. 4-CHLOROBENZONITRILE.**

8 *Subchapter II of chapter 99 is amended by inserting*
 9 *in numerical sequence the following new heading:*

“	9902.25.24	p-Chlorobenzonitrile (CAS No. 623-03-0) (provided for in subheading 2926.90.14)	1.5%	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1490. NAIL CLIPPERS AND NAIL FILES.**

11 *Subchapter II of chapter 99 is amended by inserting*
 12 *in numerical sequence the following new heading:*

“	9902.25.52	Nail nippers and clippers and nail files (provided for in subheading 8214.20.30)	3.2%	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1491. ELECTRIC AUTOMATIC SHOWER CLEANERS.**

14 *Subchapter II of chapter 99 is amended by inserting*
 15 *in numerical sequence the following new heading:*

“	9902.98.08	<i>Electromechanical bath or shower cleaner devices, each designed to dispense a dilute solution of bleach substitutes and detergents using a button-activated, battery-powered piston pump controlled by a microchip to release a measured quantity of such solution (provided for in subheading 8509.80.00)</i>	2.1%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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1 **SEC. 1492. MESOTRIONE TECHNICAL.**

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

“	9902.25.80	<i>2-[4-(Methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione (Mesotrione) (CAS No. 104206-82-8) (provided for in subheading 2930.90.10)</i>	6.04%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2006</i>	”.
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4 **SEC. 1493. CERTAIN CRANK-GEAR AND OTHER BICYCLE**
5 **PARTS.**

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

“	9902.24.70	<i>Crank-gear and parts thereof (other than cotterless-type crank sets and parts thereof) (provided for in subheading 8714.96.90)</i>	6.1%	<i>No change</i>	<i>No change</i>	<i>On or before 12/31/2009</i>	”.
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8 **Subtitle B—Existing Suspensions**
9 **and Reductions**

10 **SEC. 1501. EXTENSIONS OF EXISTING SUSPENSIONS AND**
11 **OTHER MODIFICATIONS.**

12 (a) *EXTENSIONS.*—*Each of the following headings is*
13 *amended by striking the date in the effective period column*
14 *and inserting “12/31/2009”:*

1 (1) *Heading 9902.02.29 (relating to 10,10'-*
2 *oxybisphenoxarsine).*

3 (2) *Heading 9902.84.88 (relating to certain*
4 *manufacturing equipment).*

5 (3) *Heading 9902.02.48 (relating to 1,5-*
6 *Naphthalenedisulfonic acid, 2-[[8- [[4-[[3-[[[2-*
7 *(ethenylsulfonyl)ethyl]*
8 *amino]carbonyl]phenyl]amino]-6-fluoro-1,3,5-triazin-*
9 *2-yl]amino]-1-hydroxy-* *3,6-disulfo-2-*
10 *naphthalenyl]azo]-, tetrasodium salt (CAS No.*
11 *116912-36-8) (provided for in subheading*
12 *3204.16.30).*

13 (4) *Heading 9902.02.47 (relating to*
14 *cuprate(3-),* *[2-[[[[3-[[4-[[2-[2-*
15 *(ethenylsulfonyl)ethoxy]ethyl]amino]-6-fluoro-1,3,5-*
16 *triazin-2-yl]amino]-2-(hydroxy-κ.o)-5-*
17 *sulfo]phenyl]azo-κ.n2]phenylmethyl]azo-κ.n1]-4-*
18 *sulfobenzoato(5-)-κ.o], trisodium).*

19 (5) *Heading 9902.02.44 (relating to 2,7-*
20 *naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-*
21 *fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfo]phenyl)azo]-*
22 *7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl]*
23 *amino]-1-methylethyl]amino]-1,3,5-triazin-2-*
24 *yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-*
25 *hydrox'-, sodium salt).*

1 (6) *Heading 9902.02.46 (relating to 7,7'-[1,3-*
2 *propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-*
3 *diyl)imino[2-[(aminocarbonyl)amino]-4,1-phen-*
4 *ylene]azo]]bis-, sodium salt).*

5 (7) *Heading 9902.03.79 (relating to thiophanate-*
6 *methyl fungicide 70 percent wettable powder).*

7 (8) *Heading 9902.84.81 (relating to certain*
8 *manufacturing equipment).*

9 (9) *Heading 9902.84.91 (relating to certain saw-*
10 *ing machines).*

11 (10) *Heading 9902.84.85 (relating to certain ex-*
12 *truders used in the production of radial tires).*

13 (11) *Heading 9902.84.83 (relating to certain*
14 *manufacturing equipment).*

15 (12) *Heading 9902.28.20 (relating to ammonium*
16 *bifluoride).*

17 (13) *Heading 9902.05.05 (relating to p-*
18 *acetanisole).*

19 (14) *Heading 9902.04.15 (relating to mixture*
20 *(1:1) of polyricinoleic acid homopolymer, 3-*
21 *(dimethylamino)propylamide, dimethylsulfate,*
22 *quaternized and polyricinoleic acid).*

23 (15) *Heading 9902.03.21 (relating to 12-*
24 *hydroxyoctadecanoic acid, reaction product with N,N-*

1 *dimethyl-1,3-propanediamine, dimethyl sulfate,*
2 *quaternized).*

3 (16) *Heading 9902.03.24 (relating to 2-*
4 *oxepanone, polymer with aziridine and tetrahydro-*
5 *2H-pyran-2-one, dodecanoate ester).*

6 (17) *Heading 9902.02.49 (relating to p-*
7 *(trifluoromethyl benzaldehyde)).*

8 (18) *Heading 9902.32.22 (relating to Pigment*
9 *Red 187).*

10 (19) *Heading 9902.32.72 (relating to Solvent*
11 *Blue 104).*

12 (20) *Heading 9902.29.73 (relating to 4-amino-*
13 *2,5-dimethoxy-N-phenylbenzene sulfonamide).*

14 (21) *Heading 9902.02.25 (relating to electrical*
15 *radio broadcast receivers not combined with a clock).*

16 (22) *Heading 9902.02.24 (relating to electrical*
17 *radio broadcast receivers combined with a clock).*

18 (23) *Heading 9902.02.23 (relating to hand-held*
19 *radio scanners).*

20 (24) *Heading 9902.01.36 (relating to sodium*
21 *methylate powder).*

22 (25) *Heading 9902.01.41 (relating to allyl*
23 *isosulfocyanate).*

24 (26) *Heading 9902.02.87 (relating to asulam so-*
25 *dium salt).*

1 (27) *Heading 9902.01.92 (relating to ink jet tex-*
2 *tile printing machinery).*

3 (28) *Heading 9902.04.21 (relating to Cyan 1*
4 *special liquid feed).*

5 (29) *Heading 9902.04.19 (relating to Fast Yel-*
6 *low 2 Stage).*

7 (30) *Heading 9902.29.91 (relating to methyl-4-*
8 *trifluoromethoxyphenyl-N-(chlorocarbonyl)).*

9 (31) *Heading 9902.01.85 (relating to certain*
10 *epoxy molding compounds).*

11 (32) *Heading 9902.01.14 (relating to 5-MPDC).*

12 (33) *Heading 9902.01.60 (relating to 2-*
13 *mercaptoethanol).*

14 (34) *Heading 9902.01.61 (relating to bifenazate).*

15 (35) *Heading 9902.01.59 (relating to terrazole).*

16 (36) *Heading 9902.03.89 (relating to artichokes*
17 *prepared or preserved otherwise than by vinegar or*
18 *acetic acid, not frozen).*

19 (37) *Heading 9902.01.62 (relating to*
20 *fluoropolymers containing 95 percent or more by*
21 *weight of the 3 monomer units tetrafluoroethylene,*
22 *hexafluoropropylene, and vinylidene fluoride).*

23 (38) *Heading 9902.33.63 (relating to 3-*
24 *(ethylsulfonyl)-2-pyridinesulfonamide).*

1 (39) *Heading 9902.03.22 (relating to 40 percent*
2 *polymer acid salt/polymer amide 60 percent butyl ac-*
3 *etate).*

4 (40) *Heading 9902.01.55 (relating to (Z)-*
5 *(1R,3R)-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-*
6 *2,2-dimethylcyclopropanecarboxylic acid).*

7 (41) *Heading 9902.01.57 (relating to (S)-alpha-*
8 *hydroxy-3-phenoxybenzeneacetonitrile).*

9 (42) *Heading 9902.02.98 (relating to*
10 *polytetramethylene ether glycol).*

11 (43) *Heading 9902.02.99 (relating to cis-3-*
12 *hexen-1-ol).*

13 (44) *Heading 9902.01.75 (relating to Acid Black*
14 *172).*

15 (45) *Heading 9902.01.76 (relating to 9,10-*
16 *anthracenedione, 1,5-dihydroxy-4-nitro-8-*
17 *(phenylamino) and 9,10-anthracenedione, 1,8-*
18 *dihydroxy-4-nitro-5-(phenylamino)-).*

19 (46) *Heading 9902.05.22 (relating to*
20 *fenpropathrin).*

21 (47) *Heading 9902.01.64 (relating to 2-*
22 *azetidinone, 1-(4-fluorophenyl)-3-[(3S)-3-(4-*
23 *fluorophenyl)-3-hydroxypropyl]-4-(4-hydroxyphenyl)-,*
24 *(3R,4S)-(ezetimibe)).*

1 (48) *Heading 9902.01.38 (relating to p-methyl-*
2 *acetophenone).*

3 (49) *Heading 9902.01.35 (relating to 2-*
4 *phenylbenzimidazole-5-sulfonic acid).*

5 (50) *Heading 9902.05.04 (relating to methyl*
6 *cinnamate).*

7 (51) *Heading 9902.01.43 (relating to thymol).*

8 (52) *Heading 9902.01.40 (relating to menthyl*
9 *anthranilate).*

10 (53) *Heading 9902.01.42 (relating to 5-methyl-2-*
11 *(methylethyl)cyclohexyl-2-hydroxypropanoate).*

12 (54) *Heading 9902.29.25 (relating to 2-*
13 *phenylphenol).*

14 (55) *Heading 9902.38.10 (relating to mixtures of*
15 *sodium salts).*

16 (56) *Heading 9902.01.47 (relating to helium).*

17 (57) *Heading 9902.03.87 (relating to certain*
18 *12V lead-acid storage batteries).*

19 (58) *Heading 9902.01.01 (relating to bitolylene*
20 *diisocyanate (TODI)).*

21 (59) *Heading 9902.04.14 (relating to 1,1'-*
22 *(methylimino) dipropan-2-ol).*

23 (60) *Heading 9902.28.01 (relating to thionyl*
24 *chloride).*

- 1 (61) *Heading 9902.02.14 (relating to Mondur*
2 *P).*
- 3 (62) *Heading 9902.02.16 (relating to P-*
4 *phenylphenol).*
- 5 (63) *Heading 9902.32.12 (relating to DEMA).*
- 6 (64) *Heading 9902.02.15 (relating to Bayowet*
7 *FT-248).*
- 8 (65) *Heading 9902.29.23 (relating to PNTOSA).*
- 9 (66) *Heading 9902.04.03 (relating to Baysilone*
10 *Fluid).*
- 11 (67) *Heading 9902.32.62 (relating to iron*
12 *chloro-5,6-diamino-1,3-naphthalenedisulfonate com-*
13 *plexes).*
- 14 (68) *Heading 9902.32.85 (relating to bis(4-*
15 *fluorophenyl) methanone).*
- 16 (69) *Heading 9902.29.37 (relating to*
17 *polymethine photo-sensitizing dyes).*
- 18 (70) *Heading 9902.29.07 (relating to 4-*
19 *hexylresorcinol).*
- 20 (71) *Heading 9902.85.42 (relating to certain*
21 *cathode ray tubes).*
- 22 (72) *Heading 9902.85.41 (relating to certain*
23 *cathode ray tubes).*
- 24 (73) *Heading 9902.32.14 (relating to 2-methyl-*
25 *4,6-bis[(octylthio)methyl]phenol).*

1 (74) *Heading 9902.32.30 (relating to 4-[[4,6-*
2 *bis(octylthio)-1,3,5-triazine-2-yl]amino]-2,6-bis(1,1-*
3 *dimethylethyl)phenol).*

4 (75) *Heading 9902.03.51 (relating to Disperse*
5 *Blue 77).*

6 (76) *Heading 9902.01.65 (relating to p-cresidine*
7 *sulfonic acid).*

8 (77) *Heading 9902.01.66 (relating to 2,4 disulfo*
9 *benzaldehyde).*

10 (78) *Heading 9902.01.68 (relating to*
11 *benzenesulfonic acid, 3-[(ethylphenylamino) meth-*
12 *yl]-).*

13 (79) *Heading 9902.01.67 (relating to m-*
14 *hydroxybenzaldehyde).*

15 (80) *Heading 9902.02.38 (relating to 2 amino 5*
16 *sulfobenzoic acid).*

17 (81) *Heading 9902.02.37 (relating to 2-amino-6-*
18 *nitrophenol-4-sulfonic acid).*

19 (82) *Heading 9902.02.39 (relating to 2,5 bis ben-*
20 *zene sulfonic acid).*

21 (83) *Heading 9902.02.40 (relating to 4 [(4*
22 *amino phenyl) azo] benzene sulfonic acid, mono-*
23 *sodium salt).*

24 (84) *Heading 9902.02.41 (relating to 4-[(4*
25 *aminophenyl) azo] benzenesulfonic acid).*

1 (85) *Heading 9902.05.03 (relating to trimethyl*
2 *cyclo hexanol).*

3 (86) *Heading 9902.01.39 (relating to 2,2-di-*
4 *methyl-3-(3-methylphenyl)proponal).*

5 (87) *Heading 9902.29.08 (relating to 3-amino-5-*
6 *mercapto-1,2,4-triazole).*

