United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, MONDAY, MARCH 8, 2004 No. 28

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. COLE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 8, 2004.

I hereby appoint the Honorable TOM COLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Your living Word exhorts us: ''Be compassionate as Your heavenly Father is compassionate.''

Lord, help us to unmask the illusion of our deep competitive nature.

Maturity in faith takes us beyond our childish games of winners and losers.

The high drama of sports and the profits of markets leave us only with empty consequences that take us to the next turnstile or video game of self-absorption.

Lift us out of our competitiveness with one another into Your divine wholeness. By our union with You, Lord, may we enter into new relationships with one another.

There, freed from greed and the fear of suffering, may we enter the truth of all those who like ourselves share in the experience of brokenness, confusion, and anguish.

We become vulnerable with the vulnerable, powerless with the powerless, humbly one with You, the God of compassion, and we find new life, which satisfies forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1047. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 5, 2004 at 9:40 a.m:

That the Senate passed without amendment H.R. 506.

That the Senate passed without amendment H.R. 2059.

Appointments:

National Commission on Small Community Air Service.

Abraham Lincoln Study Abroad Fellowship Program.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

COMMUNICATION FROM STAFF MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following communication from James A. Paretti, Jr., Workforce Policy Counsel of the Committee on Education and the Workforce:

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely yours,

JAMES A. PARETTI, Jr.,
Workforce Policy Counsel.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 5 minutes p.m.), under its previous order, the

Printed on recycled paper.

House adjourned until tomorrow, Tuesday, March 9, 2004, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7047. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Ports of Entry for Certain Plants and Plant Products [Docket No. 03-067-2] received February 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7048. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Decreased Assessment Rate [Docket No. FV04-932-1 IFR] received February 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7049. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et. al.; Final Free and Restricted Percentages for the 2003-2004 Crop Year for Tart Cherries [Docket No. FV04-930-1 FR] received February 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7050. A communication from the President of the United States, transmitting requests for FY 2005 budget amendments for the Department of Defense; (H. Doc. No. 108—170); to the Committee on Appropriations and ordered to be printed.

7051. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Amended Service Obligation Reporting Requirements for U.S. Merchant Marine Academy and State Maritime Academy Graduates [Docket Number: MARAD-2004-17185] (RIN: 2133-AB57) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7052. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies [Release Nos. 33-8393; 34-49333; IC-26372; File No. S7-51-02] (RIN: 3235-AG64) received March 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7053. A letter from the Deputy Under Secretary, Department of Education, transmitting the Department's final rule — Magnet Schools Assistance Program (RIN: 1855-AA01) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7054. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Final Rule Declaring Dietary Supplements Containing Ephedrine Alkaloids Adulterated Because They Present an Unreasonable Risk [Docket No. 1995N-0304] (RIN: 0910-AA59) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7055. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Bar Code Label Requirement for Human Drug Products and Biological Products [Docket No. 2002N-0204] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7056. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Head Impact Protection [Docket No. 00-7145; Notice 2] (RIN: 2127-AH61) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7057. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Montgomery and Marmet, West Virginia) [MB Docket No. 03-164; RM-10737] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7058. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ketchum, Jerome and Rupert, Idaho, and Coalville, Naples, Huntsville, South Jordan, Tooele, Wellington, Castle Dale, Salina, Parowan, and Payson, Utah) [MB Docket No. 02-14; RM-10358; RM-10767] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7059. A letter from the Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Jurisdictional Separations Reform and Referral to the Federal-State Joint Board [CC Docket No. 80-286] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7060. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report required by section 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104—164, section 655(a) (110 Stat. 1435); to the Committee on International Relations.

7061. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report required by section 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104—164, section 655(a) (110 Stat. 1435); to the Committee on International Relations.

7062. A letter from the Under Secretary of Commerce for Industry and Security, Department of Commerce, transmitting the Department's final rule — Export Administration Regulations: Penalty Guidance in the Settlement of Administrative Enforcement Cases [Docket No. 030909226-4048-02] (RIN: 0694-AC92) received February 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7063. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-199, ''Government Employer-assisted Housing Program Teacher, Police Officer, Firefighter, and Emergency Medical Technician Incentive Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7064. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-369, ''Emmaus Rehabilitation Project Real Property Exemption Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7065. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removing the Mariana Mallard and the Guam Broadbill From the Federal Listof Endangered and Threatened Wildlife (RIN: 1018-AH50) received February 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7066. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox as Endangered (RIN: 1018-AI28) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7067. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Milford, IA. [Docket No. FAA-2003-16497; Airspace Docket No. 03-ACE-81] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7068. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Springfield, MO. [Docket No. FAA-2003-16763; Airspace Docket No. 03-ACE-100] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7069. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30374; Amdt. No. 3063] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7070. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30404; Amdt. No. 3089] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7071. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Calverton, NY [Docket No. FAA-2003-16415; Airspace Docket No. 03-ACE-16] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7072. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Restricted Area 2202C, and the Establishment of Restricted Area 2202D; Big Delta, AK [Docket No. FAA-2003-15086; Airspace Docket No. 03-AAl-07] (RIN: 2120-AA66) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7073. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lawrenceville, VA [Docket No. FAA-2003-15979; Airspace Docket No. 03-AEA-10] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7074. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Aging Airpane Safety; Correction [Docket No. FAA-1999-5401; Amdt. Nos. 119-6, 121-296, 129-34, 135-87, and 183-11] (RIN: 2120-AE42) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7075. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Digital Flight Data Recorder Requirements — Changes to Recording Specifications and Additional Exceptions; Correction [Docket No. FAA-2003-15682; Amendment Nos. 121-300 125-42, 135-89] (RIN: 2120-AH89) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7076. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Regulation of fractional Ownership Programs and On-Demand; Correction [Docket, FAA-2001-10047; Amdt. Nos. 21-84, 61-109, 91-280, 119-7, 125-44, 135-91, 142-5] (RIN: 2120-AH06) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7077. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Extension of Compliance Times for Fuel Tank System Safety Assessments, Correction; Correction [Docket No. FAA-1999-6411; Amendment Nos. 21-83, 91-277, 121-295, 125-40, 129-35, Special Federal Aviation Regulation No. 88] (RIN: 2120-AG62) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7078. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Enhanced Flight Vision Systems; Correction [Docket No. FAA-2003-14449; Amendment Nos. 1-52; 91-281; 121-303; 125-45; 135-93] (RIN: 2120-AH78) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7079. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Special Air Traffic Rules; Flight Restriction in the Vicinity o Niagara Falls; Correction [Docket No. FAA-2002-13235; Amendment Nos. 91-278, 93-82] (RIN: 2120-AH57) received Feburary 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7080. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Enhancing Hazardous Materials Transportation Security [Docket No. RSPA-03-14982 (HM-232C)] (RIN: 2137-AD79) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7081. A letter from the Attorney Advisor, FHA, Department of Transportation, transmitting the Department's final rule — Federal Lands Highway Program; Management Systems Pertaining to the Bureau of Indian Affairs and the Indian Reservation Roads Program [FHWA Docket No. FHWA-99-4968] (FHWA RIN: 2125-AE53) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7082. A letter from the Attorney Advisor, FHA, Department of Transportation, transmitting the Department's final rule — Federal Lands Highway Program; Management Systems Pertaining to the National Park Service and the Park Roads and Parkways Program [FHWA Docket No. FHWA-99-4967] (FHWA RIN: 2125-AE52) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7083. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-330-AD; Amendment 39-13437; AD 2004-02-02] (RIN:2120-AA64) received Feburary 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7084. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2001-NM-365-AD; Amendment 39-13482; AD 2004-04-02] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7085. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-7, PC-12, and PC-12/45 Airplanes [Docket No. 2003-CE-45-AD; Amendment 39-13481; AD 2004-04-01] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7086. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Beech 400A and 400T Series Airplanes [Docket No. 2002-NM-225-AD; Amendment 39-13479; AD 2004-03-35] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7087. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. Model PA-46-500TP Airplanes [Docket No. 2003-CE-32-AD; Amendment 39-13476; AD 2004-03-32] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7088. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2004-NM-14-AD; Amendment 39-13484; AD 2004-02-51] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7089. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2002-NM-226-AD; Amendment 39-13480; AD 2004-03-36] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7090. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. 2002-NM-174-AD; Amendment 39-13483; AD 2004-04-03] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7091. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200F, 747-200C, 747-300, 747SR, and 747SP Series Airplanes [Docket No. 2001-NM-238-AD; Amendment 39-13453; AD 2004-03-09] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7092. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 727C, 727-100, and 727-100C Series Airplanes [Docket No. 2003-NM-205-AD; Amendment 39-13474; AD 2004-03-30] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7093. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-215-1A10 and CL-215-6B11 Series Airplanes [Docket No. 2003-NM-139-AD; Amendment 39-13457; AD 2004-03-13] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7094. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters [Docket No. 2002-SW-45-AD; Amendment 39-13471; AD 2004-03-27] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7095. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Testing Laboratories (RIN: 3245-AE78) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7096. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Information Technology Value Added Reseller (RIN: 3245-AE80) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7097. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2004-19) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7098. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Electronic Filing of Duplicate Forms 5472 [TD 9113] (RIN: 1545-BD02) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7099. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Computation of Tax Where Taxpayer Restores Substantial Amount Held Under Claim of Right (Rev. Rul. 2004-17) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7100. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Capitalization and Inclusion in Inventory Costs of Certain Expenses (Rev. Rul. 2004-18) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7101. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2004-18) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on March 4, 2004 the following report was filed on March 5, 2005]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 339. A bill to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements; with amendments (Rept. 108–432). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Government Reform discharged from further consideration. H.R. 2802 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. EMANUEL (for himself, Mr. BURTON of Indiana, Mr. HOYER, Mr. ANDREWS, Mr. CARDOZA, Mr. CHANDLER, Mr. MILLER of Florida, Mr. ENGLISH, Ms. MCCARTHY of Missouri, Mr. SANDLIN, and Mr. FROST) introduced a bill (H.R. 3913) to provide the penalty of death for kingpins of child sex slave trafficking enterprises; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3548: Mr. ALLEN.

H.R. 3558: Mr. WELDON of Florida.

H.R. 3771: Mr. PRICE of North Carolina.

H.R. 3879: Mr. LOBIONDO, Mr. OBERSTAR, and Mr. FILNER.

H.R. 3888: Mr. HINCHEY, Mr. CUMMINGS, and Mr. CARSON of Oklahoma.

H. Con. Res. 363: Mr. SOUDER, Mr. WYNN, Mr. FROST, and Mr. MCNULTY.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, MONDAY, MARCH 8, 2004 No. 28

Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit who dwells in contrite hearts, we marvel that You care for our small planet. Your gifts come generously each morning and Your providence encourages us. Make this a week when we cheer downtrodden spirits and bring a sense of community to lonely hearts. Help us during this week to do Your will on Earth and to glorify You by our words and actions.

Give heaven's peace to our Senators, who must labor with turbulent forces surrounding them. Deliver them from ungodly pride and ungenerous judgments. As they grapple with complex issues, shower them with Your wisdom and give them a determination to do what is right. Use each of us to advance Your kingdom of goodwill on Earth. We pray this in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will begin debate on the first concurrent budget resolution for fiscal year 2005. Chairman NICKLES and Senator CONRAD are prepared to begin the debate under the statutory 50-hour time limitation. Given the nature of the budget resolution and the lengthy debate, on Friday I announced that no rollcall votes would occur today. This afternoon Senators will come to the floor to speak in relation to the budget or the two managers may have amendments to consider over the course of the day. However, any votes ordered today will be delayed until tomorrow.

As we begin the week, I do want to put all of our Members on notice that this week will include lengthy sessions each day and into the evening. We have the 50-hour time limit. There will be references made to that time limit during the course of this afternoon and, indeed, every day. It is my hope we will be able to yield back some of the 50-hour time limit. I will be talking to the two managers to see if that will be possible.

In any event, the debate will be lengthy; it will be throughout the day and likely, as I mentioned, go into the evening.

We have a recess next week. We will finish this bill this week. I have already heard about a number of scheduling conflicts over the course of the week, into Saturday and Friday, and I will do everything possible to accommodate the request, but I need to make it absolutely clear, as I did last week, that we are going to finish the budget resolution this week. Therefore, I ask for all Members to adjust their schedules accordingly, especially on Friday.

I do want to comment on the process, the so-called vote-arama, that we come to at this point each and every year. As Members are aware, even after the 50 hours expire, Senators can offer amendments with no debate and they can demand votes, but I think if we look back at past experience almost all Senators will agree that this vote-arama, which in more recent times has come to characterize what follows the 50 hours, is absolutely not the best process for consideration of their amendments.

Thus, I encourage, in fact plead, with Members to approach the two managers of the resolution and see if they can limit the excessive number of votes needed at the end of the process.

I thank Senators NICKLES and CONRAD for their hard work in getting this budget resolution ready for floor action.

SENATOR BEN NIGHTHORSE CAMPBELL

Mr. FRIST. Mr. President, I want to spend 2 minutes on the service of Senator BEN NIGHTHORSE CAMPBELL and his announcement that he is not going to be running for election. For more than 20 years, he has been a tireless advocate and a faithful champion for the people of Colorado. Although I have had the opportunity to discuss with him at length his reasons and understand his reasons, I am saddened by his decision to retire from his well-earned and well-deserved post. The Senate will miss his plain-spoken humor, his astute and keen perspective, and his uncommon drive to improve the lives of those he represents.

He has a frank and straightforward approach to the job, and that has helped us and it has helped me as leader walk through some very difficult and contentious issues in a very quiet and dispassionate manner.

He is an American original. He served in the Air Force in Korea, was captain of the 1964 U.S. Olympic judo team. He has been a rancher, a jewelry designer, a horse trainer, and a public official. He is the only American Indian serving in the Senate. He carries the distinction of being 1 of 44 chiefs of the Northern Cheyenne Tribe.

Senator NIGHTHORSE CAMPBELL's broad experience and background has been invaluable to this body. His direct and honest presence will be greatly missed in the Senate. He has been a very good friend and a great Senator, and I wish the Senator from Colorado

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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and his family all the best in the years ahead.

THE IRAQ INTERIM CONSTITUTION

Mr. FRIST. Mr. President, we are now on the resolution and the two managers are gathering now to start that debate. In the interim period, I wish to make another comment that has to do with a truly historic occurrence in Iraq.

Today is a historic day for the Iraqi people. Today, the Iraq Governing Council will formally sign an interim constitution that represents one of the most liberal and democratic governing documents in the Arab world. It is a historic day for the entire Arab world.

The new Iraqi Constitution is a monumental achievement. I applaud the courage and the foresight of Iraq's leaders to seize this historic opportunity before them and to work together to forge a framework for freedom that reflects the aspirations and God-given rights of every single Iraqi citizen.

After 35 years of torment and oppression by an evil and dictatorial regime, Iraq is finally emerging from the shadows and becoming a democratic nation by and for the people. Remember, the people of Iraq just 1 year ago were ruled by a tyrant who worshipped Hitler and Stalin, two of the 20th century's most prolific mass murderers—just a year ago.

Iraq is emerging from a terrible history, and the Iraqi people deserve our highest praise for their ability to set aside recriminations and to set aside old ethnic conflicts, to confront their fears and overcome mistrust in order to embrace the future. It is my sincere hope that others in the region and around the world will take heart at Iraq's extraordinary progress and that this fledgling nation will one day soon become a beacon of freedom for all.

The new interim constitution is rightly a document of principles. It guarantees freedom of expression, freedom of assembly, privacy, thought, conscience, religious belief, and due process. It protects women, ethnic and religious minorities, and strives to balance regional and national imperatives.

No longer will the Iraqi people have to fear secret police, government abductions, torture, or arbitrary imprisonment. No more mass graves, no more child prisons, no more forced confessions or mass executions.

I have great hopes for Iraq. Like President Bush, I believe all people are capable and deserving of a democratic government. That is because I believe, like President Bush, freedom is an inherent right, not a privilege to be dispensed by pundits or politicians. Securing freedom in Iraq, as we all know, will be hard. The continuing vicious bombings against innocent Iraqis demonstrate that we are up against determined and evil forces. My heart goes out to those victims and to those families.

We know from our own 9/11 how truly devastating these acts of evil are to the immediate victims and to the nation that is forced to watch, helpless, in horror. But I have faith that the Iraqi people will persevere. We will not allow our enemies to divide us. We will stand together as two free nations. We will defeat the forces of terror and the Iraqi people will live in peace and freedom.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. Con. Res. 95, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 95) setting forth for the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

The Senate proceeded to consider the concurrent resolution.