7 (88) *Heading 9902.32.92 (relating to β -bromo- β -*
8 *nitrostyrene).*

9 (89) *Heading 9902.32.90 (relating to*
10 *diiodomethyl-p-tolylsulfone).*

11 (90) *Heading 9902.02.95 (relating to 2-prope-*
12 *noic acid, polymer with diethenylbenzene).*

13 (91) *Heading 9902.29.59 (relating to N-butyl-N-*
14 *ethyl- α,α,α -trifluoro-2,6-dinitro-p-toluidine).*

15 (92) *Heading 9902.29.17 (relating to 2,6-*
16 *dichloroaniline).*

17 (93) *Heading 9902.02.85 (relating to 3, 4-*
18 *dichlorobenzonitrile).*

19 (94) *Heading 9902.29.58 (relating to O,O-diethyl*
20 *phosphorochlorodithioate).*

21 (95) *Heading 9902.02.92 (relating to 1,2-*
22 *benzenedicarboxaldehyde).*

23 (96) *Heading 9902.33.92 (relating to 2,2-*
24 *dithiobis(8-fluoro-5-methoxy)-1,2,4-triazolo[1,5-c] py-*
25 *rimidine).*

- 1 (97) *Heading 9902.29.26 (relating to 1,3-di-*
2 *methyl-2-imidazolidinone).*
- 3 (98) *Heading 9902.02.96 (relating to N-[3-(1-*
4 *ethyl-1-methylpropyl)-5-isoxazolyl]-2,6-*
5 *dimethoxybenzamide (isoxaben)).*
- 6 (99) *Heading 9902.02.90 (relating to*
7 *halofenozide).*
- 8 (100) *Heading 9902.02.89 (relating to*
9 *propanamide, N-(3, 4-dichlorophenyl)-.*
- 10 (101) *Heading 9902.29.61 (relating to quino-*
11 *line).*
- 12 (102) *Heading 9902.05.17 (relating to*
13 *tebufenozide).*
- 14 (103) *Heading 9902.02.93 (relating to mixed iso-*
15 *mers of 1,3-dichloropropene).*
- 16 (104) *Heading 9902.29.16 (relating to 4,4-*
17 *dimethoxy-2-butanone).*
- 18 (105) *Heading 9902.02.94 (relating to*
19 *methacrylamide).*
- 20 (106) *Heading 9902.32.87 (relating to*
21 *fenbuconazole).*
- 22 (107) *Heading 9902.29.02 (relating to 2-*
23 *acetyl nicotinic acid).*
- 24 (108) *Heading 9902.29.06 (relating to diphenyl*
25 *sulfide).*

1 (109) *Heading 9902.02.12 (relating to*
2 *difenacanazole).*

3 (110) *Heading 9902.84.89 (relating to certain*
4 *manufacturing equipment.*

5 *(b) EXTENSIONS AND OTHER MODIFICATIONS.—*

6 (1) *SNOWBOARD BOOTS.—Heading 9902.64.04 is*
7 *amended—*

8 (A) *by striking the article description and*
9 *inserting the following: “Ski boots, cross country*
10 *ski footwear or snowboard boots, the foregoing*
11 *valued over \$12/pair, with outer soles of rubber,*
12 *plastics, leather or composition leather and up-*
13 *pers of textile materials (provided for in sub-*
14 *heading 6404.11.90)”;*

15 (B) *by striking “4%” and inserting “Free”;*
16 *and*

17 (C) *by striking “12/31/2006” and inserting*
18 *“12/31/2009”.*

19 (2) *BENTAZON.—Heading 9902.05.10 (relating*
20 *to Bentazon) is amended—*

21 (A) *by striking “(bentazon, sodium salt)”*
22 *and inserting “(Bentazon, sodium salt)”;* and

23 (B) *by striking “12/31/2006” and inserting*
24 *“12/31/2009”.*

1 (3) *METHYL* *N*-(2-[[1-(4-*CHLOROPHENYL*)-1*H*-
 2 *PYRAZOL-3-YL*]-*OXYMETHYL*]*PHENYL*)-*N*-
 3 *METHOXYCARBANOSE* (*PYRACLOSTROBIN*).—*Heading*
 4 9902.01.21 *(relating to methyl N*-(2-[[1-(4-
 5 *chlorophenyl*)-1*H*-*pyrazol-3-yl*]*oxymethyl*]*phenyl*)-*N*-

6 *methoxycarbanose (Pyraclostrobin)) is amended—*
 7 *(A) by striking the article description and*
 8 *inserting the following: “Methyl N*-(2-[[1-(4-
 9 *chlorophenyl*)]*pyrazol-3-yl*]*oxymethyl*]*phenyl*)-(*N*-

10 *methoxy*)*carbamate (Pyraclostrobin) (CAS No.*
 11 *175013-18-0) (provided for in subheading*
 12 *2933.19.23)”;*

13 *(B) by striking “Free” and inserting “6%”;*
 14 *and*

15 *(C) by striking “12/31/2006” and inserting*
 16 *“12/31/2009”.*

17 (4) *EXTENSION AND MODIFICATION RELATING TO*
 18 *COMBED CASHMERE.—*

19 *(A) IN GENERAL.—Heading 9902.03.01 (re-*
 20 *lating to yarn of combed Kashmir (cashmere) or*
 21 *yarn of camel hair) is amended by striking the*
 22 *date in the effective period column and inserting*
 23 *“12/31/2009”.*

24 *(B) OTHER MODIFICATIONS.—Heading*
 25 *9902.03.02 is amended—*

1 (i) by striking “of 6 run or finer
2 (equivalent to 19.35 metric yarn system)”
3 and inserting “of 19.35 metric yarn count
4 or finer”; and

5 (ii) by striking “12/31/2006” and in-
6 serting “12/31/2009”.

7 (5) *FLUOROBENZENE*.—*Heading 9902.03.05 (re-*
8 *lating to fluorobenzene) is amended—*

9 (A) by striking “2903.69.70” and inserting
10 “2903.69.80”; and

11 (B) by striking “12/31/2006” and inserting
12 “12/31/2009”.

13 (6) *CERTAIN NEUTRALIZED PHOSPHATED POLY-*
14 *ESTER POLYMER*.—*Heading 9902.03.25 (relating to*
15 *50 percent amine neutralized phosphated polyester*
16 *polymer) is amended—*

17 (A) by striking “50 percent solvesso 100”
18 and inserting “in solvesso 100”;

19 (B) by striking “P-99-1218,”; and

20 (C) by striking “12/31/2006” and inserting
21 “12/31/2009”.

22 (7) *VINCLOZOLIN*.—*Heading 9902.01.19 (relat-*
23 *ing to Vinclozolin) is amended—*

1 (A) by striking “oxazolidineidione
2 (vinclozolin)” and inserting “oxazolidinedione
3 (Vinclozolin)”; and

4 (B) by striking “12/31/2006” and inserting
5 “12/31/2009”.

6 (8) *FAST YELLOW 746 STAGE*.—*Heading*
7 9902.04.26 (relating to *Fast Yellow 746 Stage*) is
8 amended—

9 (A) by striking “Bipyridirium” and insert-
10 ing “Bipyridinium”;

11 (B) by inserting “(*Fast Yellow 746 Stage*)”
12 after “salt”; and

13 (C) by striking “12/31/2006” and inserting
14 “12/31/2009”.

15 (9) *YELLOW 1 STAGE*.—*Heading* 9902.04.24 (re-
16 lating to *Yellow 1 Stage*) is amended—

17 (A) by inserting “(*Yellow 1 Stage*)” after
18 “salt”; and

19 (B) by striking “12/31/2006” and inserting
20 “12/31/2009”.

21 (10) *MAGENTA 3B-OA STAGE*.—*Heading*
22 9902.04.28 (relating to *magenta 3B-OA stage*) is
23 amended—

24 (A) by inserting “(*Magenta 3B-OA Stage*)”
25 after “salts”; and

1 (B) by striking “12/31/2006” and inserting
2 “12/31/2009”.

3 (11) CERTAIN ARTICHOKES.—Heading
4 9902.03.90 (relating to artichokes prepared or pre-
5 served by vinegar or acetic acid) is amended—

6 (A) by striking “7.5%” and inserting
7 “7.9%”; and

8 (B) by striking “12/31/2006” and inserting
9 “12/31/2009”.

10 (12) TEXTURED ROLLED GLASS SHEETS.—Head-
11 ing 9902.70.03 (relating to textured rolled glass
12 sheets) is amended—

13 (A) by striking “Free” and inserting
14 “0.7%”; and

15 (B) by striking “12/31/2003” and inserting
16 “12/31/2009”.

17 (13) MAGNESIUM ALUMINUM HYDROXIDE CAR-
18 BONATE HYDRATE.—Heading 9902.05.32 is amend-
19 ed—

20 (A) by inserting “(CAS No. 12539-23-0)”
21 after “organic fatty acid”; and

22 (B) by striking “12/31/2006” and inserting
23 “12/31/2009”.

24 (14) MIXTURES OF SODIUM SALTS.—Heading
25 9902.29.83 is amended—

1 (A) by inserting “, whether or not in water”
2 after “iminodisuccinic acid”; and

3 (B) by striking “12/31/2006” and inserting
4 “12/31/2009”.

5 (15) A CERTAIN ULTRAVIOLET DYE.—Heading
6 9902.28.19 is amended—

7 (A) by inserting “(CAS No. 313482-99-4)”
8 after “-methyl ester”; and

9 (B) by striking “12/31/2006” and inserting
10 “12/31/2009”.

11 (16) CARFENTRAZONE.—Heading 9902.01.54 is
12 amended—

13 (A) by striking “4.9%” and inserting
14 “Free”; and

15 (B) by striking “12/31/2006” and inserting
16 “12/31/2009”.

17 (17) CERTAIN EDUCATIONAL DEVICES.—Heading
18 9902.85.43 is amended—

19 (A) by striking “1.67%” and inserting
20 “0.55%”; and

21 (B) by striking “12/31/2006” and inserting
22 “12/31/2009”.

23 (18) CYHALOFOP.—Heading 9902.02.86 is
24 amended—

1 (A) by striking “Free” and inserting
2 “1.5%”; and

3 (B) by striking “12/31/2006” and inserting
4 “12/31/2009”.

5 (19) α,α,α -TRIFLUORO-2,6-DINITRO-*p*-TOLU-
6 IDINE.—Heading 9902.05.33 is amended—

7 (A) by striking “Free” and inserting
8 “2.6%”; and

9 (B) by striking “12/31/2006” and inserting
10 “12/31/2009”.

11 (20) CERTAIN MIXTURES OF FLORASULAM.—
12 Heading 9902.02.88 is amended—

13 (A) by striking “Free” and inserting
14 “1.5%”; and

15 (B) by striking “12/31/2006” and inserting
16 “12/31/2009”.

17 (21) METHOXYFENOZIDE.—Heading 9902.32.93
18 is amended—

19 (A) by striking “Free” and inserting
20 “1.0%”; and

21 (B) striking “12/31/2006” and inserting
22 “12/31/2009”.

23 (22) MYCLOBUTANIL.—Heading 9902.02.91 is
24 amended—

1 (A) by striking “1.9%” and inserting
2 “3.0%”; and

3 (B) by striking “12/31/2006” and inserting
4 “12/31/2009”.

5 (23) *FLUOROXYPYR*.—Heading 9902.29.77 is
6 amended—

7 (A) by striking “1.5%” and inserting
8 “2.5%”; and

9 (B) by striking “12/31/2006” and inserting
10 “12/31/2009”.

11 (24) *PRO-JET BLACK 263 STAGE*.—Heading
12 9902.03.09 is amended—

13 (A) by striking the article description and
14 inserting “[[Substituted naphthalenylazol]
15 alkoxyl phenyl azo] carboxyphenylene, lithium
16 salt (PMN No. P-00-351) (provided for in sub-
17 heading 3204.14.30)”; and

18 (B) by striking “12/31/2006” and inserting
19 “12/31/2009”.

20 (25) *ETHALFLURALIN*.—Heading 9902.30.49 is
21 amended—

22 (A) by inserting “(Ethalfluralin)” after
23 “benzenamine”; and

24 (B) by striking “12/31/2006” and inserting
25 “12/31/2009”.

1 (26) *DIRECT BLACK 175*.—*Heading 9902.03.56 is*
2 *amended by striking “subheading 3204.12.50” and*
3 *inserting “subheading 3204.14.50”.*

4 (27) *CERTAIN ORGANIC PIGMENTS AND DYES*.—
5 *Heading 9902.32.07 is amended—*

6 (A) *by inserting “, and excluding the dye-*
7 *stuff bearing the CAS No. 6359-10-0” after “fluo-*
8 *rescent pigments and dyes”;* and

9 (B) *by striking “12/31/2006” and inserting*
10 *“12/31/2009”.*

11 (28) *COPPER 8-HYDROXYQUINOLINE (OXINE COP-*
12 *PER)*.—*Heading 9902.02.31 is amended—*

13 (A) *in the article description, by striking*
14 *“Copper 8-quinolinolate (oxine copper)” and in-*
15 *serting “Copper 8-hydroxyquinoline (oxine cop-*
16 *per)”;* and

17 (B) *by striking “12/31/2006” and inserting*
18 *“12/31/2009”.*

19 ***Subtitle C—Effective Date***

20 ***SEC. 1511. EFFECTIVE DATE.***

21 *Except as otherwise provided in this title, the amend-*
22 *ments made by this title apply to goods entered, or with-*
23 *drawn from warehouse for consumption, on or after the date*
24 *that is 15 days after the date of enactment of this Act.*

TITLE II—RELIQUIDATIONS

SEC. 2001. RELIQUIDATION OF CERTAIN ENTRIES OF CERTAIN SMALL DIAMETER CARBON AND ALLOY SEAMLESS STANDARD, LINE AND PRESSURE PIPE FROM ROMANIA.