The PRESIDENT pro tempore. The chairman of the committee, the Senator from Oklahoma, is recognized.

Mr. NICKLES. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor during Senate consideration of the fiscal year 2005 concurrent resolution on the budget.

The PRESIDENT pro tempore. Without objection, it is so ordered.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, as we begin consideration of the budget resolution, I want to urge our colleagues to be prepared for a long, busy week. Under the rules of budget law, we have 50 hours on the resolution. Last year I am not sure how many hours we had, but it was a lot more than 50. I believe we had 81 rollcall votes. It was a very difficult and long week. It was actually longer than a week. It spilled over into 2 weeks.

It is our intention to finish this week. That is going to take the cooperation of all Members. The majority leader already announced for Members to expect long nights, long days, and a lot of votes. I urge our colleagues to be prepared for a long week. Please don't come up and say, I have a plane reservation at 3 o'clock. I don't think you can count on that. I think you have to assume you are going to be here for very long evenings during long days—especially on Wednesday, Thursday, and Friday—until we conclude this resolution. I want to make sure that is known.

Saying that, I urge colleagues to work with my friend and colleague, Senator CONRAD, and myself. If you have amendments, please present them to us. Give us time to consider them. Maybe we can accept them; maybe we can't; maybe they will have to be objected to. But at least give us a chance to review the amendments.

Last year we ended up in a very demeaning process. We called it a vote-arama. But we had a lot of votes that were on sincere issues that were considered with very little debate. I would like to—one of the little legacy things—change the way we manage Senate budget resolutions. By saying that, I would like to avoid the vote-arama, or at least minimize it, and maybe have a certain number of votes on each side. Sometimes last year we voted on the same thing several times. I don't think that helps the Senate. I want us to represent the Senate very well.

I want to warn our colleagues to expect a long week. Hopefully we will conclude. I would love to have it concluded Thursday night. I doubt that will happen. But we will work aggressively with all of our colleagues. And when we get into votes, we are going to be very pushy on trying to limit the time on those votes.

I am just making mention of a couple of those things to let colleagues know they should expect a long week and late nights. It may be that Senator CONRAD and those who are proposing amendments will work late and we will stack votes for the next morning. That might be my preference. But I will work with Senator CONRAD, who is a very good friend and manager on the minority side, on this difficult challenge of passing a budget.

Again, we have the budget resolution before us. I will be talking about that momentarily. It cuts the deficit in half. Actually, we cut it in half over 3 years. The deficits are far too high. Having $500 billion deficits is not acceptable to this Senator, nor do I think it is acceptable to anybody. We charted a path to bring it down and bring it down rather abruptly. It will take the cooperation of all people to conclude this week, and also to make that happen. That is not easy easily done.

Again, I urge the cooperation of all of our colleagues and look forward to working with my colleague, Senator CONRAD, for the remainder of this week.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from North Dakota.

Mr. CONRAD. Thank you, Madam President.

I join the chairman of the committee in reminding our colleagues that this

will be a long week with many amendments. I am very hopeful that we on our side can find a way to get more amendments considered on the front end more quickly—the chairman and I discussed this and I think we are of like minds on this—rather than having a big crush at the end. Maybe if we spent less time on amendments on the front end and more votes on the front end we could eliminate some of that gridlock at the end. I think the chairman is entirely correct. That would be good for the Senate. It would be good for the disposition of these amendments and a better way to reach a conclusion.

The President has sent us a budget. I want to talk about that in part and then later on to talk about the chairman's mark.

First of all, I want to discus the budget the President sent to the Congress. In the President's budget, it spends $991,000 a minute more than it takes in. That is truly a stunning statistic. Every minute, under the President's plan, this country spends $991,000 more than it takes in.

In 2001, the President told us:

> Tax relief is central to my plan to encourage economic growth, and we can proceed with tax relief without fear of budget deficits, even if the economy softens.

That is what he told us in 2001.

Let us look at the result. We have seen the deficits absolutely skyrocketing. Here we are back in 2001, and we are still in the black. But look at where we have gone. So the President was wrong when he asserted that.

A year after the President's first budget, he said to us:

> . . . [O]ur budget will run a deficit that will be small and short term.

This is after we saw a return of deficits which the President said would not happen.

In the second year, he told us:

> . . . [O]ur budget will run a deficit that will be small and short term.

That proved to be wrong as well. We don't see deficits that are small and short term. We see deficits that are large and long term. In fact, this chart shows the operating deficits under the President's plan from this year going to the end of the budget period. You can see these are massive deficits, by far the biggest we have had in our country's history.

In the third year, the President told us:

> [O]ur budget gap is small by historical standards.

Let us look at in fact what has occurred with respect to that claim. You can see this goes back to 1969. It shows the deficits in dollar terms. It shows these are record budget deficits, the biggest we have ever had. So the President was wrong again.

The President said at the end of last year:

> Now, we've laid out a plan that shows the deficit will be cut in half over the next five years, and that's good progress toward deficit reduction.

We have to ask, Is the President going to be wrong again?

This chart speaks to that. It shows, I believe, that the President will be absolutely wrong again, and wrong by a big margin. The President says in the fifth year the deficit will be $237 billion. But that is only the case if you leave out lots of items. If you leave out the $30 billion of additional war cost the Congressional Budget Office tells us we will still be facing in that fifth year; if you leave out the money needed to fix the alternative minimum tax, which was, as you know when it began, a millionaire's tax. Now it is rapidly becoming a middle-class tax. In fact, about 3 million people are now affected by the alternative minimum tax. By the end of this period, we will have 30 million to 40 million people affected by the alternative minimum tax.

In addition, the President is not talking about the money he will be taking from the Medicare trust fund, or the Social Security trust fund. In that fifth year alone, the President will be taking $235 billion from the Social Security trust fund. That is much bigger than his entire projected deficit for that year. Every penny of this has to be paid back, and the President has no plan to pay it back.

The same is true with the Medicare surplus—$22 billion he is borrowing from the Medicare trust fund, again with no plan to pay it back.

Of course, we have the Congressional Budget Office reestimate. They have looked at the President's numbers and made a change. They think the number will be bigger than the President anticipated.

If you add all of this up, instead of adding $237 billion to the debt in that fifth year, we believe under the President's plan he will be adding $600 billion to the debt.

What we have, I believe, is a consistent pattern by the President to hide from the American people the full story of our fiscal condition. Here is just a few of the ways he is hiding the full effect of his plan.

The first way he does it is he provides no new funding for ongoing operations in Iraq, Afghanistan, and the continuing war on terror, no new money past September 30 of this year.

Does anybody seriously believe the war in Iraq, the war in Afghanistan, and the war on terror are going to end on September 30, which happens to be the end of the fiscal year? Does anybody believe that? That is what is in the President's budget. When we ask the President's representatives, they say: Well, it is hard for us to know what the cost will be.

We can understand that. But the right answer is not zero, and the President is telling us there is no cost for the war on terror, no cost for the war in Afghanistan, no cost for the war in Iraq past September 30 of this year.

The Congressional Budget Office tells us that, instead of a zero, we ought to be putting in $280 billion for these costs for the period 2005 to 2014. That is what they say the war cost will be going forward: $280 billion. The President has nothing.

But that is not the only place the President is failing to tell the American people what we really face. The Bush budget also hides the full story on the cost of extending the tax cuts. The President has come before us and said: Make all the tax cuts permanent. I wish we could do that. But look at what happens. This dotted line shown on the chart is the first 5 years. The Bush budget only covers the first 5 years. But look what happens to the cost of the tax cut right beyond the 5-year budget window. The cost of the tax cut explodes.

This is being hidden, in effect, from the American people. I think if they have a chance to see this information, they will realize the President has us on a fiscal course that simply does not add up. The deficits and debt absolutely skyrocket as we approach the retirement of the baby boom generation.

It is not just the war cost or the cost of the tax cuts, but we also see the same pattern with the alternative minimum tax. The alternative minimum tax was the tax that was designed to catch millionaires, catch people who were filing and paying no taxes. Remember, back in the 1980s, we had that circumstance where Congress found there were a number of people making, at that time, $200,000 a year, and there were 22 of them who did not pay a penny of tax.

In response to that, Congress put in place the alternative minimum tax. It affected a very small number of taxpayers. But it has not been adjusted since the time it was put in place, and now we have between 2 and 3 million people caught up in the alternative minimum tax.

But we have not seen anything yet because by the end of this 10-year period, they are telling us 40 million people will be caught up in the alternative minimum tax. The old millionaires' tax is swiftly becoming a middle-class tax trap. The President deals with the problem only for the first year in his budget. He does not deal with the soaring cost over the 10 years, again hiding the full story from the American people.

But perhaps the biggest place—the biggest place—the President is hiding the full effect of his budget policies is with respect to Social Security. The President, after pledging not to use Social Security to pay for tax cuts or other expenditures of Government, is now using, over the next 10 years, every penny of Social Security surplus. And remember, the word ''surplus'' is not accurate because the money is not extra. This is money that is needed when the baby boomers retire. It is surplus for the moment. That is money that should be used to pay down the debt or prepay the liability.

Instead, the President is taking it to pay for tax cuts and other things. He is

taking every penny of Social Security surplus, not just this year, not just next year, not just for the next 5 years, but for the next 10 years under the President's plan—and all of that at the worst possible time, right before the baby boomers begin to retire. Those funds will be needed to keep the promise made to them.

Remember, in 2001, the President told us he was going to have maximum paydown of the debt. He said he would virtually eliminate the debt. Well, he was wrong again. Because we see the debt exploded. The gross debt of the United States was $5.8 trillion in 2001 when he took office. We now project—using his tax cuts, the alternative minimum tax reform that will be required, and the ongoing war costs; just making those three corrections—the gross debt of the United States will skyrocket to $14.8 trillion in 2014.

You wonder, where is all that money coming from. We are running up this huge debt. Where is this money coming from? Well, we have already seen the President is borrowing $2.4 trillion from the Social Security trust fund—$2.4 trillion; every penny of the Social Security surplus. He is taking every penny available to borrow, and using it to pay for tax cuts and other things.

But that is not the only place from which he is borrowing. He has borrowed already $545 billion from Japan, $149 billion from China; he has borrowed $69 billion from the so-called Caribbean banking centers; he has borrowed $58 billion from Hong Kong; he has even borrowed $43 billion from South Korea. I do not think this makes us stronger. I think this makes us weaker. And that is what has happened.

The President is very fond of saying it is the people's money; we have to give it back to them.

Well, that may have made more sense when there was a surplus, but now that you are in deficit, it is the people's money, certainly, but it is also the people's debt. Where is the money coming from to finance this debt? It is coming from borrowing. We are borrowing from ourselves. We are borrowing from the Social Security trust fund, the Medicare trust fund, under the President's plan, and we are borrowing from countries all around the globe, money that will ultimately have to be paid back, and the President has no plan to do it.

Here are the implications of this policy. This is from a story that was in the Washington Post on January 26 of this year: ''Economists Worry About Long-Term Effects of Weak Dollar and Heavy U.S. Borrowing.'' Here is what it said in the article:

> Currency traders fretting over that dependency—

The dependency they are talking about is our need to borrow all this money, borrow from the budget deficit, now approaching $500 billion this year. We are also, in effect, borrowing from the rest of the world to finance our trade deficit, which is also about $500 billion a year.

> Currency traders fretting over that dependency have been selling dollars fast and buying euros furiously. The fear is that foreigners will tire of financing America's appetites. Foreign investors will dump U.S. assets, especially stocks and bonds, sending financial markets plummeting. Interest rates will shoot up to entice them back. Heavily indebted Americans will not be able to keep up with rising interest payments. Inflation, bankruptcies and economic malaise will follow.

That is the risk the President is running with these enormous deficits as far as the eye can see. We have a circumstance where we have run deficits in the short term. That is more understandable. We have been wracked by an attack on September 11. We have had an economic slowdown. We have a war in Afghanistan and Iraq. I think we can all understand that we would expect to run deficits in that circumstance.

The problem I see is the President's plan going forward. Because even when he sees economic recovery continuing, we are running deficits that are larger than anything we have seen in our country's history—not just for the next few years but the next 5 years and the next 10 years.

When they said in the article that economists are worried about the long-term effect of the drop in the value of the dollar, here is what they are talking about.

The dollar has declined more than 30 percent against the euro just since 2002. In other words, our currency has lost 30 percent of its value against the European currency in the last 2 years. That has enormous implications, both short term and long term.

In the short term, it helps us celebrate abroad. If our dollar is worth less, it makes it easier for us to sell abroad. It makes it harder for us to buy from other countries, so that gives a boost in the short term to our economy.

The problem is, if it continues for an extended period, then people who are investing in the United States in dollar-denominated securities may decide it is no longer advantageous to invest in dollar-denominated investments. They may decide it is time to diversify out of dollar-denominated investments. That could have a very serious and negative consequence on the American economy.

From the Washington Post this morning, I urge my colleagues to look at the story about Warren Buffett—Warren Buffett, the second richest man in the world, somebody who is a patriotic American—indicating that he is betting against the value of the U.S. dollar. He has bet $12 billion against the value of the American dollar.

I was just with a financial adviser, one of the most prominent financial advisers in America, who had a strategy meeting with one of America's wealthiest families. For the first time at their meeting, they decided to begin to invest in other than dollar-denominated investments because they believe the threat to the value of the American dollar to long-term American economic strength is being so undercut by these budget and trade deficits.

We have to get serious about the long-term economic security of our country. Do not take my word for it. This is from the President's own budget document. It is the long-term budget outlook. If we adopt the President's spending plan and if we adopt the President's tax plan, this is what it shows. This is a very sobering chart. It tells us that right now we are in the budget sweet spot. Even though this represents a record budget deficit, the biggest we ever had, it shows things getting somewhat better on a so-called unified basis when Social Security money is being used to pay our bills.

Look what happens in the long term as the baby boomers start to retire and the cost of the President's tax cuts explode: The deficits go right off the cliff, deficits that are utterly unsustainable and that fundamentally threaten the economic strength of the country. That is from the President's own budget document. That is their outlook of where this is all headed. This is a policy that cannot be justified over the long term. It is utterly unsustainable.

If you do not want to trust the President's numbers—and I understand that after we have looked at the previous claims of what would happen—this is what the Congressional Budget Office shows. It is exactly the same thing. This is their long-term budget outlook—again, a percentage of GDP so the effect of inflation has been taken out.

They show, with the President's tax cuts, the need for alternative minimum tax reform, maintaining current spending policies, and, of course, the President is really increasing current spending because of the increases in defense and homeland security. Look what happens. The long-term deficits absolutely skyrocket.

All of this is happening at the worst possible time, as this chart shows. This chart shows the tax cuts explode as the trust fund cash surpluses become deficits. This chart shows, in green, the Social Security trust fund. The blue is the Medicare trust fund. The red are the tax cuts, both those already passed and those proposed by the President.

What this chart shows is right now the surpluses in the Social Security and Medicare trust funds are offsetting the cost of the tax cuts. Look what happens when the trust funds go cash negative in 2016 and 2017. At the very time the cost of the tax cuts explode, that combination drives us right over the fiscal cliff. This sets up a very difficult set of choices for the future.

This is a joint statement by the Council on Economic Development, the Concord Coalition, and the Council on Budget and Policy Priorities. In the fall of last year, trying to help people understand what we will face in the future as a result of digging the hole so deep now, this is what they said:

> To get a sense of the magnitude of the deficits the nation is likely to face without a

change in policies, consider that even with the full economic recovery that CBO forecasts and a decade of economic growth, balancing the budget by the end of the coming decade would entail such radical steps as:

Raising individual and corporate income taxes by 27 percent; or eliminating Medicare entirely;

We have had tough choices in the past. Wait and see what is to come. Three very serious groups are warning where we are heading.

Continuing:

Raising individual and corporate income taxes by 27 percent; or eliminating Medicare entirely; or cutting Social Security benefits by 60 percent.

We have just had the head of the Federal Reserve, Chairman Greenspan, say we are overcommitted. He said we ought to consider cutting Social Security benefits. But he has not said cut Social Security benefits by 60 percent. That is what these three organizations are saying would be the options facing a future President and a future Congress if we stay on this current course.

Or shutting down three-fourths of the Defense Department; or cutting all expenditures other than Social Security, Medicare, defense, homeland security, and interest payments on the debt including expenditure on the debt—including expenditures for education, transportation, housing, the environment, law enforcement, National Parks, research on diseases, and the rest—by 40 percent.

I hope our colleagues are listening. I hope they are paying attention. We are on a course that is a reckless course. It is not a conservative course. It is a radical course. It is a course that is utterly unsustainable and will lead us into very serious trouble.

If we look at what has happened to spending, it is important to know, again, if we look at total Federal spending, a share of GDP, and we go from 1981, we reached a peak in 1983 of 23.5 percent of gross domestic product going to the Federal Government and then it zigzagged.

In 1991, we put in place a 5-year budget plan that took spending down each and every year as a share of gross domestic production. Then, in 1997, we passed a bipartisan plan that took us down even further, so that in 2001 we were down to 18.4 percent of gross domestic production.

The Federal Government spending had come down very sharply in that 20-year period. Now we have had this tick-up, and this tick-up primarily has been for defense, homeland security, and the response to the September 11 attack, rebuilding New York, and bailing out the airlines. Even with that tick-up, we see we are still well below the spending levels of the 1980s and 1990s in terms of what the Federal Government is spending.

If we turn to the revenue side, we see quite a different picture. On the revenue side, we can see the revenue side of the equation has just collapsed. In 2004, we now expect revenue to be 15.8 percent of gross domestic production. The revenue has just collapsed. We will have the lowest revenue as a share of gross domestic production since 1950.

Spending is down substantially from where it was in the eighties and nineties, however up from where it was in 2001 because of the increases for defense. Ninety-one percent of the increases have been for defense, homeland security, and the response to the attacks of September 11.

Look what has happened on the revenue side of the equation. The revenue side of the equation has collapsed. About half this is due to the tax cuts. The other half is due to the economic slowdown. Again, we have a real problem on the revenue side of this equation.

The President said last month in a speech in Louisville:

We've got plenty of money in Washington, DC, by the way.

We do not have plenty of money to pay the bills. There is a lot of money here, there is no question about that, but we cannot pay our bills and we cannot come anywhere close to paying our bills. So when the President says we have plenty of money here, he certainly is right, these are very big numbers with which we are dealing, but we do not have enough money to pay the bills.

We are going to hear from the other side that the President has done a good job with his budgets getting the economy growing again. If we look at the economic record of this President, what we see is, in terms of creating private sector jobs, this administration is the first one in 70 years to lose private sector jobs. It is pretty stunning. If you look back, every single President—President Roosevelt, President Truman, President Eisenhower, President Kennedy, President Johnson, President Nixon, President Ford, President Carter, President Reagan, President Bush 41, and President Clinton all had positive job creation in the private sector. We have to go all the way back to Herbert Hoover to see a President who has lost private sector jobs. That does not tell the full story because as we look at what has happened and compare it to history, what we see should be of concern to all of us.

I asked my staff to go back and look at what has happened in the previous times when we had an economic slowdown. I asked them to look at the last nine recessions we have had since World War II and compare job recovery out of those recessions to what is happening now because I think this should alert all of us. Something is wrong, and we have to diagnose what it is. I have some ideas. I am sure my colleagues will have some ideas, but there is something very wrong happening.

This is a chart of a fit line looking at what happened in the last nine recessions. We have a dotted red line, the average of nine recessions since World War II coming out of recessions. The bottom of the chart is the months after the business cycle peak. What we see is about 17 months after the peak, there is typically a strong job recovery. That is about 17 months after the business peak.

Look at what has happened this time. We are now 35 months or 36 months past the business cycle peak, and still we see no substantial job recovery. In fact, we are now 5.4 million jobs short of the typical recovery.

If we were comparing to just one time, I would be less concerned, but this is every recession since World War II, nine recessions, and if we compare what has happened in each of those to what is happening this time, something is wrong. Something is radically wrong. Typically in these other cases, 17 or 18 months past the business cycle peak, we started to see very strong job recovery. Here we are 37 months past the business cycle peak and we still do not see job recovery. As I indicated, we are 5.4 million jobs short of the typical recovery. In fact, it is not just of a typical recovery; it is of every other recovery since World War II. In the nine previous recessions, every other time, by this time, we would have been strongly recovering. It has not happened.

Again, we are going to hear from the other side that things are pretty good. What we see here is the smallest share of the population is at work since 1994. Again, this is a warning signal to us. Madam President, 62.2 percent of the population is employed now. We see the percentage of the population employed down very sharply from 2000 to now—down very sharply. Only 62.2 percent of the population is employed. We have to go all the way back to 1994 to see a number that weak.

It is not just that statistic which ought to concern us. We also see the longest average duration of unemployment in over 20 years—that is, if we look at how long people are unemployed, we find they are staying unemployed for a longer period than any time in the last 20 years. In other words, people are not finding jobs quickly when they become unemployed. When they are laid off, they are not finding jobs for extended periods of time.

This side of the graph is over 20 weeks people have been waiting to find a new job. Again, that takes you all the way back to 1984 to see people having to wait so long to find other work.

I also asked my staff to look at what has happened to real wages during the Bush administration and compare it to the previous administration. Here is what we found.

If we go back to 1996, the average wages in the country were $485. By the end of the Clinton administration, it got up to $530. During the Bush administration, average wages have only gone up $8 a week. That is very weak in historical comparison. Again, it is another warning sign that the set of policies which are in place are not working appropriately.

I know we will hear the other side talk about the stock market recovery that has taken place, and that certainly has been welcomed. It is much

better than where we were. We need to remind ourselves where we are now compared to where we were.

As this chart shows, the market recovery still leaves stock prices at 1998 levels. We have to go back 6 years to find the stock market at this level.

Another point we have heard from the other side—and I am sure we will hear again—is don't worry, it is the surveys that are at fault; that is what is misleading us as to what is going on in terms of employment. They will say over and over that the household survey—we heard this in the Budget Committee debate—the household survey is the one to which we ought to be paying attention, but that contradicts their Commissioner of the Bureau of Labor Statistics in testimony before the Joint Economic Committee. The Commissioner said:

> The payroll survey is the best indicator of current job trends.

That is what we have used here in these statistics. I am sure we will hear the other side argue, as they have in the Budget Committee, that the household survey is better. But the person who is in charge of the Bureau of Labor Statistics contradicts that and says the payroll survey is the best indicator of current job trends.

If we look at the President's economic report that was issued on February 9, just a month ago, they said in that report:

> [W]e expect sort of an average jobs in 2004 to be 2.6 million more than jobs in 2003.

This is the President's economic report. This is his prediction of what is going to happen, that there are going to be 2.6 million more jobs this year than last year. From here going forward, that would require the creation of 520,000 jobs a month.

Let's do a little reality test. Here is what happened in February: The increase in jobs was not 520,000 for that month. It was 21,000. In the private sector, there were no new jobs. Every one of these jobs was a Government job. Of the 21,000 jobs created in February, every single one of them was a Government job. There were no private sector jobs created.

The President's report says there are going to be 520,000 jobs created if we are going to meet their claim that there are going to be 2.6 million more jobs by the third quarter of 2004 compared to the third quarter of 2003. For that to come true, they would have to generate 520,000 jobs a month. In February, it was 21,000 jobs and not a single one of them was in the private sector. Every single one of these new jobs in February was in the Government.

So the President's plan is not working. He told us in 2001 this plan would not create deficits. It has created the biggest deficits in our country's history. He told us it would create jobs. Here we are 3 years later. Where are the jobs?

This is what consumers believe is happening. Consumers believe jobs are hard to get. Eighty-eight percent believe jobs are not plentiful or are hard to get. Only 12 percent believe jobs are plentiful. It is not just with respect to recovery. It is not just with respect to job creation. It is not just with respect to people having an opportunity to find a new place if they lose their old job. We are also seeing the wage growth of production workers starting to fall behind inflation.

This green line shows the average hourly earnings of production of nonsupervisory workers. Let's look at this because it goes back to 2001. This is the 12-month percentage change. Back in 2001, we saw an average hour of earning increasing at a rate of over 4 percent. Since that time, it has been almost a steady downward pattern. We see now average wages are going up between 1.5 percent and 2 percent. The red line shows consumer prices, and this year we have now seen the lines cross, so that hourly average earnings are not keeping up with inflation. We are not seeing them keep pace with the increases in consumer prices, another warning sign this is a policy that is not working.

This is our initial take on the President's budget. We think it is taking us in the wrong direction. Let me be clear. When the President came into office in 2001, on our side we proposed a much larger tax reduction in the near term than did the President. I know many people will be surprised by that, but it is a fact. We proposed a budget that had much bigger tax cuts in the short term, to give lift to the economy, than did the President. But we had much less in tax cuts over the 10-year period, about half as many, to avoid going into this deficit swamp.

In retrospect, we were right. It was right to have tax cuts on the front end to give lift to the economy. The economy clearly needed it. It was a mistake for the President to propose these massive tax cuts going out for years into the future when we had the baby boom generation about to begin retiring. It is the combination of policies the President has pursued that we believe is a mistake. We believe, yes, we should have had tax cuts in the short term to give lift to the economy, although we would have chosen a different mix of tax cuts than the President did.

Interestingly enough, the President adopted some of our suggestions, the 10-percent rate, the child care credit, reducing the marriage penalty, and we salute him for that. Those are policies many of us on this side agreed with. But the President also adopted dramatic cuts in capital gains and dividend taxation. These are taxation policies the Congressional Budget Office told us would give us very little bang for the buck in terms of job creation and economic growth. I think the Congressional Budget Office was right. I think that particular mix of tax cuts the President chose was not the right mix to give maximal lift to the economy in the short term.

As we see going forward, the President's tax cuts are so large they fundamentally threaten our long-term economic security. That is where we have the significant difference.

I am pleased to see members of the Budget Committee in the Senate and the House have not adopted the President's full tax cut proposal going forward. Now maybe it will occur in later years, past the 5 years. None of us can know that now, but at least in this budget cycle they are not endorsing the President's plan to have another trillion and a half dollars of tax cuts when we already have the largest deficits in the history of our country and we are about to have the baby boomers begin to retire, which will dramatically increase the expenditures of the Federal Government, because that is one thing we know. The baby boomers are not a projection; they are out there. They have been born. They are alive. They are eligible for Social Security and Medicare, and we are faced with a circumstance in which we have to start making very tough decisions.

My own belief is we have to be tough on the spending side of the equation and we have to be tough on the revenue side of the equation. We have to slow the growth of Federal spending. On the other side of the equation, we have to do something about the revenue mess because the revenue this year is the lowest as a percentage of gross domestic product since 1950. When the revenue was high as the share of gross domestic product, the President said we needed tax cuts. Now that it is the lowest it has been since 1950, the President's answer is, more tax cuts.

It does not matter what the problem is, this President comes up with the same answer: Tax cuts, tax cuts, and tax cuts that primarily go to the wealthiest among us.

I have a chart with me which I will use later on that shows 33 percent of the tax cuts this President has proposed and those that have been enacted have gone to the wealthiest 1 percent, those earning over $337,000 a year. That is not a fair distribution of the tax cuts in this country. It is one reason we have a very weak job recovery, because the tax cuts that were selected were tax cuts that primarily went to the wealthiest among us rather than being targeted at middle-income people who would spend the money. So much of this money has gone to high-end people who save it.

As meritorious as it is to save money, and I try to remind my daughter of this from time to time, that saving is a good thing, but when talking about getting an economy moving we need that money to be spent, we need that money to be moving in the economy. If we look at this economic recovery that has occurred, to the extent it has occurred, there are many factors. One of the biggest factors is the monetary policy of this Nation.

The Federal Reserve has the most accommodative monetary policy in 40 years. It is a key reason this economy has recovered. We have combined debt in this country of over $20 trillion.

So an accommodative monitoring policy, the lowering of short-term interest rates from 6.5 percent down to 1 percent, has been a key reason for the lift of this economy. The second key reason for the lift of this economy has been the stimulus both on the tax side and the spending side. The two of them are about equal over this 3-year period.

If we look at the increased spending that has occurred—and it has been substantial since 2001—from 2001 to 2003, the Federal Government has increased expenditures by 20 percent. Of course, the tax cuts—especially those geared to the middle class—have helped give lift to this economy.

A third factor helping economic recovery has been the decline in the value of the dollar. That can have negative long-term consequences; but in the short term, a decline in the value of the dollar makes it easier for us to sell abroad, which helps our manufacturing industry and all those that export. It holds down imports because imports become more expensive. So that has helped give lift to the economy in the short term as well.

Madam President, the bottom line is that I believe the fiscal course the President is taking us on—not so much in the short term, although that is of increasing concern, but the longer term proposals by the President are truly dangerous to the economic security of our country. The deficits are too large. They are too long lasting. They explode as the baby boomers retire and the full cost of the President's tax cuts become clear.

I believe we have a responsibility to alter that course. I believe it will become more and more clear in the months ahead that the course we are on is utterly unsustainable and fundamentally reckless. That is why we simply must change course.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Madam President, I ask unanimous consent that the time during quorum calls be equally divided.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Madam President, the chairman has indicated to me he will return in a few minutes and begin his presentation at that time. Rather than have the time be lost, I will say a few words now.

In addition to being concerned about the President's plan to explode the deficits and the debt, as I look at the President's plan I also see what I believe are misplaced priorities. Let me discuss just a few.

As this chart shows, the Bush plan cuts No Child Left Behind, but that cut saves very little in comparison to the cost of the tax cuts for that same year going to the most wealthy 1 percent. Let me just be very clear. The President's plan shorts No Child Left Behind by $9.4 billion in this fiscal year, 2005. We passed legislation here that gave increased responsibility to the States, increased the expenses of the States, and in exchange we said we would cover the costs. The President's budget fails to do that. It fails to do it by $9.4 billion for 2005.

But in that same year the cost of the President's tax cuts for the most wealthy 1 percent, those who earn over $337,000 a year, are $45 billion, five times as much as the money needed to keep the promise of No Child Left Behind.

I must say I am in this category. My wife and I are in the top 1 percent. I would be happy to give up part of my tax cut. I would be happy to have it reduced by 20 percent to keep the promise for No Child Left Behind.

The same is true in other categories—veterans medical funding, for example. The President's budget is $521 million short of providing funding for veterans medical care in 2005 that should be in place to fund it at the same level as last year. It would take $521 million to bring it up to what we did last year for veterans medical care.

In that same year, the President's tax cuts cost $45 billion for the wealthiest 1 percent, those earning over $337,000. That is 90 times as much as the money necessary to restore the funding for veterans medical care. I must say I don't understand these priorities. It doesn't stop there.

This is President Bush's plan for cutting firefighting funds. It would cost $246 million to restore the money. Again, in 2005, in comparison, the President has $45 billion in tax cuts going to the wealthiest 1 percent, those earning over $337,000 a year. That is almost 200 times as much as the money necessary to restore the cuts to the firefighters.

We talked a lot about homeland security. Firefighters who are the first responders, the police who are first responders, ought to be high up on the list of our priorities, and certainly veterans health care. We have just sent thousands of men and women half a world a way to defend this country. Then we cut their medical care. I don't think these are the priorities of the American people.

It doesn't stop there. The President plans to cut COPS funding to put police on the streets. The COPS program has put 100,000 police on the streets in this country. The President proposes deeply cutting COPS funding. It would cost about $700 million to restore that funding for 2005. Instead, the President says it is more important to have $45 billion of tax cuts for the wealthiest 1 percent. I do not think that is the priority of the American people.

When we look at these programs individually, we can see the Bush budget cuts the COPS program by 94 percent. This is the amount of money we provided in 2004. We provided $742 million to put these police on the streets. The President proposes cutting that down to $44 million. He is cutting it by almost $700 million at the same time, saying, No, it is more important to have $45 billion of tax cuts for the wealthiest 1 percent, those earning over $337,000 a year.

My own belief is the COPS program ought to be funded. I believe we are safer because there are 100,000 more police on the streets. The President, with these deep cuts—cutting the COPS program 94 percent—is going to take police off the streets. When we have a terrorist threat in this country, as we do, why would you take police off the streets? Why would you take police off the beat? It makes no sense to me.

As I say, it doesn't stop there. Here is the President's plan for firefighters. He cuts that program 33 percent. Again, firefighters are first responders.

I can remember well September 11 when the Pentagon was attacked. I remember watching the television. I remember seeing all those first responders. Who was it we asked to respond to the disaster? Firefighters, police, and EMTs. Those are the people who were there to help those who had been hurt.