(a) *RELIQUIDATION OF ENTRIES.*—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the Bureau of Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act—

(1) *reliquidate the entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania produced by S.C. Silcotub S.A. (Silcotub), imported by Duferco Steel, Inc., listed in subsection (b) in accordance with the final results of the antidumping duty administrative review of the Department of Commerce (68 Fed. Reg. 12672 (March 17, 2003)) and Message No. 3087205, dated March 28, 2003, issued by the Bureau of Customs and Border Protection; and*

(2) *refund any antidumping duties with interest which were previously paid on such entries not later than 90 days after the date of reliquidation.*

(b) *AFFECTED ENTRIES.*—The entries referred to in subsection (a) are the following:

<i>Entry number</i>	<i>Date of entry</i>	<i>Port</i>
558-1171537-8	01/20/01	Houston
558-2014403-2	07/24/00	Mobile

1 **SEC. 2002. CERTAIN ENTRIES OF PASTA.**

2 (a) *IN GENERAL.*—Notwithstanding section 514 of the
3 *Tariff Act of 1930 (19 U.S.C. 1514) or any other provision*
4 *of law, the Bureau of Customs and Border Protection of*
5 *the Department of Homeland Security shall, not later than*
6 *90 days after the receipt of the request described in sub-*
7 *section (b), liquidate or reliquidate each entry described in*
8 *subsection (d) in accordance with Department of Commerce*
9 *case A-475-818 for the period 7/1/2001 through 6/30/2002*
10 *under Customs Service message numbered 4068201.*

11 (b) *REQUESTS.*—*Liquidation or reliquidation may be*
12 *made under subsection (a) with respect to an entry de-*
13 *scribed in subsection (d) only if a request therefor is filed*
14 *with the Bureau of Customs and Border Protection within*
15 *90 days after the date of the enactment of this Act.*

16 (c) *PAYMENT OF AMOUNTS OWED.*—*Any amounts*
17 *owed by the United States pursuant to the liquidation or*
18 *reliquidation of an entry under subsection (a) shall be paid*
19 *not later than 90 days after the date of such liquidation*
20 *or reliquidation.*

21 (d) *ENTRIES.*—*The entries referred to in subsection (a)*
22 *are the following:*

<i>Entry number</i>	<i>Date of entry</i>	<i>Date of liquidation</i>
FD630105373	07/06/2001	11/22/2002
FD630105399	07/06/2001	11/22/2002
FD630105415	07/06/2001	11/22/2002
FD630110282	07/26/2001	11/22/2002
FD630110274	07/26/2001	11/22/2002
FD630110860	07/30/2001	11/22/2002
FD630112338	08/09/2001	11/22/2002
FD630115208	08/15/2001	11/22/2002
FD630114128	08/15/2001	11/22/2002
FD630114110	08/21/2001	11/22/2002
FD630116537	08/22/2001	11/22/2002
FD630122402	09/26/2001	11/22/2002
FD630123533	10/03/2001	11/22/2002
FD630126577	10/17/2001	11/22/2002
FD630129712	10/31/2001	11/22/2002
FD630132088	11/20/2001	11/22/2002
FD630133987	11/29/2001	11/22/2002
FD630134043	12/05/2001	11/22/2002
FD630136972	12/14/2001	11/22/2002
FD630136998	12/14/2001	11/22/2002
FD630136980	12/14/2001	11/22/2002
FD630137806	12/14/2001	11/22/2002
FD630137822	12/27/2001	11/22/2002
FD630137814	12/27/2001	11/22/2002

1 **SEC. 2003. CLARIFICATION OF RELIQUIDATION PROVISION.**

2 (a) *INCLUSION OF INTEREST.*—*The term “any*
3 *amounts owed” in section 1511(b) of the Miscellaneous*
4 *Trade and Technical Corrections Act of 2004 (118 Stat.*
5 *2542; Public Law 108–429), includes interest accrued from*
6 *the date of deposit of duties made in connection with entries*
7 *described in section 1511(c) of that Act, to the date of the*
8 *reliquidation of the entries pursuant to section 1511 of that*
9 *Act.*

10 (b) *RELIQUIDATIONS WITH INTEREST.*—*Notwith-*
11 *standing section 514 of the Tariff Act of 1930 (19 U.S.C.*
12 *1514) or any other provision of law, to the extent that the*
13 *entries listed in section 1511(d) of the Act referred to in*
14 *subsection (a) were reliquidated by the Bureau of Customs*

1 *and Border Protection, before the date of the enactment of*
2 *this Act, without the payment of interest required under*
3 *subsection (a), the Bureau shall, within 90 days after the*
4 *date of the enactment of this Act, reliquidate the affected*
5 *entries with the interest required under subsection (a), cal-*
6 *culated at the interest rates provided for in section 505(c)*
7 *of the Tariff Act of 1930 (19 U.S.C. 1505(c)).*

8 **SEC. 2004. RELIQUIDATION OF CERTAIN DRAWBACK CLAIM.**

9 *(a) IN GENERAL.—Notwithstanding section 514 of the*
10 *Tariff Act of 1930 (19 U.S.C. 1514) or any other provision*
11 *of law, the Bureau of Customs and Border Protection shall,*
12 *not later than 90 days after the date of the enactment of*
13 *this Act, liquidate or reliquidate the drawback claim de-*
14 *scribed in subsection (c).*

15 *(b) PAYMENT OF AMOUNTS DUE.—Any amounts due*
16 *pursuant to the liquidation or reliquidation of the claim*
17 *described in subsection (c) shall be paid not later than 90*
18 *days after the date of such liquidation or reliquidation.*

19 *(c) DRAWBACK CLAIM.—The drawback claim referred*
20 *to in subsection (a) is the following: drawback claim num-*
21 *ber, AA6-0303556-6, filed on December 2, 1997.*

1 **SEC. 2005. PAYMENT OF INTEREST ON AMOUNTS OWED**
2 **PURSUANT TO RELIQUIDATION OF CERTAIN**
3 **ENTRIES.**

4 (a) *AMENDMENTS.*—Sections 1404(b), 1405(b), and
5 subsection (c) of each of sections 1408 through 1411 of the
6 *Tariff Suspension and Trade Act of 2000 (Public Law 106-*
7 *476; 19 U.S.C. 1654 note)* and subsection (c) of each of sec-
8 *tions 1517 through 1536 of the Miscellaneous Trade and*
9 *Technical Corrections Act of 2004 (Public Law 108-429; 19*
10 *U.S.C. 1654 note)* are amended by inserting “, with interest
11 provided for by law on the liquidation or reliquidation of
12 the entries,” after “under subsection (a)”.

13 (b) *RELIQUIDATION AND PAYMENT OF INTEREST.*—
14 *Not later than 90 days after the date of the enactment of*
15 *this Act, the Commissioner of the Bureau of Customs and*
16 *Border Protection of the Department of Homeland Security*
17 *shall—*

18 (1) *reliquidate each of the entries specified in the*
19 *provisions of law amended by subsection (a); and*

20 (2) *provide payment of interest owed by the*
21 *United States by reason of the amendments made by*
22 *subsection (a) for the period beginning on the date of*
23 *deposit of estimated duties and ending on the date of*
24 *reliquidation under paragraph (1).*

1 **TITLE III—TECHNICAL CORREC-**
2 **TIONS AND OTHER PROVI-**
3 **SIONS**

4 **Subtitle A—Technical Corrections**

5 **SEC. 3001. AMENDMENTS TO THE HTS.**

6 (a) *CORRECTIONS TO THE COLUMN 1 SPECIAL RATE*
7 *OF DUTY COLUMN.*—Each of the following headings is
8 amended by striking “Free” in the column 1 special rate
9 of duty column and inserting “No change”:

- 10 (1) *Heading 9902.01.59.*
11 (2) *Heading 9902.01.60.*
12 (3) *Heading 9902.01.61.*
13 (4) *Heading 9902.01.86.*
14 (5) *Heading 9902.01.87.*
15 (6) *Heading 9902.01.90.*
16 (7) *Heading 9902.01.91.*
17 (8) *Heading 9902.03.20.*
18 (9) *Heading 9902.03.40.*
19 (10) *Heading 9902.03.41.*
20 (11) *Heading 9902.03.43.*
21 (12) *Heading 9902.04.05.*
22 (13) *Heading 9902.04.06.*
23 (14) *Heading 9902.04.07.*
24 (15) *Heading 9902.05.18.*
25 (16) *Heading 9902.05.19.*

1 (17) *Heading 9902.05.21.*

2 (18) *Heading 9902.05.35.*

3 (19) *Heading 9902.28.01.*

4 (20) *Heading 9902.29.03.*

5 (b) *CORRECTIONS TO THE COLUMN 2 RATE OF DUTY*

6 *COLUMN.—Each of the following headings is amended by*

7 *striking “Free” in the column 2 rate of duty column and*

8 *inserting “No change”:*

9 (1) *Heading 9902.03.78.*

10 (2) *Heading 9902.05.08.*

11 (3) *Heading 9902.05.09.*

12 (4) *Heading 9902.05.10.*

13 (c) *ADDITIONAL CORRECTIONS.—*

14 (1) *The article description for heading*

15 *9902.01.12 is amended—*

16 (A) *by striking “32846–21–2), acid red”*

17 *and inserting “66786–14–5), acid red”; and*

18 (B) *by striking “67786–14–5) (provided*

19 *for” and inserting “32846–21–2) (provided for”.*

20 (2) *Heading 9902.01.49 is amended to read as*

21 *follows:*

“	9902.01.49	(S)- α -Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (Deltamethrin) (CAS No. 52918-63-5) in bulk or unmixed in packings for retail sale (provided for in subheading 2926.90.30 or 3808.10.25).	Free	No change	No change	On or before 12/31/2009	”.
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1 (3) The article description for heading
2 9902.01.61 is amended by striking “methoxy-[1,1-”
3 and inserting “methoxy-[1,1’-”.

4 (4) The article description for heading
5 9902.01.69 is amended—

6 (A) by striking “2-8 percent water” and in-
7 serting “2-8 percent by weight of water”; and

8 (B) by striking “denier” and inserting
9 “decitex”.

10 (5) The article description for heading
11 9902.01.75 is amended—

12 (A) by striking “Acid black 194” and in-
13 serting “Acid Black 172”; and

14 (B) by striking “subheading 3204.12.20”
15 and inserting “subheading 3204.12.45”.

16 (6) The article description for heading
17 9902.01.90 is amended by striking “between 4 and
18 68” and inserting “from 4 through 68”.

1 (7) *The article description for heading*
 2 9902.01.91 is amended by striking “between 4 and
 3 68” and inserting “from 4 through 68”.

4 (8) *Heading 9902.02.17 is amended to read as*
 5 *follows:*

“	9902.02.17	Boots with outer soles and uppers of rubber, extending above the ankle but below the knee, specifically designed for horseback riding, and having a spur rest on the heel counter (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2009	”.
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6 (9) *The article description for heading*
 7 9902.02.28 is amended—

8 (A) by striking “polymide” and inserting
 9 “polyimide”; and

10 (B) by striking “3911.90.35 or”.

11 (10) *The article description for heading*
 12 9902.02.59 is amended by striking “A mixture” and
 13 inserting “Mixture”.

14 (11) *The article description for heading*
 15 9902.02.65 is amended—

16 (A) by striking “bis(3” and inserting
 17 “bis(3'”); and

18 (B) by striking “4-amino-)” and inserting
 19 “4-amino-))”.

20 (12) *The article description for headings*
 21 9902.84.81, 9902.84.83, 9902.84.85, 9902.84.88, and
 22 9902.84.89 are each amended—

1 (A) by inserting “4011.62.00,” after
2 “4011.61.00,”; and

3 (B) by striking “or parts thereof” and in-
4 serting “and parts thereof”.

5 (13) The article description for heading
6 9902.03.40 is amended by striking “subheading
7 2835.29.50” and inserting “subheading 2931.00.30”.

8 (14) Heading 9902.03.60 (relating to acid black
9 172) is repealed.

10 (15) The article description for heading
11 9902.03.99 is amended by striking “subheading
12 2933.99.12” and inserting “subheading 2933.99.22”.

13 (16) Heading 9902.04.02 is amended to read as
14 follows:

9902.04.02	Polysiloxane, dimethyl (CAS No. 63148-62-9) solution, greater than 85 percent, with less than 15 percent paraffin (mineral) oil (CAS No. 8042-47-5), less than 5 percent magnesium stearate (CAS No. 557-04-0) and less than 5 percent finely dispersed metal ethoxylated phosphoric ester (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2006	”.
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15 (17) Heading 9902.05.21 is repealed.

16 (18) Heading 9902.05.29 is amended to read as
17 follows:

9902.05.29	3-[2-Chloro-4-(trifluoromethyl)-phenoxy]benzoic acid, sodium salt (CAS No. 95251-52-8) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2006	”.
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18 (19) Heading 9902.29.26 is amended by striking
19 the chemical name in the article description and in-
20 serting “1,3-Dimethyl-2-imidazolidinone”.