The President's answer is cut the COPS program 94 percent, cut the firefighters 33 percent, and cut port security 63 percent. We provided $125 million last year for port security. The President wants to cut that by almost two-thirds, down to $46 million. We know we are only inspecting about 4 percent of the containers that come into our ports. We know we need to do more. We know we need to do more to secure the ports. In fact, those who are involved with the ports of the country say we ought to have $5 billion for port security. Obviously, we can't afford $5 billion. But on the other hand, does it make any sense to cut what we are doing now by 63 percent? I don't think that makes much sense in the light of what we face in terms of a terrorist threat to the country.

Earlier I was talking about the tax cuts the President put in place and the distribution of those tax cuts. Again, I want to make clear I proposed in 2001 much bigger tax cuts on the front end than the President proposed. You will recall the President's initial two proposals would have very small tax cuts in the initial years, and much more in

the outyears. I thought he had it upside down and backwards. I thought we should have more tax cuts on the front end to give life to the economy and much less in the long term so we could prepare for the retirement of the baby boom generation and not undermine Social Security and Medicare and national defense. The President largely got his way, with some exceptions.

Here is what we see as beneficiaries of those income tax cuts. Of the income tax cuts, 68.7 percent of the benefit goes to the top 20 percent, and 33 percent of the benefits—almost a third—go to the top 1 percent. Those are people earning over $337,000 a year.

I believe one of the reasons we are not seeing the kind of job creation we might have otherwise seen is the President shows the wrong mix of tax cuts. He has it much too weighted to the top end and not enough to the middle class who are the ones who would spend the money and really fuel the economy.

This next chart shows in a little different way who benefited from the 2003 tax cut. Net tax cuts under the tax act passed in 2003 for upper-income individuals was 67 percent of the benefit, according to the Joint Committee on Taxation. Low- and middle-income people got 29 percent, and businesses 3 percent. Again, I think the President chose the wrong mix of tax cuts.

There is no question that stimulus is what the economy needs when you have that kind of slowdown. Stimulus can be either spending or tax cuts. I believe we ought to do both. We have economic weakness and we spend more money—a 20-percent increase from 2001 to 2003 in Federal spending, most of it for defense and homeland security and responding to the effects of September 11, but we also cut taxes. That is a strategy that makes sense at a time of economic weakness. The problem with what was put in place is the taxes were so directed to tax reduction, so directed at the wealthiest among us, the highest income, that we didn't get the same bang for the buck in terms of economic growth and job creation we would have gotten had we targeted more to middle-income individuals and lower-middle-income individuals who would more likely have spent the money.

This is a very interesting chart. I hope my colleagues will have a chance to see a lot of this chart in the coming days. This is how the tax benefits stack up—the average tax cut in 2006. Middle-income people got an average $566. This is the combined effect of the 2001 and 2003 tax cuts. Middle-income people got an average of $566.

But look at what happened. Those earning over $1 million a year got $140,000 on average in tax cuts. If these bars were proportionate, the bar showing what the people earning over $1 million get would have to go 35 feet higher. I don't know how high the Chamber is here, but 35 feet would be a long way up in the air to show the comparable tax cuts going to those earning over $1 million compared to what the middle-income people get. Middle-income people got $566. People earning over $1 million got $140,000 in tax cuts on average in 1 year.

If we were going to have the comparison done in a proportional way, the bar showing what those earning over $1 million are receiving for the year would have to go 35 feet high compared to this little bit at the middle income.

Again, I believe one of the reasons we are not seeing the job recovery all of us would like to see is the President simply has the wrong mix of tax cuts.

This chart shows it a different way. A typical taxpayer, one right in the middle of the income distribution in the country, under this scenario got $685. This is from the Center on Tax Policy, the average tax cut in 2004. In 2004, those earning over $1 million got $127,000 in tax cuts. That is a stunning difference. The Bush income tax cuts give three times as much benefit to the top 1 percent as the middle 20 percent.

Looking at the middle 20 percent of the people in the income distribution in this country, they have 11 percent of the benefit of the President's tax cuts. The top 1 percent got almost three times as much. In fact, they did get three times as much for those earning over $337,000 a year.

I asked my staff to go back and look at how the top 1 percent of our country has done compared to the rest of the American people. Here is what we found looking at increases in average aftertax income from 1979 to 2000. Those in the top 1 percent improved their condition by $576,000, the middle 20 percent, $5,500. That is 100 to 1.

The people who have benefited by the economic growth are the top 1 percent. That is fine. I am all for that. We all want people to be able to succeed. That is what opportunity is about. That is what freedom is about, the ability to do better, do better for your family, do better for yourself. Great. But when we come along and make tax policy and we look at those people having been the greatest beneficiaries of what has occurred on a basis of 100 to 1 and we in this tax policy say that is not good enough of a difference, we want to turn around and give those earning over $1 million a year a $140,000 tax cut on top of it in 1 year and the middle-class people get $500.

How is that fair? It eludes me how that is fair. I don't think it is fair. Not only is it not fair, but it is not good economic policy. Why not? Because the middle-income people are the ones who spend the money. We need people to spend money to get the economy moving. People in the higher income categories are the least likely to spend it. They are much more likely to save and invest, which is good to do, but that is not what primes the pump. That is not what gets the economy moving.

When I look at who got the biggest benefit, many times friends on the other side of the aisle say, Hey, wait a minute, the wealthiest folks pay most of the taxes. That is exactly right. That is true. The wealthy people do pay more of the taxes. We have a progressive tax system, so higher income people pay a greater proportion of taxes, but they do not pay the same share. They do not pay as much more as we gave in the tax cut side of the ledger. As I indicated, they got 33 percent of the President's tax cuts, but they paid 23 percent of the income and payroll taxes. This is the wealthiest 1 percent. They got 33 percent of the benefit, but they paid 23 percent of the taxes. I don't think it is fair on any basis what the President chose as the mix of tax cuts and I don't think it is good economic policy either.

It is stark when we look at the top 1 percent, those earning over $337,000 a year. They got 33 percent of the benefit of the tax cuts. The bottom 60 percent in this country got 15 percent of the benefit.

Our friends on the other side will say, Hey, wait a minute, the higher income people pay more. Yes, they do, but they do not pay 33 percent of the taxes. Our friends on the other side want to talk about income taxes. They forget that people do not only pay income taxes; they pay income taxes; they pay payroll taxes. The fact is, three-fourths of the American people pay more in payroll taxes than they pay in income taxes. Yet all of the relief has been to income tax payers and done in a way that gives an overwhelming benefit to the highest income tax payer, those earning over $337,000 a year.

The disparity is even bigger when we look at those who earn over $1 million a year. As I showed, those earning over $1 million a year got the cake. We talk about the crumbs and the cake. Here is the cake. Those earning over $1 million a year, for 2006, will get a $140,000 tax cut in that year alone. Here is what the middle-income folks in the country are going to get: $566. There is something wrong with this plan.

Again, when we look at what has happened from 1979 to 2000, the change in share of pretax income, this chart is quite stunning. It is the reason there is a lot of anger in the country, I believe. There is much more anger in the country than I think is generally understood by people in Washington. The reason is middle-income people in this 20-year period have actually lost ground. They are worse off in their share than they were in their pretax income shares in that 20-year period. The middle-income people have actually lost share, 15 percent. Their pretax incomes have gone down. Look what has happened to the top 1 percent. Their pretax income has gone up 91 percent.

We heard Senator EDWARDS from North Carolina in his Presidential campaign talking about two Americas. The reason that got such a tremendous response is because there is a lot of truth in what he is saying. There are two Americas developing: those who are well-to-do, those who are secure, those

who are fully competitive in this global environment; and then middle-income people, who all of a sudden are finding themselves in competition with people who are earning 25 cents an hour in some other part of the world. We are faced with a circumstance that is changing very dramatically.

I met a man who is involved with one of the major industries in the country at a breakfast I attended several weeks ago. He said, Senator, something is changing structurally in this country. Something is happening that is very dramatic. In the business I am in—he is in the machine tool business—at this stage of an economic recovery, we should find our order books filled. We should see dramatic increases in orders. Senator, that is not what we are finding. Yes, economic growth has improved. We saw 4 percent the last quarter, 8 percent the quarter before that. But, he said, our order books are not filling up in the machine tool business. Something structurally is changing here.

There are jobs being created, but not jobs in this country. There is business being created, but it is not business in this country. The jobs are being created in China. The jobs are being created in Mexico. Jobs are being created in India. Business is being created to some extent in this country because we see strong economic growth here, but it is not as it should be in this stage of recovery.

I believe part of it is we have adopted a flawed policy. We have helped with tax policy the very people who have already done extremely well in the last 20 years. Those who are the most educated, the best trained, are doing extremely well. That is great. I am all for that. I hope very much everybody gets into that category. That is what opportunity is about. Through our policies, we are helping the very people who have already done the best, and we are not doing much for the people who are falling behind.

Chairman Greenspan says we ought to focus on education because if we are going to compete in this global environment, we must have the best trained, best educated workforce. Yet in this budget, the President cuts No Child Left Behind $9 billion.

Does that make sense for our country? Does it make sense to cut education for what was promised by $9 billion when in that same year we are giving the top 1 percent a $45 billion tax cut? Does that make sense? Is that good judgment to strengthen our country for the future? I do not think so.

If we look at what has happened, again, from 1979 to 2000, to those in the middle 20 percent, their share of pretax income has dropped. Look at what has happened to the top 20 percent. Their share has almost tripled.

If people are not paying attention, they are going to get swamped. There is anger in this country because when Senator EDWARDS talks about two Americas, he is exactly right. Those at the top are doing better and better. I am delighted they are doing better. But those in the middle, they are falling behind.

Why? Because this global economy is great for the people who are the best educated and the best trained. That is why we, as a society, ought to make certain we are doing everything we can to make Americans the best educated and the best trained because if you are not, you are not going to be able to compete. You are not going to do well in this global competition, and your share of the national income pie is going to get cut. Those who are well educated and well trained are going to prosper. They are going to soar. We have to somehow fashion a policy that gives all Americans a chance to compete and to do well and to be winners.

We hear a lot from the other side that the biggest beneficiaries of the top rate cut are the 23 million small businesses; that is where most of the jobs are generated. I agree, most of the new jobs are generated by small business. But I do not agree that the top rate cut benefits most businesses. In fact, only 2 percent of businesses qualify for that top rate. Ninety-eight percent got no benefit from the top rate cut.

I hope very much as this debate goes forward that we think very carefully about what we are doing because it is abundantly clear, while there is economic recovery underway, it is an uneven economic recovery. It is a recovery that is not generating jobs in the same way we have seen in the nine previous recessions. We are 5.4 million jobs behind where we typically have been in other recoveries since World War II.

Something is wrong. Something is not going right. I believe one part of that is the tax policies that have been put in place that have benefited primarily the top 1 percent. The top 1 percent got a third of the benefit—those earning over $337,000 a year. Those are the very people who have done the best in the last 20 years on every scale. They have increased their incomes by over half a million dollars. They have seen their pretax income go up 91 percent, while those in the middle have seen theirs shrink.

I think that is right at the heart of why we see a jobless recovery underway. The people who are the very ones who would spend the money are not getting the money. The people who are getting the money, under the President's plan, are the wealthiest among us. They are the least likely to spend it. They are the most likely to put it in the bank. And while savings is a good thing, and I am delighted to always see people save because that helps investment for the future—and we need to have more savings in order to have more investment, to have more growth for the future—in the short term, to get people back to work and to fuel the economy, you need people spending money. The people most likely to spend money are the people in the middle class.

Of course, we have also seen somebody else spend money. That is Uncle Sam. Uncle Sam has been spending a lot more money. From 2001 to 2003, Federal spending went up 20 percent. From 2001 to 2004, Federal spending has gone up almost 30 percent.

Where is the increased spending going? Ninety-one percent of the increased spending is going in just three areas. Most of it is defense. The next biggest is homeland security. The third biggest was a response to the attacks of September 11—rebuilding New York, bailing out the airlines, and the international programs that have been adopted to deal with the crisis in Afghanistan and Iraq. That is where the increased spending has occurred.

We will hear a lot from the other side that spending is out of control. It really is not. We have seen a big bump up in the 3 years of this President, but where has it been? The increases have been for defense, homeland security, and the response to the September 11 attack.

The place where the deficits have really opened is on the revenue side. It is the revenue side of the equation that has collapsed. We are going to have the least revenues as a share of gross domestic product since 1950. So if we are going to be honest and straight with the American people about diagnosing the problems we have, we have to address the circumstances as we know them, as we face them.

Let me just quickly say, on the revenue side of the equation, I know a lot of people's impulse is, well, if you are talking more revenue, you are talking tax increases. That would not be the first place I would look for more revenue. The first place I would look for more revenue would be the tax gap, the difference between what is owed and what is being paid.

I met with the head of the Revenue Service in the last 2 weeks, and he told me the tax gap, as of 2001—the difference between what is owed and what is paid—was $255 billion in that year alone. We ought to have a concerted effort to go after those who are not paying what they legitimately owe under this Tax Code—those companies, those individuals who are dodging what they legitimately owe, to the tune of $255 billion in 2001 alone. It is totally unfair to the rest of us who pay what we legitimately owe to let others—a small percentage—escape what they owe.

A previous Revenue Commissioner did an analysis and said the rest of us paid 15 percent more because of that small group of companies and individuals who are not paying what they legitimately owe.

I hope we shine a bright light on this tax gap because I believe it is the first place we ought to look to start to fill in this revenue hole that has been created. Instead of going to a tax increase, the first thing we ought to do is close the tax gap so everybody can be assured everyone else is paying what they fairly owe under the law.

I thank the Chair and yield the floor.

I ask the Senator, are you ready to proceed or should I put in a quorum call?

The PRESIDING OFFICER (Mr. ENZI). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator CONRAD, for his remarks. I agree with some of them, not necessarily all of them. Let me make a few comments on the budget. And I, again, appreciate his patience in waiting for me so I could have a bite to eat and also get prepared for this presentation.

The budget is a difficult challenge. To write a budget for the United States of America, the largest government in the world, the largest economy in the world, is not easy.

President Bush has written a budget. We produced a budget out of the Budget Committee. I hear a lot of complaints about how bad the President's budget is or how bad the resolution on which we will be voting on the floor is, but I have not seen alternatives. I would urge people, show me your alternative. Show me how much money you would spend, how much money you would tax. That is basically what a budget outline is: how much money we are going to spend and how much money we are going to tax. What is our objective? How are we going to achieve it?

We use assumptions. A lot of times the assumptions are wrong. I have heard a lot of complaints: Well, President Bush missed the assumptions big time. In 2001, we projected enormous surpluses, and now we have enormous deficits—trillions of dollars of difference. What happened? We don't understand.

Well, a lot of things happened. Let me just say there have been a lot of inaccurate assessments made. And I go back to the year 2001. In January 2001, everybody missed—everybody missed—big time, not just President Bush. President Clinton, the Congressional Budget Office, the Office of Management and Budget all missed more than you can imagine.

I will just make a couple comments on a little history.

The NASDAQ collapsed in the year 2001, and it continued to decline a little bit in 2002. But a big collapse was really in the year 2000.

I might mention that President Clinton was still President. Yet I will show you the next thing. His forecast for 2001—this was given in January of 2001—estimated about an additional employment of almost 2 million jobs.

Frankly, the economy was already falling into recession, which was shown by the fact that NASDAQ went down by almost 50 percent in 2000. Yet the budget experts, Democrats and Republicans, CBO and OMB—CBO is the Congressional Budget Office and OMB is the Office of Management and Budget—projected that revenues would continue to climb, employment would continue to climb, as President Clinton did. They all missed it. They missed it by an enormous amount. They were forecasting trillions of dollars in surpluses. They were way wrong. Of course, they also didn't know, and could not have expected, the hit we had in September of 2001. But there were enormous mistakes that were made.

The market collapse, or the crash of the market and NASDAQ declining by that much was missed. They didn't estimate what the impact would be on revenues and to the economy.

We had trillions of dollars in market value that was lost in the collapse. If you look at the NASDAQ chart again, in March, that collapse started in March of 2000. Individuals, investors know that. They remember that is when the bubble popped. NASDAQ was almost 5,000. Then all of a sudden it was going down to 4,000, 3,000, and it ended up that year at 2,500. So there was an enormous decline of market value. A lot of it was inflated. Chairman Greenspan called it ''irrational exuberance,'' and he was probably right. It flowed through as a real loss and decline of revenue coming into the Federal Government.

In the year 2000, we had over $2 trillion of revenue. That declined to last year's $1.78 trillion in revenues. Part of that was tax cuts, but the bigger part of it was the recession.

Look at this chart. Where did the deficits come from? Most of the deficits came from economic and technical changes. That is 40 percent, from the assumptions made in 2001. New spending comprised 37 percent. So you had economic and technical changes of 40 percent; new spending, 37 percent; tax cuts, 23 percent.

Again, this is comparing 2001 to the forecast of today. My point is, I want to give people a perspective of what happened. The new spending—we had big supplemental changes—changes were made as a result of the war. We had two very large supplementals to fight the wars in Afghanistan and Iraq, and a big supplemental to help New York City and Virginia. That totaled almost $250 billion in new spending just to take care of those who were injured and to rebuild New York City and fight the war on terrorism.

That is kind of what we inherited last year. Last year, the previous year, we didn't have a budget. Last year we had to pass a budget, and the economy was still rather flat. Besides, Democrats and Republicans said we needed a stimulus package, we needed to grow the economy. We had different ideas of how to do it. I think some of what we did last year helped a lot.

I have heard criticism. I will make a couple of comments. I think the changes we made last year did grow the economy, did make a difference. If you look at the GDP, gross domestic product, you can see what we were looking at last year. It was rather stagnant. The economy started dropping in 2000, a negative quarter in 2000, and in 2001 it was still pretty negative.

Then we started to have a growing economy. When we passed the tax bill last year—when we started talking about it, we started to notice the GDP started rising dramatically.

The last three quarters were very positive. The third quarter of last year is the largest economic growth period we have had in any quarter in decades—not in years but decades. So the tax bill changes we made were positive.

Some people say I think we want to make changes to grow the economy. We did. We basically accelerated the tax cuts that were already in progress and moved the rates to the rates they are today. That was positive, in my opinion, and very beneficial. We cut in half the tax on dividends. Chairman Greenspan and others said we should go to zero.

The Senate passed a bill that would take the tax on dividends to zero, i.e., they should only be taxed once. We found out then in comparing it that we taxed the contribution distributions from corporations higher in the U.S. than in any other country in the world. We tied with Japan for the highest tax rate on taxing proceeds from corporations, higher than anybody else in the world. We cut that tax in half, to 15 percent.

We cut the capital gains rate from 20 percent to 15 percent. It has made a big difference. You see these economic growth figures—GDP going up by 4, 5, 8 percent. Those are very positive and good numbers.

If you look at what was done in the stock market, there was over a $4.5 trillion increase, almost on a straight line basis, since the tax bill we passed last year. That is astronomical—great, good news. That is good news for all Americans.

Some people say, well, that only benefits the Warren Buffetts or the wealthy people who invest. That is not correct. It benefits the entire economy. That means the wealth of these companies is growing. These companies are owned by, frankly, almost all Americans. I think over 50 percent of the households have direct ownership, if you looked at the investments they have, such as the teachers public employee trust funds, all kinds of retirement plans, 401(k)s, almost all of which have investments in the stock market. That means instead of having declining market value in their retirement accounts, they have increasing ones, escalating amounts. That is all good news. We want to continue that good news.

The point is, very seldom can you say—we passed a budget last year and, if we had not done that, we would not have had a growth package, we would not have cut the tax on dividends to 15 percent, or reduced the tax rate on capital gains 25 percent, from 20 to 15 percent. That would not have happened. But we passed a budget and it made it possible for that to happen. As a result, I think we have good news to share.

When people think about whether budgets make a difference, they make

a world of difference. Can you impact the economy? Yes. We proved that and we did.

If you look at the unemployment rate, for example—and we have heard a lot of discussion on it—it is now 5.6 percent. It was up to 6.3 percent. It has been declining ever since we passed the bill. We made some good progress. We have not had the increase in employment certainly that I would like to see, but it is moving in the right direction.

As far as the employment rates or the number of people employed, we are making progress. I think one of the reasons it has not been as good as we would like in many cases is because productivity has escalated rather dramatically. That is good for consumers, certainly good for our economy. That keeps us competitive. That means we produce more goods per hour and that is all positive. We will see a rise, hopefully, in the employment rates as we continue.

The unemployment rate is down and employment rates are up. If you look at the number of people employed, it is an all-time high. It all happened because we passed a budget last year. So I encourage people who are very critical of this budget to come up with their own. This is not an easy job. So I welcome the discussion.

I also wish to talk a little bit about tax rates. I have heard a lot of complaints about the wealthy benefitting so much from these tax cuts, and how terrible it is that they were disproportionately benefiting from this proposal—either the tax cut of 2001—and there is a lot of discussion and confusion about the 2001 tax cut and the 2003 tax cut. I was one of the principal authors of both. Primarily, I was very involved with it. Let me defend it.

One, for those people who say it didn't benefit the low-income people, that is not correct. In the 2001 tax cut, we accelerated the tax reduction for low-income people and made it effectively retroactive. Maybe some people forgot that, but we did that.

Again, we passed the tax cut in 2001, and we reduced every tax bracket—every tax bracket, not just the tax brackets for the higher brackets. We reduced every tax bracket, and we reduced the lower tax bracket more than any other bracket.

The lowest tax bracket at that time, other than zero, was 15 percent. We made it 10 percent, and we did it retroactive to January. So we took the lowest bracket, cut that tax rate by 50 percent, and we made it retroactive.

We took the maximum rate, which was 39.6 percent, and we reduced it by 1 point to 38.6 percent for 2 years. Last year we finally got it down to 35 percent. It took us from 2001 to the middle of 2003 before we got it down to the 35-percent tax bracket. It was 39.6 percent under President Clinton. We took it to 35 percent. It is still much higher than it was under President Bush 1 at 31 percent. Thirty-five percent over 31 percent, it is almost 20 percent higher than it was under President Bush 1. But we made the lower income tax bracket reduction effective immediately and we did it all in 1 year. We did not phase it in over 3 years.

We also did some other things. We made the tax cut more refundable. I don't happen to agree with that, but we did, so we write a check to people who do not even pay taxes. In many cases, we write them a check much greater than their payroll taxes.

I hear some people say: You need to include payroll taxes. I understand there are income taxes and payroll taxes combined, but for low-income people, in many cases we would write a check to them that greatly exceeded their 2001 tax bill. Maybe some people forgot that point.

Then we also increased the $500 per child tax credit to $1,000. Last year, we took it from $700 to $1,000. That is a $1,000 tax credit per child. If we do not extend it this year, it will go back to $700. We assume in our budget that we are going to extend it.

When people say we did not do anything for low-income people, if you have 4 kids, that is $4,000—4 times the $1,000 tax credit on which you do not have to pay taxes.

The net impact of that is a lot of people do not pay income taxes because if you look at the child tax credit and you look at the earned income tax credit and so on, we have a lot of programs for low-income people, so maybe they do not pay taxes.

Then we hear the argument of distribution, the class argument: The wealthier are the ones who are benefiting. Frankly, people in the upper 5 percent of income pay half the income tax. Think of that. The upper 5 percent of the American people pay half the income tax. Sure, if you are going to cut income taxes, they are going to benefit. The point being, how much should the rate be? What is the right level? I happen to think when we talk about a 35-percent rate—that is over a third, if my math is somewhat accurate—that is a lot. Why should the Federal Government take over a third of anybody's income for any reason? Why is the Government entitled to take half?

When I was first elected, the rate was all the way up to 70 percent. The Government could take 70 percent of any additional dollar you earned. I think that is wrong. We have gradually reduced it to 28 percent, and it went up to 39.6 percent. Frankly, it is even higher than 39.6 percent because there is a tax on all income of 2.9 percent to pay Medicare. So you actually add 2.9 percent for these income tax figures. Add 2.9 percent, so the maximum percent is 37.9 percent today. Maybe people don't realize that. How much money should the Federal Government take? The power to tax is the power to destroy. Where do you destroy an individual's or company's incentive to produce more? At some point, I can tell you from my experience in the private sector—I used to be in the private sector; I will be returning before too long—at some point, when you work more for the Government than you work for yourself, you lose a lot of your incentive to grow, build, and expand, and when I say expand, I am talking about hiring more people.

I found out earlier when I had a janitor service that I was almost in a 40-percent tax bracket. Why in the world should I get up early every morning or work late at night if Uncle Sam and the State—combined between the two—are going to take about half? It is a real disincentive to grow. I had several employees and could have had several more. I had the same situation when I ran a manufacturing company in Oklahoma. Marginal tax makes a difference.

I mentioned the top rate today is 35 percent. If you add the 2.9 percent because of Medicare, that is 37.9 percent, and you have not yet paid any State income tax. A lot of States have 6 or 7 percent, so you add that. Now you are at 45 percent. Some cities have an income tax. You add that and you are at the 50-percent rate.

Why does someone want to continue building and growing and expanding? Expanding is where jobs are created.

Mr. SARBANES. Will the Senator yield for a question?

Mr. NICKLES. No, I will not yield. I am going to make a fairly significant statement.

Mr. SARBANES. I want to clarify one point.

Mr. NICKLES. Not at this point.

Some people say that is a big benefit for the wealthy. I say why in the world should the Government take half? I don't think they should. Maybe some people believe they should. I disagree.

What we have assumed in the budget is we are going to continue present law; that we are not going to have a tax increase. Some people don't want that to be in there. We assume we are going to continue present law, where we have several provisions that are due to expire at the end of this year. Some of those, frankly, are targeted toward low- or middle-income people. They would expand the child tax credit. As I mentioned, if we do not extend it, the child tax credit will go from $1,000 to $700. There is a $1,000 tax credit today. If we do not extend it, as assumed in the budget, it goes to $700. So they will lose. If they have 4 kids, they are going to have to pay $1,200 more in taxes next year than they pay this year.

What about the marriage tax penalty? We assume we are going to extend the marriage penalty relief we put in last year's bill. That is very significant for middle-income tax relief.

I heard my good friend Senator CONRAD talk about the middle-income class does not get anything. That is not accurate, in my opinion. The middle-income class people do very well. If you have a taxable income of $58,000, your tax bracket is 15 percent. We want to keep it at 15 percent. If we do not pass the extension, it is going to revert

down and people will be paying 25 percent if they make $58,000. As a matter of fact, the savings on that income category is about $900. So if a married couple and their combined, joint taxable income is $58,000, the marriage penalty relief we passed last year which we want to extend is $900. So you have $900 there. If they have 4 kids, that is another $1,200 difference. That is $2,100 of tax relief for a couple with 4 kids. That is a rather typical American family. I happen to have four kids. I don't qualify for this, but most American families have taxable incomes of $58,000 and would qualify for it. My kids are too old. My point being, this is real tax relief for American families.

We also expand the 10-percent bracket, and we continue that expansion, or we assume that will be continued under our resolution. That is another $100.

If you look at the savings, we have $900 on marriage penalty relief we would extend; we have $1,200 for the child tax credit we would extend; another $100 for the 10-percent expansion. We expand the amount of income that would be taxed at 10 percent. By continuing those provisions, we save the American family which has $58,000 in taxable income and 4 kids about $2,200. That is real relief. Percentage-wise, on the amount of taxes they pay, it is probably a greater percentage relief than anyone. It is very significant. So I want to put some of the tax equity arguments in perspective.

I will make just a couple of other comments about the budget. I mentioned what we assume on the tax side. I tell my colleagues if they are bent out of shape, we have a reconciliation package instruction that would make all of those things I just mentioned be extended throughout the 5-year window of this bill.

This is a 5-year budget. I am assuming all those things would be made permanent, or at least be extended through this resolution. Things cannot be made permanent in budget resolutions. A lot of people say we want to make those tax cuts permanent. I said fine. We just have to do a tax bill outside of reconciliation.

I am happy to do the tax bill, I tell my friend and colleague. I think he knows that. I have the pleasure of serving with him on the Finance Committee. This Senate has done many tax bills, many inside reconciliation and many outside. By definition, if they are inside a reconciliation they are terminated. I do not like that. Frankly, I want to do something this year on the death tax or the estate tax. If we are going to do something on the death tax, it ought to be done outside of reconciliation so it is not temporary, so it is permanent, so tax planners and others can figure out what they want to do and they can count on it. So maybe we will have the opportunity to do that if we do bills outside of reconciliation.

I have looked at it more or less as a fallback, and I told Senator GRASSLEY, who is the very able chairman of the Finance Committee, that we might have this as a fallback but hopefully we could do these things outside of reconciliation. That would be a couple of options.

That is $81 billion that we are assuming in reconciliation. We assume about $12 trillion in the next 5 years in revenues. So the amount of money we are trying to direct through the reconciliation process is very small in proportion to the total amount of money that is expected to be raised under current law. So I just mention those things on the revenue side.

What about on the spending side? I showed the chart where spending has gone up and revenues have gone down, mostly because of the economy, somewhat because of the tax cut. Expenditures have gone up rather dramatically.

We believe it is time to be responsible. We think it is time to make some reductions, to at least cap the growth on spending. So the resolution we have makes some tough choices. In many cases we have not made tough choices in the past.

I am sure I am going to hear from my colleagues: Well, too much is cut, too much is assumed. Basically, we still assume spending will grow, but it is going to grow by less. In some cases, for the assumptions we have that defense would grow about 5 percent, I have already heard—very strongly I might add from Chairman STEVENS and Chairman WARNER—that they want 7 percent. The President requested a 7-percent growth in defense. We have assumed 5.1 percent, and I expect there will be efforts to—I might even say I know there will be efforts that will be coming to increase that level.

We assume the President's number in homeland defense. I have heard people say that is not enough; he did not do enough on first responders; he did not do enough for port security, and so on. But we assumed a 15-percent increase in homeland security, according to CBO. If we take out the bioshield, which was actually funded last year, it is about a 10-percent growth. Again, 10 percent when looking at the rest of the budget, nondefense, nonhomeland security grows by basically a freeze. We could say .5 percent or a freeze. The President's budget said it would grow by about .5 percent. Our budget is very close to a freeze.

These programs are not used to a freeze. I can show program after program, going all the way back since 1990, that has been growing in annual expenditures in double digits continually. They are addicted to that kind of spending growth.

If we try to say, I am sorry, you may have to live with a freeze, that is not going to be easy. I know a lot of the appropriators are looking at it and saying: Whoa, we are used to having a lot more money than that. I know this will not be easy. I tell my friend and colleague from North Dakota, it will not be easy because I know there is a lot of demand to spend somebody else's money. Frankly, I do not think $500 billion deficits are acceptable.

The administration estimated the deficit for this year at $521 billion. I hope they are incorrect. We use the Congressional Budget Office. There are differences and they are legitimate. There are professionals both at the Congressional Budget Office and OMB, and I respect them all. They have different estimates, for different reasons. We can spend a lot of time on that, but the Congressional Budget Office estimates that this year the deficit will be about $477 billion.

The President said he wanted to get the deficit down by half over 5 years. That is very significant. The President is estimating $521 billion. To try and get that in half over 5 years is a very significant deficit reduction, not easily obtained.

Since we use the Congressional Budget Office, we start at $477 billion. Under our budget resolution, next year the total deficit will be $338 billion. That is a reduction of about $140 billion—actually $139 billion in 1 year. That is a very significant decline. The next year goes down again about $80 billion, a very significant deficit reduction, not easily done.

If we are successful in doing that, we will be very close to the halfway mark in 2006. We will be there in 2007. So we are bringing it down.

Looking at it as a percentage of gross domestic product, the estimate today of the deficit is 4.6 percent of GDP. In past years, even in the early 1980s or 1990s, we had deficit figures of as much as 6 percent of GDP. We are bringing it down in a couple of years to 2 percent, which is much more sustainable. In the year 2007, it will be 1.7 percent of GDP. So we are making significant progress in deficit reduction. We would meet this target either nominally through dollars or through a percentage of GDP in 3 years.

I know there are going to be a lot of amendments that say we are cutting too much too fast. Frankly, we are not cutting. We are saying we should allow defense spending to grow as much as necessary, but other than that we need to tighten our belts. We have not done that in the past. As a result, I know people are going to say we need more money, and we will be happy to look at the requests. In many cases we can fund more money, but we may have to cut other places to do it.

I have heard some people say, well, we need money for veterans, for education, for first responders, for defense, or the COPS Program, or whatever. Fine. They can have more money, but between us on the Budget Committee and the appropriators, we are going to have to reduce some money or spending in other areas to pay for it. That is making tough choices. We have not done that.

I remind our colleagues, and I think Senator CONRAD would join me, in this budget we do not micromanage where

the money is going to be spent. We can assume that money will be spent in education or it might be spent for the COPS Program, but, frankly, we give a number to the appropriating committees and they have to live with that number.

They can change the number. So we might assume one thing for education—actually, we have assumptions in this bill for significant increases in several areas in education. We assume fairly significant increases in veterans programs. Somebody else could assume it differently, or they could say well, we want more money for veterans. Fine. They may have to make some reductions in housing or make reductions elsewhere in the budget to make it equal that total number.