1 (20) *The article description for heading*
2 *9902.84.14 (relating to ceiling fans) is amended by*
3 *striking “8414.51.00” and inserting “8414.51.30”.*

4 (21) *The article description for heading*
5 *9902.86.11 is amended by striking “specifications*
6 *each, having” and inserting “specifications, each hav-*
7 *ing”.*

8 **SEC. 3002. TECHNICAL CORRECTION TO THE TARIFF ACT OF**
9 **1930.**

10 *Section 516A(g)(1)(B) of the Tariff Act of 1930 (19*
11 *U.S.C. 151a(g)(1)(B)) is amended by striking “or (vi)” and*
12 *inserting “(vi), or (vii)”.*

13 **SEC. 3003. AMENDMENTS TO THE PENSION PROTECTION**
14 **ACT OF 2006.**

15 (a) *IN GENERAL.*—*Subtitle A of chapter 1 of title XIV*
16 *of the Pension Protection Act of 2006 (Public Law 109–*
17 *280) is amended—*

18 (1) *in section 1412—*

19 (A) *by striking “vehicles provided for in”*
20 *and inserting “vehicles of”; and*

21 (B) *by striking “in that” and inserting*
22 *“over”;*

23 (2) *in section 1413, by amending the article de-*
24 *scription to read as follows: “Acrylic or modacrylic*

1 *filament tow (provided for in subheading*
2 *5501.30.00)*”;

3 (3) *in section 1414, by amending the article de-*
4 *scription to read as follows: “Acrylic or modacrylic*
5 *staple fibers, carded combed or otherwise processed for*
6 *spinning (provided for in subheading 5506.30.00)*”;

7 (4) *in section 1418, by striking “vinegar” and*
8 *inserting “vinegar,”*;

9 (5) *in section 1420, by striking “vinegar” and*
10 *inserting “vinegar,”*;

11 (6) *in section 1433, by striking “90-04-4” and*
12 *inserting “90-04-0”*;

13 (7) *in section 1456, by striking “2929.90.20”*
14 *and inserting “2928.00.25”*;

15 (8) *in section 1510, by inserting “in solvents”*
16 *after “Hexane, 1,6-diisocyanato-, homopolymer, 3,5-*
17 *dimethyl-1H-pyrazole-blocked”*;

18 (9) *in section 1511, by amending the article de-*
19 *scription to read as follows: “Polyisocyanate cross*
20 *linking agent products containing triphenylmethane*
21 *triisocyanate in solvents (provided for in subheading*
22 *3824.90.28)*”;

23 (10) *in section 1518, by striking “4402.12.80”*
24 *and inserting “4202.12.80”*;

1 (11) in section 1542, by striking “hair” and in-
2 serting “hair,”;

3 (12) in section 1548, by striking “10⁷” and in-
4 serting “10⁻⁷”;

5 (13) in section 1549, by striking “10⁷” and in-
6 serting “10⁻⁷”;

7 (14) in section 1555, by striking “2933.39.91”
8 and inserting “2933.39.20”;

9 (15) in section 1572, by striking “, rubber, or
10 synthetic” and inserting “or rubber”;

11 (16) in section 1597—

12 (A) in the heading, by striking “**WORK**
13 **FOOTWEAR**” and inserting “**HOUSE SLIP-**
14 **PERS**”; and

15 (B) by striking “; Sports footwear; tennis
16 shoes, basketball shoes, gym shoes, training shoes
17 and the like, all the foregoing with outer soles of
18 rubber or plastics and uppers of textile materials
19 for women (provided for in subheading
20 6404.11.20)”;

21 (17) in section 1598, by striking “50 mm” and
22 inserting “60 mm”;

23 (18) in section 1605—

24 (A) in the article description, by striking
25 “Device” and inserting “Display”; and

1 (B) in the heading, by striking “**DEVICE**”
2 and inserting “**DISPLAY**”;

3 (19) in section 1606—

4 (A) in subsection (a), by striking “facili-
5 ties” and inserting “facilities,”; and

6 (B) in subsection (b), by striking “reactors”
7 and inserting “reactors,”;

8 (20) by adding at the end of such subtitle the fol-
9 lowing:

10 **“SEC. 1607. CERTAIN SPORTS FOOTWEAR FOR WOMEN.**

11 “Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.90.01	Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like, all the foregoing with outer soles of rubber or plastics and uppers of textile materials for women (provided for in sub- heading 6404.11.20)	Free	No change	No change	On or before 12/31/2009	”
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13 ; and

14 (21) in section 1621, by striking “December 31,
15 2006” and inserting “March 31, 2007”.

16 (b) **APPLICABILITY.**—The amendments made by sub-
17 section (a) shall apply as if included in the enactment of
18 the Pension Protection Act of 2006 (Public Law 109–280).

19 **SEC. 3004. NMSBA**

20 (a) **IN GENERAL.**—Section 1434 (b) and (c) of the Mis-
21 cellaneous Trade and Technical Corrections Act of 2004

1 *(Public Law 108–429; 118 Stat. 2524) are amended to read*
2 *as follows:*

3 “(b) *CALENDAR YEAR 2005.*—

4 “(1) *IN GENERAL.*—*Heading 9902.05.30, as*
5 *added by subsection (a), is amended—*

6 “(A) *by striking “0.28%” and inserting*
7 *“0.16%”; and*

8 “(B) *by striking “On or before 12/31/2004”*
9 *and inserting “On or before 12/31/2005”.*

10 “(2) *APPLICABILITY.*—*The amendments made by*
11 *paragraph (1) shall apply to goods entered on or after*
12 *January 1, 2005, and before January 1, 2006.*

13 “(c) *CALENDAR YEARS 2006 THROUGH 2008.*—

14 “(1) *IN GENERAL.*—*Heading 9902.05.30, as*
15 *added by subsection (a) and amended by subsection*
16 *(b), is further amended—*

17 “(A) *by striking “0.16%” and inserting*
18 *“1.1%”; and*

19 “(B) *by striking “On or before 12/31/2005”*
20 *and inserting “on or before 12/31/2008”.*

21 “(2) *APPLICABILITY.*—*The amendments made by*
22 *paragraph (1) shall apply to goods entered on or after*
23 *January 1, 2006.”.*

24 (b) *EFFECTIVE DATE.*—

1 (1) *IN GENERAL.*—*The amendment made by this*
2 *section shall take effect as if included in the enact-*
3 *ment of section 1434 of the Miscellaneous Trade and*
4 *Technical Corrections Act of 2004 (Public Law 108-*
5 *429).*

6 (2) *RETROACTIVE APPLICATION.*—*Notwith-*
7 *standing section 514 of the Tariff Act of 1930 (19*
8 *U.S.C. 1514) or any other provision of law, upon*
9 *proper request filed with the Bureau of Customs and*
10 *Border Protection before the 90th day after the date*
11 *of the enactment of this Act, any entry, or withdrawal*
12 *from warehouse for consumption, of any good—*

13 *(A) that was made on or after January 1,*
14 *2005 and before the date of the enactment of this*
15 *Act; and*

16 *(B) with respect to which there would have*
17 *been a lower rate of duty if the amendment made*
18 *by this subsection applied to such entry or with-*
19 *drawal, shall be liquidated or reliquidated as if*
20 *such amendment applied to such entry or with-*
21 *drawal.*

22 **SEC. 3005. CERTAIN MONOCHROME GLASS ENVELOPES.**

23 (a) *AMENDMENT TO SUBHEADING 7011.20.40.*—*The*
24 *article description of subheading 7011.20.40 is amended to*
25 *read as follows: “Monochrome glass envelopes, the foregoing*

1 *certified by the importer as being for actual use in auto-*
 2 *matic data processing machine data or graphic display*
 3 *cathode ray tubes”.*

4 (b) *CONFORMING AMENDMENTS.—(1) Subheading*
 5 *7011.20.40, as amended by subsection (a), is redesignated*
 6 *as subheading 7011.20.45.*

7 (2) *Subheading 7011.20.80 is redesignated as sub-*
 8 *heading 7011.20.85.*

9 (3) *Heading 9902.02.97 is amended in the article de-*
 10 *scription column by striking “7011.20.80” and inserting*
 11 *“7011.20.85”.*

12 (c) *STAGED RATE REDUCTIONS.—Any staged rate re-*
 13 *duction of a rate of duty proclaimed by the President before*
 14 *the date of the enactment of this Act, that—*

15 (1) *would take effect on or after such date of en-*
 16 *actment; and*

17 (2) *would, but for the amendment made by sub-*
 18 *section (b)(2), apply to subheading 7011.20.80,*
 19 *applies to the corresponding rate of duty set forth in sub-*
 20 *heading 7011.20.85 (as added by subsection (b)(2)).*

21 **SEC. 3006. FLEXIBLE MAGNETS AND COMPOSITE GOODS**
 22 **CONTAINING FLEXIBLE MAGNETS.**

23 (a) *IN GENERAL.—Chapter 85 is amended by striking*
 24 *subheadings 8505.19.10, 8505.19.20, and 8505.19.30 and*
 25 *inserting the following new subheadings, with the article de-*

1 *scription for subheading 8505.19 having the same degree*
 2 *of indentation as the article description for subheading*
 3 *8505.11.00:*

“	8505.19 8505.19.10	<i>Other:</i> <i>Flexible magnets</i>	4.9%	<i>Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)</i>	45%	
	8505.19.20	<i>Composite goods con- taining flexible magnets ...</i>	4.9%	<i>Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)</i>	45%	
	8505.19.30	<i>Other</i>	4.9%	<i>Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)</i>	45%	”.

4 (b) *STAGED RATE REDUCTIONS.*—*Any staged reduc-*
 5 *tion of a rate of duty proclaimed by the President before*
 6 *the date of the enactment of the Miscellaneous Trade and*
 7 *Technical Corrections Act of 2004 (Public Law 108–429),*
 8 *that—*

9 (1) *takes effect on or after such date of enact-*
 10 *ment; and*

11 (2) *would, but for the amendment made by this*
 12 *section, apply to subheading 8505.19, applies to the*
 13 *corresponding rate of duty set forth in subheadings*
 14 *8505.19.10, 8505.19.20, and 8505.19.30 of such*
 15 *Schedule (as added by subsection (a)).*

16 (c) *APPLICABILITY.*—*The amendments made by this*
 17 *section shall take effect as if included in the enactment of*
 18 *the Miscellaneous Trade and Technical Corrections Act of*
 19 *2004 (Public Law 108–429).*

1 **SEC. 3007. CELLAR TREATMENT OF WINE.**

2 Section 5382(a)(1)(A) of the Internal Revenue Code of
3 1986 (relating to cellar treatment of natural wine) is
4 amended by striking “stabilize” and inserting “correct or
5 stabilize”.

6 **Subtitle B—Other Provisions**

7 **SEC. 3011. CONSIDERATION OF CERTAIN CIVIL ACTIONS DE-**
8 **LAYED BECAUSE OF THE TERRORIST AT-**
9 **TACKS OF SEPTEMBER 11, 2001.**

10 (a) *IN GENERAL.*—Notwithstanding any period of lim-
11 itations, lapse of time, or any other provision of law, the
12 United States Court of International Trade shall treat any
13 civil action contesting the denial of a protest described in
14 subsection (b) as having been filed in accordance with sec-
15 tion 514 of the Tariff Act of 1930 (19 U.S.C. 1514) and
16 within the time limit provided in section 2636 of title 28,
17 United States Code.

18 (b) *AFFECTED PROTESTS.*—The protests referred to in
19 subsection (a) are as follows:

Entry Number	Protest Num- ber	Protest Date	Denial Date
2704-442-1562415-4	2704.01.100001	12/22/00	03/23/01
2704-442-1559965-3	2704.00.103269	12/12/00	03/23/01
2704-442-1561096-3	2704.00.103270	12/12/00	03/23/01
2704-442-1562411-3	2704.01.100002	12/22/00	03/23/01
2704-442-1562408-9	2704.01.100003	12/22/00	03/23/01
2704-442-1562416-2	2704.01.100009	12/22/00	03/23/01
2704-442-1564132-3	2704.01.100033	01/03/01	03/23/01
2704-442-1564387-3	2704.01.100034	01/03/01	03/23/01
2704-442-1564389-9	2704.01.100035	01/03/01	03/23/01
2704-442-1564390-7	2704.01.100036	01/03/01	03/23/01
2704-442-1564870-8	2704.01.100038	01/03/01	03/23/01
2704-442-1565099-3	2704.01.100039	01/03/01	03/23/01
2704-442-1563549-9	2704.01.100042	01/03/01	03/23/01
2704-442-1554152-3	2704.01.100043	12/22/00	03/23/01

<i>Entry Number</i>	<i>Protest Number</i>	<i>Protest Date</i>	<i>Denial Date</i>
2704-442-1562418-8	2704.01.100072	12/22/00	03/27/01
2704-442-1562419-6	2704.01.100073	12/22/00	03/27/01
2704-442-1562872-6	2704.01.100074	12/22/00	03/27/01
2704-442-1570239-8	2704.01.100392	02/09/01	03/23/01
2704-442-1570423-8	2704.01.100400	02/06/01	03/27/01
2704-442-1570431-1	2704.01.100401	02/06/01	03/27/01
2704-442-1571191-0	2704.01.100403	02/06/01	04/05/01
2704-442-1565424-3	2704.01.100411	02/05/01	03/27/01
2704-442-1565513-3	2704.01.100422	02/05/01	03/26/01
2704-442-1565516-6	2704.01.100423	02/05/01	03/23/01
2704-442-1565518-2	2704.01.100424	02/05/01	03/23/01
2704-442-1566265-9	2704.01.100425	02/05/01	03/23/01
2704-442-1567197-3	2704.01.100427	02/05/01	03/23/01
2704-442-1573049-8	2704.01.100723	03/13/01	04/05/01
2704-442-1572011-9	2704.01.100725	03/13/01	04/05/01
2704-442-1572003-6	2704.01.100726	03/13/01	04/05/01
2704-442-1572000-2	2704.01.100727	03/13/01	04/05/01
2704-442-1571470-8	2704.01.100728	03/13/01	04/05/01

1 **SEC. 3012. EFFECTIVE DATE OF MODIFICATIONS TO THE**
2 **HARMONIZED TARIFF SCHEDULE.**

3 *Section 1206(c) of the Omnibus Trade and Competi-*
4 *tiveness Act of 1988 (19 U.S.C. 3006(c)) is amended by*
5 *striking “15th” and inserting “30th”.*

6 **TITLE IV—EXTENSION OF NON-**
7 **DISCRIMINATORY TREAT-**
8 **MENT (NORMAL TRADE RELA-**
9 **TIONS TREATMENT) TO THE**
10 **PRODUCTS OF VIETNAM**

11 **SEC. 4001. FINDINGS.**

12 *Congress finds the following:*

13 *(1) In July 1995, President Bill Clinton an-*
14 *nounced the formal normalization of diplomatic rela-*
15 *tions between the United States and Vietnam.*

16 *(2) Vietnam has taken cooperative steps with the*
17 *United States under the United States Joint POW/*

1 *MIA Accounting Command (formerly the Joint Task*
2 *Force-Full Accounting) established in 1992 by Presi-*
3 *dent George H.W. Bush to provide the fullest possible*
4 *accounting of MIA and POW cases.*