I mention this for our colleagues' information. Doing this budget will not be easy. I am sure we will have lots of amendments. I concur with Senator CONRAD, I would prefer to manage it in a way that we would be more direct in handling the amendments, trying to have more amendments throughout the course of the budget debate and not have so many stacked up at the end. I do not think that speaks well for the Senate and our management of this challenge.

This is a challenge. This is not easy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, the very able chairman of the Budget Committee has just given his review of his proposal on both the revenue and the spending side. Let me put up this chart which shows a bit of a different perspective.

The chairman put up a chart which shows the deficit being cut in half over the next several years. This is the problem I have with that chart. I think it fundamentally misleads the American people about the fiscal condition of the country.

The chairman's chart is entirely accurate about the unified deficit. What does that mean? That is when you put all the money in the same pot, all the income tax collections and all the payroll tax collections to support Social Security, Medicare, and then you take all the spending out of that same pot. That is how we have done the budget here for years.

The problem now is we are in a different situation. The different situation is Social Security, in the 1980s, was changed to run large surpluses during this period in preparation for the retirement of the baby boom generation. So when you put all the money in the same pot, it gives a misleading result. It misleads you as to your true fiscal condition.

Let me take this chart from the chairman's own budget. It shows, for 2004, that the overall debt is going to increase by $612 billion between 2004 and 2005. It is going to increase by $612 billion.

Let's go out. Under the chairman's mark, I think he is saying that the deficit will be cut in half in—Mr. Chairman, 4 years or 3 years? The deficit will be cut in half in 3 years.

But look at this. When you look at the total picture, you see a different result. You see, between 2004 and 2005, the debt being increased by $612 billion; in the next year, $569 billion; in the next year, $553 billion; and in what was supposed to be the third year, where it is supposed to be cut in half, the debt is increasing by $563 billion. There is almost no difference here in how much the debt is increasing. In fact, in the 5 years the debt is increasing $2.86 trillion under the chairman's mark.

The chairman is putting the most positive complexion on this budget he can, and I understand that. But when you look at what he is proposing, he is talking about the unified deficit, he is talking about jackpoting all the money, he is talking about the so-called unified deficit being cut in half. To me, that does not give an accurate picture of the fiscal condition of the country.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. I will be happy to yield.

Mr. SARBANES. I understand this point the Senator is making is compounded by the fact that what we are looking at with this budget is just a 5-year projection.

Mr. CONRAD. That is correct.

Mr. SARBANES. It is my understanding it includes within it the idea of making these tax cuts that were passed permanent instead of temporary. Of course, the people who put the tax cuts in place were the ones who made them temporary. Now they are coming back, seeking a change in the law to make them permanent. They, in effect, are changing the tax structure. Otherwise, they would expire.

But they are only projecting a 5-year period. As I understand it, if you do the 5-year period, this is the increase in the deficit here, just this amount. But the full brunt of this doesn't hit home until the subsequent period. So if you take a 10-year period, which we have done in the past—we have used 10-year projections rather than 5—if you take the 10-year period, look what happens to the cost. There is a deficit explosion. It is just staggering.

Of course, we are only being shown this part of the picture instead of being shown all of the picture, which shows a $1.6 trillion 10-year cost. There is a $1.6 trillion 10-year cost to extending the tax cuts over this next 10-year period.

So the Senator is making one point about the understatement of the situation we are moving in, but this also dramatizes another very important point. We are being set on a fiscal course that spells disaster for the country, and we need to recognize that. It is one of the reasons I joined with the Senator in the Budget Committee in voting against this budget. This is not a sound, solid, steady course to be on, in terms of the Nation's fiscal policy.

Mr. CONRAD. The Senator makes a very powerful point. As you can see just on the tax side of the ledger, the President's tax cut proposal explodes right beyond the 5-year window.

Mr. SARBANES. That is right. Exactly.

Mr. CONRAD. If the Senator will put the chart up again, what that shows——

Mr. SARBANES. You see it runs along here like this. This is as far as the chairman's budget projects it, right to there. Then it stays on that line a little bit and then look what happens to it—it is incredible. It is the shooting star deficit, the way this thing is going.

Mr. CONRAD. It is truly stunning. It is not just the tax cuts that have that same pattern. Fixing the alternative minimum tax, which was the original millionaire's tax, is rapidly becoming a middle-class tax increase that has that same pattern.

In addition, they are hiding the cost of the war. The war, they say, has no additional cost. The war in Iraq, the war in Afghanistan, and the war on terrorism has no additional cost past September 30. Who believes that? We know right now they are preparing a request for additional funding, a vote to be held after the election in which they are going to ask for another $50 billion.

Mr. SARBANES. At least.

Mr. CONRAD. At least. The Congressional Budget Office tells us the true ongoing cost of the war over the 10-year period will be $280 billion. There is not a dime of it in the President's budget.

The Senator is quite right. It is this pattern of hiding from the American people the full cost of these budget proposals that is a great concern.

Mr. SARBANES. Will the Senator yield further?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. I would like to pick up on the Senator's point about the cost of adjusting the alternative minimum tax. Of course, the alternative minimum tax was put in place in order to tax wealthy people who are using various deductions and exemptions, and so forth, not to pay taxes. The idea was, at a minimum you ought to pay a certain amount of tax. There was a huge public outcry about that—justifiably so in my opinion. So we put it into place. Of course, as the economy evolves, you have inflation and so forth and so on, and you have to keep adjusting it; otherwise, it is going to work its way down further into the middle class. It was never intended to do that. So it has been adjusted from time to time.

In fact, the President is proposing in his budget, as I understand it, a 1-year

adjustment—not projecting it out. Of course, that raises the question immediately in your mind: Why a 1-year adjustment? I think it is obvious why, if you do this, because it shows if you really adjust it as it ought to be adjusted, you are projecting out $658 billion in a 10-year cost to reform the alternative minimum tax. There is a $658 billion 10-year cost to reform the alternative minimum tax. Here you have $1.6 trillion to extend and make permanent the existing tax cuts, the sum total of which is $2.2 trillion.

Mr. CONRAD. Real money.

Mr. SARBANES. You are telling me it is real money. Absolutely. The Senator is absolutely right. This budget is kind of you see this, but you do not see what is behind the scenes, what is coming. We cut off the picture and look at a certain point. It works pretty good. You cut it off here before this line takes off. You see what we are showing—this part. It is an exercise in prudence to come along and say: Wait a second; let us see how that works in the outyears. All of a sudden, you see it just takes off like that.

The Senator is absolutely right.

Mr. CONRAD. You have the same pattern on the alternative minimum tax, as the Senator showed. Interestingly enough, that costs $658 billion over the 10 years. The President only provides for 1 year in his budget—$23 billion. He shows the $23 billion necessary to keep this thing from cutting more and more into the middle class. In fact, we have 2 million or 3 million people affected by the alternative minimum tax. By the end of that 10-year period, 40 million people are going to be caught up in the alternative minimum tax. Boy, are they in for a big surprise. They thought they were getting tax cuts. They are going to get a whooping tax increase. What the President's budget does, and the budget from the Republican side in the Budget Committee, is just deal with this problem for 1 year.

Mr. SARBANES. Will the Senator yield?

Mr. CONRAD. Yes.

Mr. SARBANES. It is interesting. If you deal with the first year of the 10-year period, it is $23 billion, as I understand it. But you can't assume, well, we will just project that out at $23 billion a year, each year. So the cost over 10 years would be $230 billion, which is what someone just coming to it at first blush might assume. The fact is that the cost escalates rapidly. So over the 10-year period, it is not 10 times $23 billion, or $230 billion; it is $658 billion, almost triple what you might suppose it would be.

Mr. CONRAD. The reason for that is, as the Senator knows, more and more people are getting sucked into this alternative minimum tax designed to catch millionaires. Now it is going to be catching middle-class people. In fact, there was an excellent article in the Washington Post this weekend by a young journalist whose family just got sucked into the alternative minimum tax. It cost his family over $2,000 in this year alone to get sucked into this alternative minimum tax problem.

Our friends on the other side are saying they have tax cuts for the middle class which they want to continue. I support continuing those middle-class tax cuts. But they are not dealing with the alternative minimum tax that used to be the millionaires' tax and rapidly becoming a middle-class tax trap. They only deal with that for 1 year.

They have tax increases, as well, built into this budget that are very disguised. It is going to affect millions and millions and millions of people.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. CONRAD. Yes.

Mr. SARBANES. The Senator enumerated the three concerns: a 10-year projection of the cost of the tax cut, the alternative minimum tax; the Senator mentioned the failure to reflect in the budget any cost for our involvement in Iraq or Afghanistan. I want to be clear on this point. Am I correct in understanding that the budget which the President sent to the Congress for the next fiscal year beginning on October 1 of this year, 2004—the budget he submitted to the Congress, the spending blueprint—has zero for the cost of Iraq and Afghanistan? Is that correct?

Mr. CONRAD. Yes. It is hard to believe, but it is true. The President is telling us he has put nothing in the budget because he says it is hard to estimate how much it will be. I have said to these representatives, the thing we know is the right answer is not zero. That is the thing we know for sure. Zero is not the right answer.

Mr. SARBANES. Absolutely. Yes.

Mr. CONRAD. The Congressional Budget Office tells us that the 10-year effect of the war in Iraq, the war in Afghanistan, the war on terror is $280 billion. But the President's budget has nothing for it.

That is part of the reason I have said this budget doesn't reveal to the American people our true financial condition. You have the exploding cost of the tax cuts beyond a 5-year window, you have the cost of fixing the alternative minimum tax to prevent it from sucking in more and more middle-class taxpayers, you have the cost of the war that is not in the President's budget, then the biggest one of all, the President is going to take over the next 10 years $2.4 trillion from Social Security. He is borrowing it from Social Security with no plan to pay it back. If you were running any other enterprise, if you were running a private company, you could not take the retirement funds of your employees and use it to pay the other expenses of the enterprise. You would be in violation of Federal law if you did that.

That is what this chart shows under the President's budget and under the chairman's mark. Here is a chart that shows it very well. This is what is entirely hidden from people's view with respect to what is happening to our fiscal condition. This shows the Social Security surpluses by year. You can see the surpluses are exploding. The reason for that is to get ready for the retirement of the baby boom generation. But what our friends on the other side of the aisle are doing with their plans is taking all of this money and using it to pay for tax cuts and other expenditures now, leaving the cupboard bare for the future. How are they going to pay back this money?

Mr. SARBANES. They are already talking about that around town. The other day, the Chairman of the Federal Reserve himself talked about cutting back on the benefits under Social Security.

Here is what has happened. It needs to be understood. There is a direct connection.

These large tax cuts that primarily benefit very wealthy people—there is some benefit for others, no question. The chairman talked about that today, but in the total picture of where the benefits are going, that is a relatively small portion. Most of the benefits go right up to the top group in society by income and wealth. They say we are running deficits, so to cover the deficits they have to use up the Social Security surplus. Then they say to correct the using up of the Social Security surplus, we have to cut Social Security benefits.

It must be understood, these things are linked. The reason they have the deficit which now says they must cut Social Security benefits is because they gave the very large tax cuts to the elite, producing the deficit, which resulted in drawing down the Social Security surplus which then leads them to say, we have to cut the Social Security benefits.

These are choices. This administration has made a choice. The choice the administration has made is to put tax cuts for the elite ahead of sustaining Social Security benefits. That is the choice they have made. It needs to be understood.

Does the Senator agree there is a direct connection in this regard?

Mr. CONRAD. Yes. I knew we were going to get into this debate at some point so I asked my staff to see if we could put together some charts and try to explain what is happening. It is the part of this discussion that has received almost no attention, and the Senator is exactly right. Here is what is happening.

We have a dramatic increase in people eligible for Social Security. This chart shows the number of Social Security beneficiaries exploding with retirement of the baby boom generation. This is the increase in people eligible. We will see in short order a doubling of the people eligible for Social Security.

The President told us repeatedly:

> None of the Social Security surplus will be used to fund other spending initiatives or tax relief.

He broke that promise.

He said:

Every dollar of Social Security and Medicare tax revenue will be reserved for Social Security and Medicare.

He broke that promise.

Then he said:

We're going to keep the promise of Social Security and keep the government from raiding the Social Security surplus.

He said that in a radio address in March of 2001.

Then he said in 2002:

None of the Social Security surplus will be used to fund other spending initiatives or tax relief.

I went back and I said, let's add up how much money the President in his budget is taking from the Social Security trust fund. He is borrowing $2.4 trillion. Compare that to the income tax cuts of the same period, $2.5 trillion. Amazing how close these things are.

In effect, what he is doing is taking money from Social Security, raised by payroll taxes paid overwhelmingly by middle-income people. He is using it to fund tax cuts that are income tax cuts for overwhelmingly the wealthiest, and 33 percent of the benefit goes to the top 1 percent, those earning over $337,000.

We have the spectacle of people, through their payroll taxes, funding an income tax reduction that goes primarily to the wealthiest among us and then creating a circumstance in which the Chairman of the Federal Reserve comes in and says, Oops, we are overcommitted; we now have to cut Social Security benefits.

That is really kind of a stunning policy if one thinks about it, if you think about who is adversely affected when you talk about cutting Social Security benefits. Two-thirds of retirees rely on Social Security for more than half of their income; 31 percent get at least 90 percent of their income from Social Security; 50 percent to 89 percent of their income is 33 percent.

Mr. SARBANES. In other words, a third of the Nation's retirees get at least 90 percent of their income from Social Security, another third get from between 50 and 90 percent of their income from Social Security. It demonstrates how dependent retired people are on Social Security to keep them out of poverty so they can lead a reasonable life.

Mr. CONRAD. Chairman Greenspan now says we have to cut these benefits because we are overcommitted, because we have, in part, taken the money, the President has taken the money under his plan from Social Security to finance income tax cuts that have gone overwhelmingly to the wealthiest of the people among us. That is the reality we confront.

Interestingly enough, they say, you have the shortfall in Social Security which is $3.8 trillion over the next 75 years. That is absolutely true. We have a shortfall in Social Security of $3.8 trillion over 75 years. Interestingly enough, the cost of the President's tax cuts over that same period is three times as much: $12.1 trillion.

Mr. SARBANES. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. Does that chart mean if one-third of the tax cuts that are being proposed to be made permanent, if only one-third of them remain not made permanent, that would more than cover the shortfall in Social Security?

Mr. CONRAD. Yes. If you look at this chart, it goes back to the point the Senator was making about choices. This is all about choices. The choices the President has made are, yes, to have tax cuts in a time of economic weakness. That we could all understand and even support. We would choose a different package of tax relief than he chose. We would have targeted, clearly, more to the middle class because that would have given us more of an economic boost than diverting so much of it to the highest income in the country.

However, the President is digging a very deep hole. More and more debt. More and more deficits. Deficits that explode right beyond the budget window, right at the time the baby boom generation retires.

What happens? A future Congress and a future administration will have to make very tough choices, which I outlined earlier in my presentation. Very deep cuts in spending, very large tax increases, or some combination to fill in these holes. That is where I fault the President for taking us on a course that is reckless and fundamentally not conservative. This is a course that is reckless.

The Senator is right, we are talking about choices. These are the choices that are made in the budget.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I appreciate my distinguished colleague from North Dakota joining with me in this exploration of the implications of this budget.

I will talk about job creation for a moment, and to indicate any budget we deal with, which is the most important Government document we act upon, contains thousands of decisions that are critical to our national life. Those decisions reflect important choices in terms of the priorities for our country.

We have just been engaged in a discussion about tax breaks for the wealthiest among us. Are we more concerned with strengthening Social Security to make sure that people in retirement are adequately covered or making the necessary investments in education, transportation, and the environment? All of those decisions are involved in crafting the budget.

In its composite, the budget is a very important macroeconomic document because it sets the fiscal path for dealing with the overall economy.

We ask the question, Will the budget fund the programs, create jobs, and strengthen our economy? Will the budget have long-run structural deficits? What will be the impact of those deficits on our future economic performance? Will it move us toward full employment or away from it?

We talked about the credibility of the President's budget and the fact that it fails to account fully for what the projections should be. We talked about the budget's failure to project for 10 years to show the full cost of making these tax cuts permanent, the failure to adjust for the alternative minimum tax, and the fact that the budget has zero in it for our involvement in Iraq and Afghanistan.