5 (3) *In 2000, the United States and Vietnam con-*
6 *cluded a bilateral trade agreement that included com-*
7 *mitments on goods, services, intellectual property*
8 *rights, and investment. The agreement was approved*
9 *by joint resolution enacted pursuant to section 405(c)*
10 *of the Trade Act of 1974 (19 U.S.C. 2435(c)), and en-*
11 *tered into force in December 2001.*

12 (4) *Since 2001, normal trade relations treatment*
13 *has consistently been extended to Vietnam pursuant to*
14 *title IV of the Trade Act of 1974.*

15 (5) *Vietnam has undertaken significant market-*
16 *based economic reforms, including the reduction of*
17 *government subsidies, tariffs and nontariff barriers,*
18 *and extensive legal reform. These measures have dra-*
19 *matically improved Vietnam's business and invest-*
20 *ment climate.*

21 (6) *Vietnam has completed its negotiations to*
22 *join the World Trade Organization (WTO). On May*
23 *31, 2006, the United States and Vietnam signed a*
24 *comprehensive bilateral agreement providing greater*
25 *market access for goods and services and other trade*

1 *liberalizing commitments. On November 7, 2006, the*
2 *WTO General Council approved Vietnam's member-*
3 *ship. Vietnam's National Assembly ratified Vietnam's*
4 *WTO accession commitments on November 28, 2006,*
5 *and Vietnam will become the 150th Member of the*
6 *WTO 30 days thereafter.*

7 *(7) On November 13, 2006, the Department of*
8 *State removed Vietnam from its list of Countries of*
9 *Particular Concern (CPC) for severe violations of re-*
10 *ligious freedom. In reaching this determination, the*
11 *Department of State cited significant improvements*
12 *in Vietnam toward advancing religious freedom,*
13 *though problems remain that merit immediate atten-*
14 *tion and important work remains to be done to fully*
15 *protect religious freedom in Vietnam.*

16 **SEC. 4002. TERMINATION OF APPLICATION OF TITLE IV OF**
17 **THE TRADE ACT OF 1974 TO VIETNAM.**

18 *(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION*
19 *OF NON-DISCRIMINATORY TREATMENT.—Notwithstanding*
20 *any provision of title IV of the Trade Act of 1974 (19 U.S.C.*
21 *2431 et seq.), the President may—*

22 *(1) determine that such title should no longer*
23 *apply to Vietnam; and*

24 *(2) after making a determination under para-*
25 *graph (1) with respect to Vietnam, proclaim the ex-*

1 (2) *REVIEW BY TRADE REPRESENTATIVE.*— *The*
2 *Trade Representative shall review the allegations in*
3 *any petition filed under paragraph (1) and, not later*
4 *than 20 days after the date on which the Trade Rep-*
5 *resentative receives the petition, shall determine*
6 *whether to initiate proceedings to make a determina-*
7 *tion under subsection (a).*

8 (3) *PROCEDURES.*—

9 (A) *DETERMINATION TO INITIATE PRO-*
10 *CEEDINGS.*—*If the Trade Representative makes*
11 *an affirmative determination under paragraph*
12 *(2) with respect to a petition, the Trade Rep-*
13 *resentative shall publish a summary of the peti-*
14 *tion in the Federal Register and notice of the*
15 *initiation of proceedings under this section.*

16 (B) *DETERMINATION NOT TO INITIATE PRO-*
17 *CEEDINGS.*—*If the Trade Representative deter-*
18 *mines not to initiate proceedings with respect to*
19 *a petition, the Trade Representative shall inform*
20 *the petitioner of the reasons therefor and shall*
21 *publish notice of the determination, together with*
22 *a summary of those reasons, in the Federal Reg-*
23 *ister.*

24 (c) *INITIATION OF PROCEEDINGS BY OTHER MEANS.*—

25 *If the Trade Representative determines, in the absence of*

1 *a petition, that proceedings should be initiated under this*
2 *section, the Trade Representative shall publish in the Fed-*
3 *eral Register that determination, together with the reasons*
4 *therefor, and notice of the initiation of proceedings under*
5 *this section.*

6 **SEC. 4004. CONSULTATIONS UPON INITIATION OF INVES-**
7 **TIGATION.**

8 *If the Trade Representative initiates a proceeding*
9 *under subsection (b)(3)(A) or (c) of section 4003, the Trade*
10 *Representative, on behalf of the United States, shall, on the*
11 *day on which notice thereof is published under the applica-*
12 *ble subsection, so notify the Government of Vietnam and*
13 *request consultations with that government regarding the*
14 *subsidy.*

15 **SEC. 4005. PUBLIC PARTICIPATION AND CONSULTATION.**

16 *(a) PUBLIC PARTICIPATION.—In the notice published*
17 *under subsection (b)(3)(A) or (c) of section 4003, the Trade*
18 *Representative shall provide an opportunity to the public*
19 *for the presentation of views concerning the issues—*

20 *(1) within the 30-day period beginning on the*
21 *date of the notice (or on a date after such period if*
22 *agreed to by the petitioner), or*

23 *(2) at such other time if a timely request therefor*
24 *is made by the petitioner or by any interested person,*
25 *with a public hearing if requested by an interested person.*

1 (b) *CONSULTATION.*—*The Trade Representative shall*
2 *consult with the Committee on Ways and Means of the*
3 *House of Representatives and the Committee on Finance*
4 *of the Senate, and with the appropriate advisory commit-*
5 *tees established under section 135 of the Trade Act of 1974*
6 *(19 U.S.C. 2155), with respect to whether to initiate pro-*
7 *ceedings under section 4003 and, if proceedings are con-*
8 *ducted, with respect to making the determination under*
9 *subsection (c).*

10 (c) *DETERMINATION.*—*After considering all comments*
11 *submitted, and within 30 days after the close of the com-*
12 *ment period under subsection (a), the Trade Representative*
13 *shall determine whether the Government of Vietnam is pro-*
14 *viding, on or after the date on which Vietnam accedes to*
15 *the World Trade Organization, a prohibited subsidy to its*
16 *textile or apparel industry. The Trade Representative shall*
17 *publish that determination in the Federal Register, together*
18 *with the justification for the determination.*

19 (d) *RECORD.*—*The Trade Representative shall make*
20 *available to the public a complete record of all nonconfiden-*
21 *tial information presented in proceedings conducted under*
22 *this section, together with a summary of confidential infor-*
23 *mation so submitted.*

1 **SEC. 4006. ARBITRATION AND IMPOSITION OF QUOTAS.**

2 (a) *ARBITRATION.*—*If, within 60 days after consulta-*
3 *tions are requested under section 4004, in a case in which*
4 *the Trade Representative makes an affirmative determina-*
5 *tion under section 4005(c), the matter in dispute is not re-*
6 *solved, the Trade Representative shall request arbitration*
7 *of the matter under the Dispute Settlement Understanding.*

8 (b) *IMPOSITION OF QUOTAS.*—

9 (1) *IN GENERAL.*—*The Trade Representative*
10 *shall impose, for a period of not more than 1 year,*
11 *the quantitative limitations described in paragraph*
12 *(2) on textile and apparel products of Vietnam—*

13 (A) *if, pursuant to arbitration under sub-*
14 *section (a), the arbitrator determines that the*
15 *Government of Vietnam is providing, on or after*
16 *the date on which Vietnam accedes to the World*
17 *Trade Organization, a prohibited subsidy to its*
18 *textile or apparel industry; or*

19 (B) *if the arbitrator does not issue a deci-*
20 *sion within 120 days after the request for arbi-*
21 *tration, in which case the limitations cease to be*
22 *effective if the arbitrator, after such limitations*
23 *are imposed, determines that the Government of*
24 *Vietnam is not providing, on or after the date on*
25 *which Vietnam accedes to the World Trade Orga-*

1 nization, a prohibited subsidy to its textile or
2 apparel industry.

3 (2) *LIMITATIONS DESCRIBED.*—*The quantitative*
4 *limitations referred to in paragraph (1) are those*
5 *quantitative limitations that were in effect under the*
6 *Bilateral Textile Agreement during the most recent*
7 *full calendar year in which the Bilateral Textile*
8 *Agreement was in effect.*

9 (c) *DETERMINATION OF COMPLIANCE.*—*If, after im-*
10 *posing quantitative limitations under subsection (b) be-*
11 *cause of a prohibited subsidy, the Trade Representative de-*
12 *termines that the Government of Vietnam is not providing,*
13 *on or after the date on which Vietnam accedes to the World*
14 *Trade Organization, a prohibited subsidy to its textile or*
15 *apparel industry, the quantitative limitations shall cease*
16 *to be effective on the date on which that determination is*
17 *made.*

18 **SEC. 4007. DEFINITIONS.**

19 *In this title:*

20 (1) *BILATERAL TEXTILE AGREEMENT.*—*The term*
21 *“Bilateral Textile Agreement” means the Agreement*
22 *Relating to Trade in Cotton, Wool, Man-Made Fiber,*
23 *Non-Cotton Vegetable Fiber and Silk Blend Textiles*
24 *and Textile Products Between the Governments of the*

1 *United States of America and the Socialist Republic*
2 *of Vietnam, entered into on July 17, 2003.*

3 (2) *DISPUTE SETTLEMENT UNDERSTANDING.—*
4 *The term “Dispute Settlement Understanding” means*
5 *the Understanding on Rules and Procedures Gov-*
6 *erning the Settlement of Disputes referred to in sec-*
7 *tion 101(d)(16) of the Uruguay Round Agreements*
8 *Act (19 U.S.C. 3511(d)(16)).*

9 (3) *INTERESTED PERSON.—The term “interested*
10 *person” includes, but is not limited to, domestic firms*
11 *and workers, representatives of consumer interests,*
12 *United States product exporters, and any industrial*
13 *user of any goods or services that may be affected by*
14 *action taken under section 4006(b).*

15 (4) *PROHIBITED SUBSIDY.—*

16 (A) *IN GENERAL.—The term “prohibited*
17 *subsidy” means a subsidy described in article*
18 *3.1 of the Agreement on Subsidies and Counter-*
19 *vailing Measures.*

20 (B) *SUBSIDY.—The term “subsidy” means*
21 *a subsidy within the meaning of article 1.1 of*
22 *the Agreement on Subsidies and Countervailing*
23 *Measures.*

24 (C) *AGREEMENT ON SUBSIDIES AND COUN-*
25 *TERVAILING MEASURES.—The term “Agreement*

1 *on Subsidies and Countervailing Measures*”
2 *means the Agreement on Subsidies and Counter-*
3 *vailing Measures referred to in section*
4 *101(d)(12) of the Uruguay Round Agreements*
5 *Act (19 U.S.C. 3511(d)(12)).*

6 (5) *TEXTILE OR APPAREL PRODUCT.*—*The term*
7 *“textile or apparel product” means a good listed in*
8 *the Annex to the Agreement on Textiles and Clothing*
9 *referred to in section 101(d)(4) of the Uruguay Round*
10 *Agreements Act (19 U.S.C. 3511(d)(4)).*

11 (6) *TRADE REPRESENTATIVE.*—*The term “Trade*
12 *Representative” means the United States Trade Rep-*
13 *resentative.*

14 **TITLE V—HAITI**

15 **SEC. 5001. SHORT TITLE.**

16 *This title may be cited as the “Haitian Hemispheric*
17 *Opportunity through Partnership Encouragement Act of*
18 *2006”.*

19 **SEC. 5002. TRADE BENEFITS FOR HAITI.**

20 (a) *IN GENERAL.*—*The Caribbean Basin Economic*
21 *Recovery Act (19 U.S.C. 2701 et seq.) is amended by insert-*
22 *ing after section 213 the following new section:*

23 **“SEC. 213A. SPECIAL RULES FOR HAITI.**

24 “(a) *DEFINITIONS.*—*In this section:*

25 “(1) *APPLICABLE 1-YEAR PERIOD.*—

1 “(A) *IN GENERAL.*—The term “applicable
2 1-year period” means each of the 1-year periods
3 described in subparagraphs (B) through (F).

4 “(B) *INITIAL APPLICABLE 1-YEAR PE-*
5 *RIOD.*—The term ‘initial applicable 1-year pe-
6 riod’ means the 1-year period beginning on the
7 date of the enactment of the Haitian Hemi-
8 spheric Opportunity through Partnership En-
9 couragement Act of 2006.

10 “(C) *SECOND APPLICABLE 1-YEAR PE-*
11 *RIOD.*—The term ‘second applicable 1-year pe-
12 riod’ means the 1-year period beginning on the
13 day after the last day of the initial applicable 1-
14 year period.

15 “(D) *THIRD APPLICABLE 1-YEAR PERIOD.*—
16 The term ‘third applicable 1-year period’ means
17 the 1-year period beginning on the day after the
18 last day of the second applicable 1-year period.

19 “(E) *FOURTH APPLICABLE 1-YEAR PE-*
20 *RIOD.*—The term ‘fourth applicable 1-year pe-
21 riod’ means the 1-year period beginning on the
22 day after the last day of the third applicable 1-
23 year period.