Who are they kidding? Everyone knows that our involvement in Iraq and Afghanistan is going to cost something. Then they say: Well, we cannot really estimate. They should make a good-faith estimate for inclusion in the budget. We are confronted with these facts, and again and again we are not getting the full picture. It is a little bit like things are under shells. If you lift off the cover, all of a sudden you discover another problem.

When the President proposed his first massive tax cut, he told us, ''We can proceed with tax relief without fear of budget deficits.'' That is what President Bush said when he came into office.

In the first budget he submitted, he predicted, for fiscal year 2004—the year we are now in—that we would have a $262 billion surplus. This was the President's prediction.

The following year, with a budget already in deficit, the President advocated another tax cut. At that time, he said, ''Our budget will run a deficit that will be small and short term.'' And the President's budget at that time—that is, the next year—stated the deficit would be so short term that by fiscal year 2004—the year we are now in—the Government would be back in surplus by $14 billion.

Last year, on the brink of war with Iraq, the President proposed yet another tax cut. He also submitted a budget that did not include the cost of the war. He predicted that the deficit for fiscal year 2004 would be $307 billion.

Now, in 3 years, the President had shifted from predicting a surplus of $262 billion for 2004 to the next year when he predicted a surplus of $14 billion for 2004. Then, when he submitted the 2004 budget, he predicted a deficit of $307 billion. So over the 3-year period, we went from a $262 billion surplus, predicted for the year we are in, to a $307 billion deficit. That is a change of $569 billion.

It is pretty clear that although the President said, when he submitted the 2004 budget, he was predicting a deficit of $307 billion, it looks now as if the 2004 deficit will be about $520 billion. That is $780 billion more than the President predicted in 2001, $535 billion more than he predicted in 2002, and $214 billion more than he predicted when he sent this year's budget—the budget we are in—to the Congress.

So we are told we can do these big tax cuts and that it will not matter because we are not going to have a deficit. And here we are deeply in the hole.

What is the consequence of this? Some might say: Well, he is producing jobs. We had an economic slowdown, and now we are producing jobs. We are putting the country back to work.

Let's look at those predictions and what has actually happened.

In the 2002 Economic Report of the President, the administration forecasted that in 2004 the economy would have 138.3 million jobs. Last year, the President lowered that estimate to 135.2 million jobs. And in his most recent economic report, he lowered it again to 132.7 million jobs. In other words, in just 2 years, the forecast for jobs in the country has been lowered by 6 million.

When the President passed the 2003 tax cut, the administration predicted that by January 2004, the economy would create over 2 million jobs. In the fall of 2003, Secretary Snow predicted the U.S. economy would create 2 million new jobs from the third quarter of 2003 until the third quarter of 2004—an average of over 200,000 jobs a month.

What has happened? We just got the figures on Friday for the month of February. For the month of February, it was reported that the economy created 21,000 new jobs in February—21,000—none of them in the private sector, incidentally; zero private sector jobs were created.

When Secretary Snow made this prediction of just over 2 million new jobs last fall, we would have needed an average of about 200,000 new jobs a month in order to meet his prediction. The performance has been so dismal, we have only averaged 59,000 new jobs per month over the last 2 months. We have to produce jobs 444,000 a month from now until the third quarter of this year for Secretary Snow's prediction to be borne out.

The economy is not creating these jobs. We face a real difficult jobs situation.

Mr. CONRAD. Will the Senator yield on that point?

Mr. SARBANES. Certainly.

Mr. CONRAD. I was looking at this same data, looking at the President's claim that they are going to create 2.6 million new jobs, and looking at where we are since they made that prediction. It is quite stunning.

In February, of these new jobs that were created, some 20,000, as the Senator indicated, not a single one was in the private sector, not one. The whole assertion by the President, on his tax cut plans, has been, if you cut these taxes, you will get more jobs. He was not saying more jobs in Government; he was saying more jobs in the private sector. Yet the only new jobs we got in February were in Government. They were Government jobs. There was not a single new job in the private sector.

So if the President's plan is working, I do not see the evidence for it. The evidence is, it is failing, and it is failing by a big margin.

I believe one of the reasons maybe it is failing is that the tax cuts he chose were tax cuts that were geared to the highest income people, overwhelmingly.

The Senator might be interested to know, I put up a chart that showed, for 2006, the average tax cut going to somebody earning over $1 million a year is $140,000.

Mr. SARBANES. The tax cut alone.

Mr. CONRAD. The tax cut for that year alone, 2006. Under the President's plan, the tax cut for those earning over $1 million a year is $140,000.

The average middle-class individuals, those who are in the middle 20 percent of the income spectrum—you break it down into five 20-percent groupings—the middle 20 percent, they get about $560 of tax benefit in that year. The person earning over $1 million gets $140,000.

If you were going to put it on a graph and have the two related—the tax cut for those in the middle 20 percent and those earning over $1 million a year—the chart would have to be 35 feet tall to make a comparison between what the wealthiest get and what the middle class get.

Maybe that is part of the reason this JOBS program is not working, because it has been so tilted to the highest end that we are not getting money into the hands of middle-income people who would be more likely to spend it, thereby spurring the economy.

Mr. SARBANES. Well, I say to my colleagues it is classic trickle-down theory. It has been discredited before. Yet here it is back before us again, classic trickle-down economics. Every administration since Herbert Hoover, which was, of course, classic trickle-down economics, Democratic and Republican, has had a net creation of jobs over the course of its administration. In other words, over that 4-year period, every administration were able to have a net gain in jobs.

This administration is about 2.3 million jobs below where the Nation was when they came into office—down about 2.3 million jobs. It is the first administration since Herbert Hoover that will not show a net gain in jobs over the course of its 4-year tenure. That fact needs to be laid out before the American people.

This recession we experienced began 35 months ago, the first few months into the Bush administration. The economy today has fewer jobs than it did then. This is the first recession since the Great Depression in which the economy failed, over a 35-month period, to recreate all the jobs that were lost in that recession. In a typical business cycle, we long ago would have recouped those jobs and gone on from there. That has been the case—and this is a long time period—in every recession we have experienced since the Great Depression.

But here we have a situation in which jobs are not being created to close the gap, and there is no real prospect, in the few months remaining, of meeting Treasury Secretary Snow's prediction. To do so, we would have to average about 444,000 jobs per month out into the fall of this year. Over the last 3 months, we averaged only 42,000 new jobs per month, as opposed to 440,000.

This, of course, raises a number of difficult problems. We have seen manufacturing jobs continue to fall and they have now fallen for 43 consecutive months. We see temporary jobs increasing. We see people dropping out of the labor force. Last month, 392,000 people left the labor force. People come in and say, you know the unemployment rate didn't go up. But if people drop out of the labor force and are not looking for work, they are not counted as unemployed. One of the reasons is they become so discouraged they drop out. That helps to keep the unemployment rate flat, but the exodus from the labor market is reflected in the job figures.

Mr. CONRAD. Will the Senator yield on that point?

Mr. SARBANES. Yes.

Mr. CONRAD. I was reading the New Yorker magazine last night and they had two guys talking. One said:

> I have quit looking for work; I understand that will help the economy.

Well, it will help the economy because they quit counting him. That is the point the Senator is making. The Senator wasn't on the floor when I showed this chart. I would like the Senator to see this because it really makes a point he is making. This looks at the last nine recessions since World War II, what happened in terms of job production. The Senator was making the point we are now 35 months into this recession, and that is right here, this line, which shows the job recovery this time compared to the last 9 recessions. You can see, in every recession since World War II, 17 months after the peak of the business cycle, job recovery started in a very healthy way. This time, it has not happened. We are 35, 36 months past the peak of the business cycle. Now we see we are 5.4 million jobs short of the typical recovery.

If that isn't a warning sign to all of us that something is wrong here, something is not working here—after every recession since World War II we saw a healthy job recovery beginning 17 months after the business cycle peak. Now we are at 36, 37 months past the business cycle peak and we still are not seeing job recovery.

Mr. SARBANES. If the Senator will yield, it is not only that we have not been able to get up to here, we have not been able to even get back to the jobs we had at the beginning of the recession. We are still well below, about 2.3 million jobs, where we were when the recession began in the early months of 2001, absolutely.

Mr. CONRAD. The chart says ''smallest share of the population at work since 1994.'' That is really stunning. My

colleague, the chairman of the committee, talked about having more people at work than ever before. That is one way of looking at it. Another way of looking at it is, what is the share of our population at work. Of course, more people are at work; we have a much larger population than we have had before but jobs have not grown. If you look at the percentage of the people who are at work, we are at the lowest we have been in 10 years—the smallest share of the population at work since 1994.

I have another chart that shows the duration of unemployment, which is the highest in over 20 years. That is, when people become unemployed, they are taking the longest they have taken in 20 years to find a new job. Something is not right here. Anybody who comes out on the floor and asserts everything is fine, the economy is growing, jobs are being produced—no, no, no, things are not fine. There is something very seriously wrong in this recovery. I just had a gentleman, I said on the floor earlier, in business who told me, ''Senator, there is something very different from what we have seen in different recoveries.'' He is in the machine tool business. He said, ''We should see our order books filling up, and they are not.'' He said, ''I suspect that the jobs being created are in China, Mexico, and India, and not here.''

That goes right to the heart of the point the Senator was making.

Mr. SARBANES. The last chart my colleague presented is an extremely important one because it shows the percent of long-term unemployed among the unemployed is at record levels, higher than it has been since 1984. In fact, close to 23 percent of the unemployed workers have been unemployed for more than 26 weeks. It has been above 20 percent now for 17 consecutive months. For a year and a half, the percent of unemployed who are long-term unemployed is above 20 percent, which is an important benchmark. The last time we had a period that ran that long was 20 years ago. The Senator's chart showed exactly that. That was back in 1984.

That is why this effort that has been repeatedly made on the floor of the Senate and in the committee just last week to address extending unemployment insurance benefits is so important. That effort has been turned back. I plead with my colleagues on the other side to move ahead on extending unemployment insurance benefits.

We still have a serious labor market weakness. We have not recovered the jobs. It is not as though you could say a lot of job opportunities have opened up and people can go back to work. That has not happened in this instance.

Long-term unemployment is at record levels. Nearly 2 million people have been unemployed for more than 26 weeks. Twenty-six weeks is the period that the traditional unemployment benefits cover. In the past, we have always extended unemployment insurance benefits so people can meet the problem of providing for their families. We have actually provided more benefits in the past than we have in this recession.

In the previous Bush administration, the program was extended and then extended again. We built up the unemployment insurance trust fund for this purpose: to fund these benefits when we encounter an economic downturn. There is over $15 billion in the unemployment insurance trust fund specifically collected for the purpose of paying unemployment insurance benefits in an economic downturn.

I joined with my colleague in the committee the other day to offer an amendment to make a provision within the budget for extending unemployment insurance benefits. Regrettably, it was turned down on a straight party-line vote. I anticipate that amendment will be offered again on the floor, and I hope my colleagues will reflect upon it before that occasion arises.

We need to do something. These are people who were working. You cannot collect unemployment insurance benefits unless you have a work record that entitles you to collect them. These are not, if you want to say, malingerers or people who don't want to work. These are people who had jobs. They lost their jobs through no fault of their own. If it is their fault, they cannot get unemployment insurance benefits. If they are to blame, if they have not performed on the job, they do not get unemployment insurance benefits. These are people who were working, in many instances had a long working career. They are out of a job. They are in a labor market where jobs are not being created, as my colleague dramatically illustrated with the chart he showed. How are they going to provide for their families? What are these responsible, hard-working Americans to do in terms of meeting the needs of their families?

Yet we have been turned back on the effort to extend unemployment insurance benefits, and I very much hope when the issue comes before us that Members will reflect and agree we need to do something about this pressing problem.

I will make a couple more points before I close.

This fiscal situation of the United States in which we find ourselves and the magnitude of it has drawn very sharp comment from objective observers. Listen to what the IMF said only recently:

> U.S. Government finances have experienced a remarkable turnaround in recent years. Within only a few years, hard-won gains of the previous decade have been lost, and instead of budget surpluses, deficits are again projected as far as the eye can see.

Let me repeat that. This is the IMF commenting about U.S. Government finances:

> Within only a few years, hard-won gains of the previous decade have been lost, and instead of budget surpluses, deficits are again projected as far as the eye can see.

The President says he is going to cut the deficit in half by 2009. My colleague pointed out, I think with great perception, that was not in the cards. It is not sustained by the numbers.

If we are going to have a debate, we cannot just play around with the numbers as though they do not mean anything. We have to have some hard facts upon which to work. These structural deficits that are built in this budget are extremely harmful to the economy as we move ahead—a promise to raise interest rates, reduce economic growth, decrease the number of jobs, increase our vulnerability to a sudden economic crisis. A responsible budget would not encompass a structural deficit, and if there is a structural budget deficit, a responsible budget would seek to correct the imbalance.

I could go on at some length about the choices made within the budget with respect to what our priorities ought to be, but I make this fundamental point: In every instance, there is a choice. You do not make one decision, for instance, to cut taxes for very wealthy people which then results in a larger deficit and then turn around and say to educators who say, We cannot carry through on the No Child Left Behind legislation, that there is no funding to address your complaint. That complaint is coming from all over the country. Out in the Rocky Mountain States, we have educational officials telling us they cannot carry through on that program. They are making that point very forcefully.

I was reading about it only today or yesterday in the paper. They said: We can't carry through on it. They are told, We can't carry through on it because we have this deficit to worry about. Why do we have the deficit to worry about? We have this big deficit because we are doing these big tax cuts for wealthy people. So the choice that was made in the President's budget was to do the tax cuts for the elite rather than fund the No Child Left Behind program. That was the choice.

I think that is a bad choice. I think the country thinks it is a bad choice. But there is a need to understand when you put this budget together, whatever you do on the one hand has an impact on the other hand. You cannot avoid that.

If you did not do these extensive tax cuts—which the President wants to make permanent—with those huge costs, the deficit would not run up; you would be able to hold the deficit down and do something about education and health care. But the President has put the Nation in an absolute deficit box.

Mr. CONRAD. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. CONRAD. As part of my presentation earlier, I showed this tradeoff very directly. If we look at 2005, the cost of the tax cuts for those who are in the top 1 percent, those who earn over $337,000 a year, for the 1 year it is $45 billion. The amount the President is shorting No Child Left Behind for that same year is $9 billion.

In fact, this is the chart. Ask and ye shall receive. This kind of reveals the President's priorities. Mr. President, $45 billion is the cost of the Bush tax cut for those making over $337,000 in 2005.

Mr. SARBANES. I think that is less than 1 percent of the American public; is it not?

Mr. CONRAD. The top 1 percent earns over $337,000. That costs $45 billion. But he does not have the money, he says, to fund No Child Left Behind.

Mr. SARBANES. What that says is he could fund No Child Left Behind and he would still have $36 billion left of the tax cut; is that right?

Mr. CONRAD. That is exactly what it shows. It shows he would only need to reduce the tax cut to the wealthiest 1 percent by 20 percent in order to fund No Child Left Behind.

I said earlier I am in this category. We are very fortunate. My wife and I are in this category. I asked myself, would I be willing to give up 20 percent of my tax reduction to fund No Child Left Behind? I would, because it is the future.

Chairman Greenspan has said if we are looking ahead to the competitive position of our country, the absolute key is education. Our people have to be the best educated and the best trained if they are going to succeed in this highly competitive global environment.

This is about choices. The President is saying it is more important to have all of this $45 billion tax cut for those earning over $337,000 than to take even one-fifth of it to provide for better education in the country. I do not think that is the right priority. I think the Senator is correct.

Mr. SARBANES. There are other examples of this. I offered an amendment in the Budget Committee to fully fund the firefighter grant program. That amount is $900 million—not billions as we are talking here but just $900 million. Two years in a row, the Congress has appropriated $750 million. So we have not appropriated the fully authorized amount but we have gotten up fairly close to it at $750 million.

The President's budget submitted to the Congress had $500 million. In other words, it cut the program by one-third, $250 million, from the level it had been for 2 successive fiscal years. These are grants that go out to firefighters across the country to try to enhance their professionalism, upgrade their equipment, better prepare them to deal with the threats we confront.

One of the things we are very anxious to deal with is that one-third of all the firefighters in the country do not have the equipment, the breathing equipment to protect them in a serious fire, from smoke inhalation. That is one of the things we would like to take care of. Yet the President's budget proposed to the Congress cut the funding for this program by one-third.

The President is now running political ads showing firefighters on 9/11 moving out of the wreckage, and there is a stretcher with a flag on it. We know what the firefighters did. We know the heroism they have shown.