24 “(F) *FIFTH APPLICABLE 1-YEAR PERIOD.*—
25 The term ‘fifth applicable 1-year period’ means

1 *the 1-year period beginning on the day after the*
2 *last day of the fourth applicable 1-year period.*

3 “(2) *ENTER; ENTRY.—The terms ‘enter’ and*
4 *‘entry’ refer to the entry, or withdrawal from ware-*
5 *house for consumption, in the customs territory of the*
6 *United States.*

7 “(b) *APPAREL ARTICLES.—*

8 “(1) *IN GENERAL.—In addition to any other*
9 *preferential treatment under this title, apparel arti-*
10 *cles described in paragraph (2) of a producer or enti-*
11 *ty controlling production that are imported directly*
12 *from Haiti shall enter the United States free of duty*
13 *during an applicable 1-year period, subject to the*
14 *limitations set forth in paragraphs (2) and (3), if*
15 *Haiti has met the requirements of subsections (d) and*
16 *(e).*

17 “(2) *APPAREL ARTICLES DESCRIBED.—*

18 “(A) *IN GENERAL.—In any applicable 1-*
19 *year period, apparel articles described in this*
20 *paragraph are apparel articles that are wholly*
21 *assembled, or are knit-to-shape, in Haiti from*
22 *any combination of fabrics, fabric components,*
23 *components knit-to-shape, and yarns, only if, for*
24 *each entry in the applicable 1-year period, the*
25 *sum of—*

1 “(i) the cost or value of the materials
2 produced in Haiti or one or more countries
3 described in subparagraph (C), or any com-
4 bination thereof, plus

5 “(ii) the direct costs of processing oper-
6 ations (as defined in section 213(a)(3)) per-
7 formed in Haiti or one or more countries
8 described in subparagraph (C), or any com-
9 bination thereof,

10 is not less than the applicable percentage (as de-
11 fined in subparagraph (E)(i)) of the declared
12 customs value of such apparel articles.

13 “(B) DEDUCTIONS.—In calculating cost or
14 value under subparagraph (A)(i), there shall be
15 deducted the cost or value of—

16 “(i) any foreign materials that are
17 used in the production of the apparel arti-
18 cles in Haiti; and

19 “(ii) any foreign materials that are
20 used in the production of the materials de-
21 scribed in subparagraph (A)(i).

22 “(C) COUNTRIES DESCRIBED.—The coun-
23 tries referred to in subparagraph (A) are the fol-
24 lowing:

25 “(i) The United States.

1 “(ii) *Any country that is a party to a*
2 *free trade agreement with the United States*
3 *that is in effect on the date of the enactment*
4 *of the Haitian Hemispheric Opportunity*
5 *through Partnership Encouragement Act of*
6 *2006, or that enters into force under the Bi-*
7 *partisan Trade Promotion Authority Act of*
8 *2002 (19 U.S.C. 3801 et seq.).*

9 “(iii) *Any country designated as a*
10 *beneficiary country under section*
11 *213(b)(5)(B) of this Act.*

12 “(iv) *Any country designated as a ben-*
13 *eficiary country under section 506A(a)(1) of*
14 *the Trade Act of 1974 (19 U.S.C.*
15 *2466a(a)(1)), if a finding has been made by*
16 *the President or the President’s designee,*
17 *and published in the Federal Register, that*
18 *the country has satisfied the requirements of*
19 *section 113 of the African Growth and Op-*
20 *portunity Act (19 U.S.C. 3722).*

21 “(v) *Any country designated as a bene-*
22 *ficiary country under section 204(b)(6)(B)*
23 *of the Andean Trade Preference Act (19*
24 *U.S.C. 3203(b)(6)(B)).*

25 “(D) *ANNUAL AGGREGATION.—*

1 “(i) *INITIAL APPLICABLE 1-YEAR PE-*
2 *RIOD.—In the initial applicable 1-year pe-*
3 *riod, the requirements under subparagraph*
4 *(A) relating to applicable percentage may*
5 *also be met for articles of a producer or an*
6 *entity controlling production that enter*
7 *during the initial applicable 1-year period*
8 *by aggregating—*

9 “(I) *the cost or value of materials*
10 *under clause (i) of subparagraph (A),*
11 *and*

12 “(II) *the direct costs of processing*
13 *operations under clause (ii) of sub-*
14 *paragraph (A),*
15 *of all apparel articles of that producer or*
16 *entity controlling production that are whol-*
17 *ly assembled, or are knit-to-shape, in Haiti*
18 *and are entered during the initial applica-*
19 *ble 1-year period.*

20 “(ii) *OTHER APPLICABLE 1-YEAR PERI-*
21 *ODS.—In each of the second, third, fourth,*
22 *and fifth applicable 1-year periods, the re-*
23 *quirements under subparagraph (A) relat-*
24 *ing to applicable percentage may also be*
25 *met for articles of a producer or an entity*

1 *controlling production that enter during the*
2 *applicable 1-year period by aggregating—*

3 *“(I) the cost or value of materials*
4 *under clause (i) of subparagraph (A),*
5 *and*

6 *“(II) the direct costs of processing*
7 *operations under clause (ii) of sub-*
8 *paragraph (A),*

9 *of all apparel articles of that producer or*
10 *entity controlling production that are whol-*
11 *ly assembled, or are knit-to-shape, in Haiti*
12 *and are entered during the preceding appli-*
13 *cable 1-year period.*

14 *“(iii) DEDUCTIONS.—In calculating*
15 *cost or value under clause (i)(I) or (ii)(I),*
16 *there shall be deducted the cost or value of—*

17 *“(I) any foreign materials that*
18 *are used in the production of the ap-*
19 *parel articles in Haiti; and*

20 *“(II) any foreign materials that*
21 *are used in the production of the mate-*
22 *rials described in clause (i)(I) or*
23 *(ii)(I) (as the case may be).*

24 *“(iv) INCLUSION IN CALCULATION OF*
25 *OTHER ARTICLES RECEIVING PREFERENTIAL*

1 *TREATMENT.—(I) The entry of a woven ap-*
2 *parel article receiving preferential treat-*
3 *ment under paragraph (4) is not included*
4 *in an annual aggregation under clause (i)*
5 *or (ii).*

6 *“(II) Entries of articles receiving pref-*
7 *erential treatment under paragraph (5) are*
8 *not included in an annual aggregation*
9 *under clause (i) or (ii) unless the producer*
10 *or entity controlling production elects, at*
11 *the time the annual aggregation calculation*
12 *is made, to include such entries in such ag-*
13 *gregation.*

14 *“(III) Entries of apparel articles that*
15 *receive preferential treatment under any*
16 *provision of law other than this subsection*
17 *or are subject to the ‘General’ column 1 rate*
18 *of duty under the HTS are not included in*
19 *an annual aggregation under clause (i) or*
20 *(ii) unless the producer or entity controlling*
21 *production elects, at the time the annual ag-*
22 *gregation calculation is made, to include*
23 *such entries in such aggregation.*

24 *“(E) DEFINITIONS.—In this paragraph:*

1 “(i) *APPLICABLE PERCENTAGE.*—*The*
2 *term “applicable percentage” means—*

3 “(I) *50 percent or more during*
4 *the initial applicable 1-year period, the*
5 *second applicable 1-year period, and*
6 *the third applicable 1-year period;*

7 “(II) *55 percent or more during*
8 *the fourth applicable 1-year period;*
9 *and*

10 “(III) *60 percent or more during*
11 *the fifth applicable 1-year period.*

12 “(ii) *FOREIGN MATERIAL.*—*The term*
13 *‘foreign material’ means a material pro-*
14 *duced in a country other than Haiti or any*
15 *country described in subparagraph (C).*

16 “(F) *DEVELOPMENT OF PROCEDURE TO EN-*
17 *SURE COMPLIANCE.*—

18 “(i) *IN GENERAL.*—*The Bureau of Cus-*
19 *toms and Border Protection of the Depart-*
20 *ment of Homeland Security shall develop*
21 *and implement methods and procedures to*
22 *ensure ongoing compliance with the require-*
23 *ments set forth in subparagraphs (A) and*
24 *(D).*

1 “(ii) *NONCOMPLIANCE.*—*If the Bureau*
2 *of Customs and Border Protection finds*
3 *that a producer or an entity controlling*
4 *production has not satisfied such require-*
5 *ments in any applicable 1-year period, ei-*
6 *ther for individual entries entered pursuant*
7 *to subparagraph (A) or for entries entered*
8 *in aggregate pursuant to subparagraph (D),*
9 *then apparel articles described in subpara-*
10 *graph (A) of that producer or entity shall be*
11 *ineligible for preferential treatment under*
12 *paragraph (1) during any succeeding appli-*
13 *cable 1-year period until—*

14 “(I) *the cost or value of materials*
15 *under clause (i) of subparagraph (A),*
16 *plus*

17 “(II) *the direct costs of processing*
18 *operations under clause (ii) of sub-*
19 *paragraph (A),*
20 *of that producer or entity controlling pro-*
21 *duction, is not less than the applicable per-*
22 *centage under subparagraph (E)(i), plus 10*
23 *percent, of the aggregate declared customs*
24 *value of all apparel articles of that producer*
25 *or entity controlling production that are*

1 *wholly assembled, or are knit-to-shape, in*
2 *Haiti and are entered during the preceding*
3 *applicable 1-year period.*

4 “(iii) *RETROACTIVE APPLICATION OF*
5 *DUTY-FREE TREATMENT.—If—*

6 “(I) *a producer or an entity con-*
7 *trolling production is ineligible for*
8 *preferential treatment under para-*
9 *graph (1) in an applicable 1-year pe-*
10 *riod because that producer or entity*
11 *controlling production did not satisfy*
12 *the requirements of subparagraph (A)*
13 *or (D), and*

14 “(II) *that producer or entity con-*
15 *trolling production satisfies the re-*
16 *quirements of clause (ii) of this sub-*
17 *paragraph in that applicable 1-year*
18 *period,*

19 *then, notwithstanding section 514 of the*
20 *Tariff Act of 1930 (19 U.S.C. 1514) or any*
21 *other provision of law, upon proper request*
22 *filed with the Bureau of Customs and Bor-*
23 *der Protection before the 90th day after the*
24 *Bureau of Customs and Border Protection*

1 *determines that subclause (II) applies, the*
2 *entry of any articles—*

3 *“(aa) that was made during that*
4 *applicable 1-year period, and*

5 *“(bb) with respect to which there*
6 *would have been preferential treatment*
7 *under paragraph (1) if the producer or*
8 *entity controlling production had satis-*
9 *fied the requirements in subparagraph*
10 *(A) or (D) (as the case may be),*

11 *shall be liquidated or reliquidated as though*
12 *such preferential treatment under para-*
13 *graph (1) applied to such entry.*

14 *“(G) FABRICS NOT AVAILABLE IN COMMER-*
15 *CIAL QUANTITIES.—*

16 *“(i) IN GENERAL.—For purposes of de-*
17 *termining the applicable percentage under*
18 *subparagraph (A) or (D), there may be in-*
19 *cluded in that percentage—*

20 *“(I) the cost of fabrics or yarns to*
21 *the extent that apparel articles of such*
22 *fabrics or yarns would be eligible for*
23 *preferential treatment, without regard*
24 *to the source of the fabrics or yarns,*
25 *under Annex 401 of the NAFTA; and*

1 “(II) *the cost of fabrics or yarns*
2 *that are designated as not being avail-*
3 *able in commercial quantities for pur-*
4 *poses of—*

5 “(aa) *section 213(b)(2)(A)(v)*
6 *of this Act,*

7 “(bb) *section 112(b)(5) of the*
8 *African Growth and Opportunity*
9 *Act,*

10 “(cc) *section*
11 *204(b)(3)(B)(i)(III) or (ii) of the*
12 *Andean Trade Preference Act, or*

13 “(dd) *any other provision,*
14 *relating to determining whether a*
15 *textile or apparel article is an*
16 *originating good eligible for pref-*
17 *erential treatment, of a law that*
18 *implements a free trade agreement*
19 *that enters into force under the*
20 *Bipartisan Trade Promotion Au-*
21 *thority Act of 2002,*
22 *without regard to the source of the fab-*
23 *rics or yarns.*

24 “(ii) *REMOVAL OF DESIGNATION OF*
25 *FABRICS OR YARNS NOT AVAILABLE IN COM-*

1 *MERCIAL QUANTITIES.—If the President de-*
 2 *termines that—*

3 *“(I) any fabric or yarn described*
 4 *in clause (i)(I) was determined to be*
 5 *eligible for preferential treatment, or*

6 *“(II) any fabric or yarn described*
 7 *in clause (i)(II) was designated as not*
 8 *being available in commercial quan-*
 9 *tities,*

10 *on the basis of fraud, the President is au-*
 11 *thorized to remove the eligibility or designa-*
 12 *tion (as the case may be) of that fabric or*
 13 *yarn with respect to articles entered after*
 14 *such removal.*

15 *“(3) QUANTITATIVE LIMITATIONS.—The pref-*
 16 *erential treatment described in paragraph (1) shall be*
 17 *extended, during each of the applicable 1-year periods*
 18 *set forth in the following table, to not more than the*
 19 *corresponding percentage of the aggregate square*
 20 *meter equivalents of all apparel articles imported into*
 21 *the United States in the most recent 12-month period*
 22 *for which data are available:*

“During the:	the corresponding percentage is:
<i>“initial applicable 1-year period</i>	<i>1 percent.</i>
<i>“second applicable 1-year period</i>	<i>1.25 percent.</i>
<i>“third applicable 1-year period</i>	<i>1.5 percent.</i>
<i>“fourth applicable 1-year period</i>	<i>1.75 percent.</i>
<i>“fifth applicable 1-year period</i>	<i>2 percent.</i>

1 *No preferential treatment shall be provided under*
2 *paragraph (1) after the last day of the fifth applicable*
3 *1-year period.*

4 “(4) *SPECIAL RULE FOR WOVEN APPAREL.—In*
5 *the case of apparel articles classifiable under chapter*
6 *62 of the HTS (other than articles classifiable under*
7 *subheading 6212.10 of the HTS), as in effect on the*
8 *date of the enactment of the Haitian Hemispheric*
9 *Opportunity through Partnership Encouragement Act*
10 *of 2006, that do not qualify for preferential treatment*
11 *under paragraph (1) because they do not meet the*
12 *percentage requirements under paragraph (2)(A),*
13 *(2)(B), or (2)(D), the preferential treatment under*
14 *paragraph (1)—*

15 “(A) *shall be extended, in addition to the*
16 *quantities permitted under paragraph (3) to—*

17 “(i) *not more than 50,000,000 square*
18 *meter equivalents of such apparel articles*
19 *for the initial applicable 1-year period;*

20 “(ii) *not more than 50,000,000 square*
21 *meter equivalents of such apparel articles*
22 *for the second applicable 1-year period; and*

23 “(iii) *not more than 33,500,000 square*
24 *meter equivalents for the third applicable 1-*
25 *year period; and*

1 “(B) may not be extended to such apparel
2 articles after the last day of the third applicable
3 1-year period.

4 “(5) *SPECIAL RULE FOR BRASSIERES.*—The
5 preferential treatment under paragraph (1) shall, sub-
6 ject to the limitations under paragraph (3), be ex-
7 tended to any article classifiable under heading
8 6212.10 of the HTS, if the article is both cut and
9 sewn or otherwise assembled in Haiti or the United
10 States, or both, without regard to the source of the
11 fabric or components from which the article is made,
12 and if Haiti has met the requirements of subsections
13 (d) and (e).

14 “(c) *SPECIAL RULE FOR CERTAIN WIRE HARNESS*
15 *AUTOMOTIVE COMPONENTS.*—

16 (1) *IN GENERAL.*—Any wire harness automotive
17 component that is the product or manufacture of
18 Haiti and is imported directly from Haiti into the
19 customs territory of the United States shall enter the
20 United States free of duty, during the 5-year period
21 beginning on the date of the enactment of the Haitian
22 Hemispheric Opportunity through Partnership En-
23 couragement Act of 2006, if Haiti has met the re-
24 quirements of subsection (d) and if the sum of—

1 “(A) *the cost or value of the materials pro-*
2 *duced in Haiti or one or more countries de-*
3 *scribed in subsection (b)(2)(C), or any combina-*
4 *tion thereof, plus*

5 “(B) *the direct costs of processing oper-*
6 *ations (as defined in section 213(a)(3)) per-*
7 *formed in Haiti or the United States, or both,*
8 *is not less than 50 percent of the declared customs*
9 *value of such wire harness automotive component.*

10 “(2) *WIRE HARNESS AUTOMOTIVE COMPO-*
11 *NENT.—For purposes of this subsection, the term*
12 *“wire harness automotive component” means any ar-*
13 *ticle provided for in subheading 8544.30.00 of the*
14 *HTS, as in effect on the date of the enactment of the*
15 *Haitian Hemispheric Opportunity through Partner-*
16 *ship Encouragement Act of 2006.*

17 “(d) *ELIGIBILITY REQUIREMENTS.—*

18 “(1) *IN GENERAL.—Haiti shall be eligible for*
19 *preferential treatment under this section if the Presi-*
20 *dent determines and certifies to Congress that*
21 *Haiti—*

22 “(A) *has established, or is making continual*
23 *progress toward establishing—*

24 “(i) *a market-based economy that pro-*
25 *TECTS private property rights, incorporates*

1 *an open rules-based trading system, and*
2 *minimizes government interference in the*
3 *economy through measures such as price*
4 *controls, subsidies, and government owner-*
5 *ship of economic assets;*

6 *“(ii) the rule of law, political plu-*
7 *ralism, and the right to due process, a fair*
8 *trial, and equal protection under the law;*

9 *“(iii) the elimination of barriers to*
10 *United States trade and investment, includ-*
11 *ing by—*

12 *“(I) the provision of national*
13 *treatment and measures to create an*
14 *environment conducive to domestic and*
15 *foreign investment;*

16 *“(II) the protection of intellectual*
17 *property; and*

18 *“(III) the resolution of bilateral*
19 *trade and investment disputes;*

20 *“(iv) economic policies to reduce pov-*
21 *erty, increase the availability of health care*
22 *and educational opportunities, expand*
23 *physical infrastructure, promote the devel-*
24 *opment of private enterprise, and encourage*

1 *the formation of capital markets through*
2 *microcredit or other programs;*

3 “(v) *a system to combat corruption*
4 *and bribery, such as signing and imple-*
5 *menting the Convention on Combating*
6 *Bribery of Foreign Public Officials in Inter-*
7 *national Business Transactions; and*

8 “(vi) *protection of internationally rec-*
9 *ognized worker rights, including the right of*
10 *association, the right to organize and bar-*
11 *gain collectively, a prohibition on the use of*
12 *any form of forced or compulsory labor, a*
13 *minimum age for the employment of chil-*
14 *dren, and acceptable conditions of work*
15 *with respect to minimum wages, hours of*
16 *work, and occupational safety and health;*

17 “(B) *does not engage in activities that un-*
18 *dermine United States national security or for-*
19 *ign policy interests; and*

20 “(C) *does not engage in gross violations of*
21 *internationally recognized human rights or pro-*
22 *vide support for acts of international terrorism*
23 *and cooperates in international efforts to elimi-*
24 *nate human rights violations and terrorist ac-*
25 *tivities.*

1 “(2) *TIME LIMIT FOR DETERMINATION.*—*The*
2 *President shall determine whether Haiti meets the re-*
3 *quirements of paragraph (1) not later than 90 days*
4 *after the date of the enactment of the Haitian Hemi-*
5 *spheric Opportunity through Partnership Encourage-*
6 *ment Act of 2006.*

7 “(3) *CONTINUING COMPLIANCE.*—*If the President*
8 *determines that Haiti is not making continual*
9 *progress in meeting the requirements described in*
10 *paragraph (1)(A), the President shall terminate the*
11 *preferential treatment under this section.*

12 “(e) *CONDITIONS REGARDING ENFORCEMENT OF CIR-*
13 *CUMVENTION.*—

14 “(1) *IN GENERAL.*—*The preferential treatment*
15 *under subsection (b)(1) shall not apply unless the*
16 *President certifies to Congress that Haiti is meeting*
17 *the following conditions:*

18 “(A) *Haiti has adopted an effective visa*
19 *system, domestic laws, and enforcement proce-*
20 *dures applicable to articles described in sub-*
21 *section (b) to prevent unlawful transshipment of*
22 *the articles and the use of counterfeit documents*
23 *relating to the importation of the articles into*
24 *the United States.*

1 “(B) *Haiti has enacted legislation or pro-*
2 *mulgated regulations that would permit the Bu-*
3 *reau of Customs and Border Protection*
4 *verification teams to have the access necessary to*
5 *investigate thoroughly allegations of trans-*
6 *shipment through such country.*

7 “(C) *Haiti agrees to report, on a timely*
8 *basis, at the request of the Bureau of Customs*
9 *and Border Protection, on the total exports from*
10 *and imports into that country of articles de-*
11 *scribed in subsection (b), consistent with the*
12 *manner in which the records are kept by Haiti.*

13 “(D) *Haiti agrees to cooperate fully with*
14 *the United States to address and take action nec-*
15 *essary to prevent circumvention as provided in*
16 *Article 5 of the Agreement on Textiles and Cloth-*
17 *ing.*

18 “(E) *Haiti agrees to require all producers*
19 *and exporters of articles described in subsection*
20 *(b) in that country to maintain complete records*
21 *of the production and the export of such articles,*
22 *including materials used in the production, for*
23 *at least 5 years after the production or export*
24 *(as the case may be).*

1 “(F) *Haiti agrees to report, on a timely*
2 *basis, at the request of the Bureau of Customs*
3 *and Border Protection, documentation estab-*
4 *lishing the country of origin of articles described*
5 *in subsection (b) as used by that country in im-*
6 *plementing an effective visa system.*

7 “(2) *DEFINITION OF TRANSSHIPMENT.—Trans-*
8 *shipment within the meaning of this subsection has*
9 *occurred when preferential treatment for a textile or*
10 *apparel article under this section has been claimed on*
11 *the basis of material false information concerning the*
12 *country of origin, manufacture, processing, or assem-*
13 *bly of the article or any of its components. For pur-*
14 *poses of this paragraph, false information is material*
15 *if disclosure of the true information would mean or*
16 *would have meant that the article is or was ineligible*
17 *for preferential treatment under this section.*

18 “(f) *REGULATIONS.—The President shall issue regula-*
19 *tions to carry out this section not later than 180 days after*
20 *the date of the enactment of the Haitian Hemispheric Op-*
21 *portunity through Partnership Encouragement Act of 2006.*
22 *The President shall consult with the Committee on Ways*
23 *and Means of the House of Representatives and the Com-*
24 *mittee on Finance of the Senate in preparing such regula-*
25 *tions.”.*

1 **SEC. 5003. ITC STUDY.**

2 *The International Trade Commission shall, not later*
3 *than 18 months after the date of the enactment of this Act,*
4 *submit a report to Congress on the effects of the amendments*
5 *made by this Act on the trade markets and industries, in-*
6 *volving textile and apparel articles, of Haiti, the countries*
7 *described in clauses (ii) and (iii) of section 213A(b)(2)(C)*
8 *of the Caribbean Basin Economic Recovery Act (as added*
9 *by section 5002 of this Act), and the United States.*

10 **SEC. 5004. SENSE OF CONGRESS ON INTERPRETATION OF**
11 **TEXTILE AND APPAREL PROVISIONS FOR**
12 **HAITI.**

13 *It is the sense of the Congress that the executive branch,*
14 *particularly the Committee for the Implementation of Tex-*
15 *tile Agreements (CITA), the Bureau of Customs and Border*
16 *Protection of the Department of Homeland Security, and*
17 *the Department of Commerce, should interpret, implement,*
18 *and enforce the provisions of section 213A(b) of the Carib-*
19 *bean Basin Economic Recovery Act, as added by section*
20 *5002 of this Act, relating to preferential treatment of textile*
21 *and apparel articles, broadly in order to expand trade by*
22 *maximizing opportunities for imports of such articles from*
23 *Haiti.*

24 **SEC. 5005. TECHNICAL AMENDMENTS.**

25 *(a) CBI.—Section 213(b)(2)(A)(v) of the Caribbean*
26 *Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)(v))*

1 *is amended by adding at the end the following new sub-*
2 *clause:*

3 “(III) *If the President determines that*
4 *any fabric or yarn was determined to be el-*
5 *igible for preferential treatment under sub-*
6 *clause (I) on the basis of fraud, the Presi-*
7 *dent is authorized to remove that designa-*
8 *tion from that fabric or yarn with respect*
9 *to articles entered after such removal.”.*

10 (b) *ATPA.—Section 204(b)(3)(B) of the Andean Trade*
11 *Preference Act (19 U.S.C. 3202(b)(3)(B)) is amended by*
12 *adding at the end the following new clause:*

13 “(viii) *REMOVAL OF DESIGNATION OF*
14 *FABRICS OR YARNS NOT AVAILABLE IN COM-*
15 *MERCIAL QUANTITIES.—If the President de-*
16 *termines that any fabric or yarn was deter-*
17 *mined to be eligible for preferential treat-*
18 *ment under clause (i)(III) or (ii) on the*
19 *basis of fraud, the President is authorized to*
20 *remove that designation from that fabric or*
21 *yarn with respect to articles entered after*
22 *such removal.”.*

23 **SEC. 5006. EFFECTIVE DATE.**

24 *This title and the amendments made by this title apply*
25 *to articles entered, or withdrawn from warehouse for con-*

1 *sumption, on or after the 15th day after the date of the*
2 *enactment of this Act.*

3 **TITLE VI—AFRICAN GROWTH**
4 **AND OPPORTUNITY ACT**

5 **SEC. 6001. SHORT TITLE.**

6 *This title may be referred to as the “Africa Investment*
7 *Incentive Act of 2006”.*

8 **SEC. 6002. PREFERENTIAL TREATMENT OF APPAREL PROD-**
9 **UCTS OF LESSER DEVELOPED COUNTRIES.**

10 *(a) IN GENERAL.—Section 112 of the African Growth*
11 *and Opportunity Act (19 U.S.C. 3721) is amended—*

12 *(1) by redesignating subsections (c) through (f)*
13 *as subsections (d) through (g);*

14 *(2) in subsection (b)—*

15 *(A) in the matter preceding paragraph (1),*
16 *by striking “The” and inserting “Subject to sub-*
17 *section (c), the” ; and*

18 *(B) by striking subparagraph (B) and re-*
19 *designating subparagraph (C) as subparagraph*
20 *(B); and*

21 *(3) by inserting after subsection (b) the following*
22 *new subsection:*

23 *“(c) LESSER DEVELOPED COUNTRIES.—*

24 *“(1) PREFERENTIAL TREATMENT OF PRODUCTS*
25 *THROUGH SEPTEMBER 30, 2012.—*

1 “(A) *PRODUCTS COVERED.*—*In addition to*
2 *the products described in subsection (b), and sub-*
3 *ject to paragraph (2), the preferential treatment*
4 *described in subsection (a) shall apply through*
5 *September 30, 2012, to apparel articles wholly*
6 *assembled, or knit-to-shape and wholly assem-*
7 *bled, or both, in one or more lesser developed ben-*
8 *eficiary sub-Saharan African countries, regard-*
9 *less of the country of origin of the fabric or the*
10 *yarn used to make such articles, in an amount*
11 *not to exceed the applicable percentage of the ag-*
12 *gregate square meter equivalents of all apparel*
13 *articles imported into the United States in the*
14 *preceding 12-month period for which data are*
15 *available.*

16 “(B) *APPLICABLE PERCENTAGE.*—*For pur-*
17 *poses of subparagraph (A), the term ‘applicable*
18 *percentage’ means—*

19 “(i) *2.9285 percent for the 1-year pe-*
20 *riod beginning on October 1, 2005; and*

21 “(ii) *3.5 percent for the 1-year period*
22 *beginning on October 1, 2006, and each 1-*
23 *year period thereafter through September*
24 *30, 2012.*

1 “(2) *SPECIAL RULES FOR PRODUCTS IN COM-*
2 *MERCIAL QUANTITIES IN AFRICA.*—

3 “(A) *PETITION PROCESS.*—*Upon a petition*
4 *filed by an interested party (which may include*
5 *a foreign manufacturer), the Commission shall*
6 *determine whether a fabric or yarn produced in*
7 *beneficiary sub-Saharan African countries is*
8 *available in commercial quantities for use by*
9 *lesser developed beneficiary sub-Saharan African*
10 *countries.*

11 “(B) *EFFECT OF AFFIRMATIVE DETERMINA-*
12 *TION.*—

13 “(i) *DETERMINATION OF QUANTITY*
14 *AVAILABLE.*—*If the Commission determines*
15 *under subparagraph (A) that a fabric or*
16 *yarn produced in beneficiary sub-Saharan*
17 *African countries is available in commer-*
18 *cial quantities for use by lesser developed*
19 *beneficiary sub-Saharan African countries,*
20 *the Commission shall determine the quan-*
21 *tity of the fabric or yarn that will be so*
22 *available in lesser developed beneficiary*
23 *sub-Saharan African countries in the appli-*
24 *cable 1-year period beginning after the de-*
25 *termination is made.*

1 “(ii) *DETERMINATIONS.*—*In each case*
2 *in which the Commission determines that a*
3 *fabric or yarn is available in commercial*
4 *quantities under subparagraph (A) for an*
5 *applicable 1-year period, the Commission*
6 *shall determine, before the end of that appli-*
7 *cable 1-year period—*

8 “(I) *whether the fabric or yarn*
9 *produced in beneficiary sub-Saharan*
10 *African countries will be available in*
11 *commercial quantities in the suc-*
12 *ceeding applicable 1-year period; and*

13 “(II) *if so, the quantity of the fab-*
14 *ric or yarn that will be so available in*
15 *that succeeding 1-year period, subject*
16 *to clause (iii).*

17 “(iii) *DETERMINATION REGARDING IM-*
18 *PORTED ARTICLES.*—*After the end of each*
19 *applicable 1-year period for which a deter-*
20 *mination under clause (i) is in effect, the*
21 *Commission shall determine to what extent*
22 *the quantity of the fabric or yarn deter-*
23 *mined under clause (i) to be available in*
24 *commercial quantities for use by lesser de-*
25 *veloped beneficiary sub-Saharan African*

1 *countries was used in the production of ap-*
2 *parel articles receiving preferential treat-*
3 *ment under paragraph (1) that were entered*
4 *in that applicable 1-year period. To the ex-*
5 *tent that the quantity so determined was*
6 *not so used, then the Commission shall add*
7 *to the quantity of that fabric or yarn deter-*
8 *mined to be available in the next applicable*
9 *1-year period the quantity not so used in*
10 *the preceding applicable 1-year period.*

11 *“(C) DENIM.—Denim articles provided for*
12 *in subheading 5209.42.00 of the Harmonized*
13 *Tariff Schedule of the United States shall be*
14 *deemed to have been determined to be in abun-*
15 *dant supply under subparagraph (A) in an*
16 *amount of 30,000,000 square meter equivalents*
17 *for the 1-year period beginning October 1, 2006.*

18 *“(D) PRESIDENTIAL AUTHORITY TO RE-*
19 *STRICT IMPORTS.—*

20 *“(i) IN GENERAL.—Subject to clause*
21 *(ii), the President may by proclamation*
22 *provide that apparel articles otherwise eligi-*
23 *ble for preferential treatment under para-*
24 *graph (1) that contain a fabric or yarn de-*
25 *termined to be available in commercial*

1 *quantities under subparagraph (A) may not*
2 *receive such preferential treatment in an*
3 *applicable 1-year period unless—*

4 *“(I) the fabric or yarn in such ar-*
5 *ticles was produced in 1 or more bene-*
6 *ficiary sub-Saharan African countries;*
7 *or*

8 *“(II) the Commission has deter-*
9 *mined that the quantity of the fabric*
10 *or yarn determined under subpara-*
11 *graph (B) (or (C), as the case may be)*
12 *to be available in lesser developed bene-*
13 *ficiary sub-Saharan African countries*
14 *for that applicable 1-year period has*
15 *already been used in the production of*
16 *apparel articles receiving preferential*
17 *treatment under paragraph (1) that*
18 *were entered in that applicable 1-year*
19 *period.*

20 *“(ii) MANDATORY RESTRICTION.—If a*
21 *fabric or yarn is determined to be available*
22 *in commercial quantities under subpara-*
23 *graph (A) in an applicable 1-year period,*
24 *and for 2 consecutive applicable 1-year pe-*
25 *riods the quantities determined to be so*

1 *available are not used in the production of*
2 *apparel articles receiving preferential treat-*
3 *ment under paragraph (1) that were entered*
4 *during those 2 applicable 1-year periods,*
5 *then beginning in the succeeding applicable*
6 *1-year period, apparel articles containing*
7 *that fabric or yarn are ineligible for pref-*
8 *erential treatment under paragraph (1) in*
9 *any succeeding applicable 1-year period un-*
10 *less the Commission has determined that the*
11 *quantity of the fabric or yarn determined*
12 *under subparagraph (B) (or (C), as the case*
13 *may be) to be available in lesser developed*
14 *beneficiary sub-Saharan African countries*
15 *for that applicable 1-year period has al-*
16 *ready been used in the production of ap-*
17 *parel articles receiving preferential treat-*
18 *ment under paragraph (1) that were entered*
19 *in that applicable 1-year period.*

20 “(E) *PROCEDURES.*—*The Commission shall*
21 *use the procedures prescribed in subsection*
22 *(b)(3)(C)(iv) for the Secretary of Commerce in*
23 *making determinations under this paragraph.*

1 “(3) *REMOVAL OF DESIGNATION OF FABRICS OR*
2 *YARNS NOT AVAILABLE IN COMMERCIAL QUAN-*
3 *TITIES.—If the President determines that—*

4 “(A) *any fabric or yarn described in para-*
5 *graph (2)(A) was determined to be eligible for*
6 *preferential treatment, or*

7 “(B) *any fabric or yarn described in para-*
8 *graph (2)(B) was designated as not being avail-*
9 *able in commercial quantities,*

10 *on the basis of fraud, the President may remove the*
11 *eligibility or designation (as the case may be) of that*
12 *fabric or yarn with respect to articles entered after*
13 *such removal.*

14 “(4) *APPLICABILITY OF OTHER PROVISIONS.—*
15 *Subsection (b)(3)(C) applies to apparel articles eligi-*
16 *ble for preferential treatment under this subsection to*
17 *the same extent as that subsection applies to apparel*
18 *articles eligible for preferential treatment under sub-*
19 *section (b)(3).*

20 “(5) *DEFINITIONS.—In this subsection:*

21 “(A) *APPLICABLE 1-YEAR PERIOD.—The*
22 *term ‘applicable 1-year period’ means each of the*
23 *12-month periods beginning on October 1 of each*
24 *year and ending on September 30 of the fol-*
25 *lowing year.*

1 “(B) *COMMISSION.*—*The term ‘Commission’*
2 *means the United States International Trade*
3 *Commission.*

4 “(C) *ENTER; ENTRY.*—*The terms ‘enter’ and*
5 *‘entry’ refer to the entry, or withdrawal from*
6 *warehouse for consumption, in the customs terri-*
7 *tory of the United States.*

8 “(D) *LESSER DEVELOPED BENEFICIARY*
9 *SUB-SAHARAN AFRICAN COUNTRY.*—*The term*
10 *‘lesser developed beneficiary sub-Saharan African*
11 *country’ means—*

12 “(i) *a beneficiary sub-Saharan African*
13 *country that had a per capita gross na-*
14 *tional product of less than \$1,500 in 1998,*
15 *as measured by the International Bank for*
16 *Reconstruction and Development;*

17 “(ii) *Botswana; and*

18 “(iii) *Namibia.*”.

19 “(b) *ADDITIONAL PREFERENTIAL TREATMENT.*—*Sec-*
20 *tion 112(b) of the African Growth and Opportunity Act (19*
21 *U.S.C. 3721(b)) is amended by adding at the end the fol-*
22 *lowing new paragraph:*

23 “(8) *TEXTILE ARTICLES ORIGINATING ENTIRELY*
24 *IN ONE OR MORE LESSER DEVELOPED BENEFICIARY*
25 *SUB-SAHARAN AFRICAN COUNTRIES.*—*Textile and tex-*

1 *tile articles classifiable under chapters 50 through 60*
2 *or chapter 63 of the Harmonized Tariff Schedule of*
3 *the United States that are products of a lesser devel-*
4 *oped beneficiary sub-Saharan African country and*
5 *are wholly formed in one or more such countries from*
6 *fibers, yarns, fabrics, fabric components, or compo-*
7 *nents knit-to-shape that are the product of one or*
8 *more such countries.”.*

9 *(c) TECHNICAL AMENDMENT.—Section 112(e)(3) of the*
10 *African Growth and Opportunity Act (as redesignated by*
11 *subsection (a)(1) of this section) is amended by striking*
12 *“subsection (b)” and inserting “subsections (b) and (c)”.*

13 **SEC. 6003. TECHNICAL CORRECTIONS.**

14 *Section 112 of the African Growth and Opportunity*
15 *Act (19 U.S.C. 3721) is amended as follows:*

16 *(1) Subsection (b)(5) is amended by adding at*
17 *the end the following new subparagraph:*

18 *“(C) REMOVAL OF DESIGNATION OF FAB-*
19 *RICS OR YARNS NOT AVAILABLE IN COMMERCIAL*
20 *QUANTITIES.—If the President determines that*
21 *any fabric or yarn was determined to be eligible*
22 *for preferential treatment under subparagraph*
23 *(A) on the basis of fraud, the President is au-*
24 *thorized to remove that designation from that*

1 *fabric or yarn with respect to articles entered*
2 *after such removal.”.*

3 (2) *Subsection (f), as redesignated by section*
4 *6002(a)(1), is amended by adding at the end the fol-*
5 *lowing:*

6 “(5) *ENTER; ENTERED.—The terms ‘enter’ and*
7 *‘entered’ refer to the entry, or withdrawal from ware-*
8 *house for consumption, in the customs territory of the*
9 *United States.”.*

10 **SEC. 6004. EFFECTIVE DATE FOR AGOA.**

11 *Subsection (g) of section 112 of the African Growth*
12 *and Opportunity Act (19 U.S.C. 3721), as redesignated by*
13 *section 6002(a)(1), is amended by striking “2008” and in-*
14 *serting “2015”.*

15 **TITLE VII—ANDEAN TRADE**
16 **PREFERENCE ACT**

17 **SEC. 7001. SHORT TITLE.**

18 *This title may be cited as the “Andean Trade Pref-*
19 *erences Extension Act”.*

20 **SEC. 7002. ATPA EXTENSION.**

21 (a) *TEMPORARY EXTENSION.—Section 208 of the An-*
22 *dean Trade Preference Act (19 U.S.C. 3206) is amended*
23 *by striking “December 31, 2006” and inserting “June 30,*
24 *2007”.*

1 (b) *CONDITIONAL EXTENSIONS.*—Section 208 of the
2 *Andean Trade Preference Act (19 U.S.C. 3206)*, as amended
3 *by subsection (a)*, is further amended—

4 (1) *by striking “No” and inserting “(a) TERMI-*
5 *NATION.—Subject to subsection (b), no”*; and

6 (2) *by adding at the end the following:*

7 “*(b) CONDITIONAL EXTENSIONS.—Duty-free treatment*
8 *and other preferential treatment under this title shall re-*
9 *main in effect with respect to a beneficiary country, during*
10 *the period beginning on July 1, 2007, and ending on De-*
11 *cember 31, 2007, only if on or before June 30, 2007—*

12 “*(1) an implementing bill with respect to a trade*
13 *agreement with that country has been enacted into*
14 *law pursuant to the Bipartisan Trade Promotion Au-*
15 *thority Act of 2002; and*

16 “*(2) the President determines that the legislature*
17 *of that country has approved such trade agreement.*”.

18 **SEC. 7003. TECHNICAL AMENDMENTS.**

19 Section 204(b)(3)(B) *Andean Trade Preference Act (19*
20 *U.S.C. 3203(b)(3)(B))* is amended—

21 (1) *in clause (iii)(II)*, by striking “*The pref-*
22 *erential*” and inserting “*Subject to section 208, the*
23 *preferential*”; and

24 (2) *in clause (v)(II)*, by striking “*During*” and
25 *inserting “Subject to section 208, during”*.

1 **TITLE VIII—GENERALIZED SYS-**
2 **TEM OF PREFERENCES (GSP)**
3 **PROGRAM**

4 **SEC. 8001. LIMITATIONS ON WAIVERS OF COMPETITIVE**
5 **NEED LIMITATION.**

6 *Section 503(d)(4)(B) of the Trade Act of 1974 (19*
7 *U.S.C. 2463(d)(4)(B)) is amended—*

8 *(1) by striking “The President” and inserting*
9 *“(i) The President”;*

10 *(2) by striking “(i) had” and inserting “(I) had”*
11 *and by striking “(ii) had” and inserting “(II) had”;*
12 *and*

13 *(3) by adding at the end the following new*
14 *clause:*

15 *“(i) Not later than July 1 of each year, the*
16 *President should revoke any waiver that has then*
17 *been in effect with respect to an article for 5*
18 *years or more if the beneficiary developing coun-*
19 *try has exported to the United States (directly or*
20 *indirectly) during the preceding calendar year a*
21 *quantity of the article—*

22 *“(I) having an appraised value in ex-*
23 *cess of 1.5 times the applicable amount set*
24 *forth in subsection (c)(2)(A)(ii) for that cal-*
25 *endar year; or*

1 “(II) exceeding 75 percent of the ap-
2 praised value of the total imports of that
3 article into the United States during that
4 calendar year.”.

5 **SEC. 8002. EXTENSION OF GSP PROGRAM.**

6 Section 505 of the Trade Act of 1974 (19 U.S.C. 2465)
7 is amended by striking “December 31, 2006” and inserting
8 “December 31, 2008”.

Amend the title so as to read “An Act to amend the
Internal Revenue Code of 1986 to extend expiring provi-
sions, and for other purposes.”.

Attest:

Clerk.

109TH CONGRESS
2^D SESSION

H.R. 6111

**HOUSE AMENDMENTS TO
SENATE AMENDMENT**