Every year, I go to the National Fallen Firefighters ceremony, which is held at the National Fallen Firefighters Memorial, which is in Emmitsburg, Maryland, the location of the U.S. Fire Academy. Families come from all over the country. There is a weekend of events and ceremonies to mark the memory and the heroism of fallen firefighters. The year after 9/11 we could not do it in Emmitsburg. There were too many people and so the ceremony was held at the MCI Center in Washington because the number jumped so tremendously as a consequence of those deaths in New York.

In money terms, that is not a big item, but in its significance and in what it stands for, I think it is very substantial. We know our first responders place themselves at risk. They are the first called upon.

There were firefighters going up the steps of the World Trade Center in an effort to rescue people when people in the building were coming down the steps in order to escape. In effect, they were placing themselves in further danger in order to save their fellow human beings. They did not know these people. They were all strangers to them but they were responding to their duty. It is extraordinary when we stop and think about it.

The impact of it is obviously recognized by some of the President's people because they are putting it in this political ad. But I would like to see them take the program up to $900 million to do the firefighter grants so we could provide firefighters across the country with the protective equipment which they need as they carry out this very dangerous occupation. That would require only $400 million. The President's tax cuts provide $45 billion for the top 1 percent. Will the top 1 percent, those making over $337,000, who are getting an enormous—what is the tax return they are getting? Does the Senator have that figure in his mind, $120,000 or something?

Mr. CONRAD. That is those earning over $1 million.

Mr. SARBANES. Those earning over $1 million get $127,000 per year. As a category, they get $45 billion. Would they be willing to reduce that to $44,600,000,000 in order that we could fund these firefighter grants at the full authorization level of $900 million instead of the $500 million that is in the President's budget, which itself represented a cut of $250 million from what Congress had appropriated in each of the other 2 years?

Is it unfair, inequitable, unjust to say that in the order of priorities, funding those firefighter grants should come ahead of a small portion of these tax cuts for those making $337,000 a year? I defy anyone to argue the equities of that case.

That is why this is not a good budget. That is why we voted against it in the committee and that is why over the coming days, under the leadership of our very able colleague from North Dakota, we will put before this body—I and others and certainly the Senator from North Dakota himself—amendments that will frame the choice in terms of priorities. Those are the choices we need to face. Let's put the choices out there.

Do my colleagues think it is reasonable to take a small portion of this tax cut and use it for this purpose, or must every single penny of what the President is seeking for the very elite go to the very elite, despite these other pressing needs?

As I understand it, in the coming days this week, opportunities will be presented to offer amendments which will frame those choices. The Senator has framed one. Everyone talks a good game about education, including the President. The question is, will you put the resources there to do the job?

As the Senator points out, fully funding education is more costly than the example that I have been citing. But nevertheless, for just over $9 billion we could fully fund No Child Left Behind, which would address what we are hearing from the States, who are saying now, We can't do this job. You have saddled us with a job without the resources. The $9 billion is one-fifth of this tax cut that is going to those making over $337,000 each and every year.

Those amendments framing those choices need to be put to this body. I look forward to the responses my colleagues will make to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I would like to take a few moments to respond to some of the comments that have been made. I have been listening to the debate for the last 3 or 4 hours. It brought back a lot of memories to me.

I ran for Congress about 12 years ago, to the House of Representatives. I got elected and spent 6 years there before I then ran for the Senate. In my first race for the Congress we had a giant deficit. We had deficits in the hundreds of billions of dollars range for years. I ran on a platform of balancing the Federal budget. This is the debate we had at that time.

First, there were those who said you can't balance the Federal budget or, if you could, it would be bad for the management of the Federal budget and we couldn't run the Federal Government very well if we didn't use deficit spending. That argument was debunked when, after about 6 or 7 years of effort starting in about 1994, we did balance the Federal budget. Frankly, we did very well running the Federal Government, paying down the national debt, and making a lot of fiscal progress.

The other argument that was made back then when I ran for Congress, and which is still being made and is the argument that is being made today, only in a different way, was we had to have

higher taxes and higher spending in order to have a successful society in America. We could not stop the tax increasing, we could not stop the increased Federal spending, because it was best for all Americans that we have a large, powerful, centralized Federal Government that had increasingly more control over the economy; that we nationalize our health care system; that we increasingly find Federal solutions to problems as they exist throughout society; and that the private sector simply could not provide the solutions that were needed.

It was the age-old battle of taxing and spending and a centralized, large, powerful Federal Government versus those who believed we should get the tax rates reduced, lower the tax take of this Federal Government from our economy, let the economy have the stimulus that would thereby be generated by letting people and businesses have more control of the individual decisions about the use of their resources, and try to control the deficit and the size of the Federal Government by controlling spending.

Those were two objectives for which many of us fought. I was there in Congress when we fought for and got a balanced budget. The first objective was to balance the Federal budget, to stop spending more than we were raising in revenue. The second objective was to reduce the size of the Federal Government. Many of us felt it had grown too large, that its reach was too far, and that it impeded the ability of the American people to have the kind of choices in their own lives, in their own businesses, they needed in order to achieve the American dream. It was a classic, age-old battle in American politics, and we are hearing it on the floor today.

As I have listened during the last number of hours, I have heard attacks primarily on the President. There has not been a lot of mention of the actual budget that is on the floor today. There has been some, but not a lot. Most of the attacks have been on the President, saying the economy is in bad shape, we don't have as many jobs as we want, we have a terrible circumstance facing us fiscally in this country, the deficit is high and we need to do something about it. It has been posed here that everybody should see we have a problem and, in fact, I think we all do see we have a problem. But as I have been listening to the solutions that have been proposed by those who attack the President, I have seen two solutions. One is they attack the tax cuts in the last 2 or 3 years and apparently would like to see those taxes raised. In other words, increase taxes. That is one of the proposed solutions. The other solution is spend more money.

There are a lot of very important programs that will be brought up. Some have been brought up today. Others will be brought up throughout this week.

As we debate this budget, I think you will see it will come down to that age-old argument I debated when I first ran for Congress 12 years ago and that we have debated virtually every year in one guise or another since that time. There will be those who want to blame every problem we have in this country on the fact we cut taxes a few times in the last 3 years and that we are not spending enough money in the Federal budget, that we need higher taxes and more spending, and that will solve our social and fiscal ills.

There are others of us who will argue that by cutting taxes we are able to stimulate the economy, stimulate investment in capital, give people the ability to consume, and thereby give greater confidence and strength to the economy, and certainly give people more control over what happens with the dollars they earn than they would have had if they were taxed on those dollars and sent those dollars to Washington.

The budget we actually have before us today is one that does maintain our effort to stimulate our investment in capital. It does give and strengthen and protect the tax relief to all taxpayers so we can have stronger consumer spending and stronger consumer confidence. It builds up and focuses on strengthening the infrastructure, especially in our rural areas where we need so much to have a strong investment in the infrastructure so we can have stronger economic development potential. This budget focuses on controlling spending.

Remember, I said there were two objectives we fought for early on. One was to balance the budget, the other was to control the immense growth of the Federal Government. You can actually balance this budget by simply raising taxes. It is a mathematical calculation. You figure out how far you are out of balance, how much spending you have done beyond your means and beyond your revenue, and raise taxes to meet it. You can balance the budget. But by doing so you have totally ignored one of the more important priorities we should have here, and that is to identify the right size of the Federal Government; to recognize the tenth amendment that said there was an important role for the Federal Government, but that those powers not specifically given to the Federal Government were reserved to the States and to the people respectively. That is the kind of debate you will see played out in one context or another throughout the remainder of this week.

It has been said there is no provision for the war against terror in this budget. Actually, the budget we are debating on the floor today provides for a $30 billion threshold for a supplemental appropriation for our spending, if we need it, in the war against terror.

It has been said the tax cuts that were passed by this Congress in the past few years are the problem we are dealing with today. I think that is interesting because I believe most Americans realize the tax cuts that were passed in the last few years all had expiration dates on them because, as a result of some of the procedures here in the Senate, we could not get permanent tax relief. So those tax cuts over the next 10 years are going to start expiring. The first three of those tax cuts to expire, to go away, will happen this year. If this budget is not adopted, then the people who got that tax relief are going to lose it and their taxes are going to go back up.

To listen to the debate you would think the tax relief that was passed by this Congress was solely focused on the wealthy.

As a matter of fact, it has been pointed out that because the wealthy in this country pay so much of the taxes, when there is tax relief they get a large part of the tax relief that comes back to them. But the tax relief we passed was weighted percentagewise more for the lower and middle classes. You can either look at it in terms of dollars or in terms of percentages. But the percentage the wealthy pay of the income tax in this country went up after the last tax cut—not down—because the greater percentage of focus was on the middle and lower classes.

It is three of the taxes that hit and support those middle and lower classes that are coming up for expiration this year. The first is the expansion of the 20-percent income tax bracket by expanding the amount of income tax at the 20-percent level. We gave a broad level of tax relief to those who pay the lowest level of tax in this country. That will expire this year if this budget is not adopted.

The second is the marriage tax penalty. The elimination of the marriage tax penalty will expire this year if this budget is not adopted.

Third, the $1,000 child tax credit.

Those who stand on the floor here and say all the tax relief we passed in the last few years is devastating this economy are going to get a chance to vote this year on whether to let those tax cuts stay in place. I predict the support on both sides of the aisle for maintaining those tax cuts is going to be very broad. Those tax cuts were directed at those in the very middle and lower income classes which the tax relief bills focused on in an effort to reform the code.

But then it is true there were other parts of that tax relief which did benefit those who are in upper income brackets. If you listen to the debate today, I guess you would assume if we went back and eliminated those tax cuts, the economy would be fine, employment would go back, the deficit would be eliminated, and probably all other ills we have heard about today would go away.

What are these tax cuts we are talking about? There are a number of them. But one of the most important, in my mind, was cutting in half the tax rate on dividends, undoubtedly one of the

strongest things we could do to encourage investment in the capital structure in our Nation.

Another was the acceleration of depreciation for small businesses so they could get a little bit better handle on growing their small businesses rather than sending their small business revenues to the Government in Washington.

Another was to give those sole proprietorships—those small businesses that were sole proprietorships—the opportunity to have their tax brackets reduced.

I believe if you eliminate those tax relief measures, you are going to reduce the ability of our small businesses in this country to be resilient and you are going to reduce the investment in capital in this economy, and you will see the strength of the economy go down, not up.

But that is the debate we are having over whether we should have more taxes and that is better for the economy or whether we should have reform of our Tax Code and reduce taxes in those areas that discourage proper tax policy.

I would like to talk for a minute about what did happen.

Again, to hear the debate in the last few hours you would think the entire economic difficulty we face today in our Nation is a result of that portion of the tax relief we gave previously which went to those who were not in the lower and middle-class tax categories. What in reality happened was we had a stock bubble growth in this country that popped. The confidence in the stock market dropped precipitously. Following that, there was an attack on 9/11 in which terrorists attacked us on our homeland soil in one of the rare times in the history of our country where that has happened. As a response to that, the economy dipped even further. Consumer confidence waned. Following that, we have had some scandals—some debacles with the WorldCom problem, the Enron problem, and consumer confidence in the marketplace went even further into the tank and the economy started dipping even further.

Frankly, to blame all of the problems we have had on tax relief for the wealthy is a vast oversimplification. What happened as a result of all of these things is the economy went way into the tank, and revenue to the Federal Government went through the floor. As a result of that, we did not have the kind of revenue we had projected we would have.

In addition, our spending went through the roof. We responded to the war against terrorism by rebuilding New York and Washington, DC, giving support to those who had been attacked here on our homeland soil by developing a new Department of Homeland Security, increasing the measures and the support we put into defending our homeland, and we have prosecuted a war against terror across the globe which has involved two wars, not to mention the overall extent of the cost of fighting terrorists on many fronts. As a result, spending has gone through the roof.

There is one other thing, by the way, that made spending go through the roof. About two-thirds of the Federal budget is on autopilot, mandatory spending this budget can't control with much success, and that simply goes on growing regardless of the state of the economy. The entitlement programs of this country have an autopilot status that causes increased growth regardless of what is happening in the economy. That is another one of the big pressures on the spending in Washington.

Those are the things that are really going on here which we ought to be debating. But instead, it is a Presidential election year and everything is the fault of the President because he cut taxes, because he won't support enough new spending. The President would love to support spending on all of the pet projects and all of the very important and valuable items in the budget which because of these deficits we face he has had to control. The President, I am sure, would love on a number of these issues to support additional funding. But he has said that outside of our national defense and outside of our homeland security, he is going to try to hold the growth of the spending at the Federal level to less than one-half of 1 percent on the rest of the budget. He is going to do so because in addition to recognizing we have to deal with our deficit problems through good tax policy and through stimulation of the economy, because it is a strong economy that will help us get out of this, if anything will, he also recognizes the other side of the coin is we have to solve this problem through focusing on the spending side of this budget.

Last year, when we had a similar budget before this Congress and before this Senate, we had something in the neighborhood of 80 amendments to the budget. I would bet there are going to be dozens and dozens of amendments to this budget. Last year we defeated most of those amendments because we had budget points of order and a requirement of 60 votes in order to break this budget. Last year, we defeated almost every one of those 80 or 81 amendments. If my memory serves me correctly, there was something in the neighborhood of $800 billion in new spending over a 10-year cycle in those 80 to 81 amendments which we defeated. Certainly, every one of them had a constituency, every one of them had a valid reason why it was a good proposal for a good cause for some spending to be made. But we had to try to control this deficit. That is what we did. That is what we will do again.

I am sure as these proposals are made and as efforts to attack this budget are made, almost all of them will be couched in the argument that it is the tax cut on the wealthy which has made this problem for us, and simply taxing the wealthy more will solve this problem for us. We can tax the wealthy and spend the money and we will be fine in this country.

You can only pursue that line of thought to a certain point. I am sure it has already been said here on the floor by others, but that top 1 percent and that top 5 percent already pay the vast majority of the income tax in this country. The last tax relief we gave made their percentage share of the taxes in this country grow, not go down. At a certain point, we have to realize we will have a strong economy, and we will have a strong Federal budget if we hold the line on tax increases and hold the line on spending and pay attention to both balancing the budget and trying to maintain the correct size of this Federal Government.

There are many more things that need to be said. I unfortunately have an appointment in just a few minutes to which I have to go. But there will be a lot of debate that will go on during this week as we clash over the proper fiscal policies of this Government.

I encourage everyone in this country who listens to the debate this week to listen to it with an understanding of what is really being debated. It is the age-old fight between those who want higher taxes and higher spending and a more powerful, centralized Federal Government with an increasing reach into the economy, and those who want to keep taxes lower, who believe that is a stimulus to the economy, and who want to downsize and rightsize the Federal Government. In one way or another, virtually all of the debate we will have this week will focus on that issue.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from North Dakota.

Mr. CONRAD. Mr. President, my colleague keeps referring to pet projects. We on our side do not believe it is a pet project to educate the children of this country. We on our side do not believe putting cops on the street is a pet project. We do not believe funding our firefighters is a pet project.

But I am very glad the Senator has talked about the record on debt. Here is the Republican record on debt. When the President took office, the projection for the publicly held debt was $36 billion. In the President's 2002 budget, that increased to $1.2 trillion. After his tax cut passed, that increased to $1.6 trillion. In the President's 2003 budget, the debt went up to $3.3 trillion. In the President's 2004 budget, it went up to $5 trillion; with the Senate GOP budget for next year, $5.5 trillion.

If our friends want to have a debate about who is responsible for the growth of the debt, it is squarely on their shoulders. Their budgets have passed. They have shredded this deficit and debt. They can say they are interested in fiscal responsibility. They have not

walked the walk and they have not voted the votes.

I wish our colleague had not had to leave because he has come back with this old canard that I heard again in the committee saying that we offered amendments that added to the debt last year, or would have if only the Republicans had not defeated them. The problem with that argument is it is not true.

Here is what happened. Democratic amendments on the Budget Resolution were all paid for last year, and more than paid for, so that we would actually reduce the deficits, reduce the growth of debt. If you took all of the amendments we offered, they did not increase the deficit. No, no. Let's go to the record. What actually happened? Our amendments on the Budget Resolution would have reduced the deficit by $687 billion.

I am so glad the Senator brought this up because I have a list of every Democratic amendment to the Budget Resolution, that I will print in the RECORD, offered last year, what the cost was, and what the offset was. If any Member wants the opportunity to go back and check the record, here is their chance. What they will find is on every amendment, Democrats paid for their amendments, and Democrats also included deficit reduction. At the end of the day, if all of our amendments would have been adopted, we would have reduced the deficit by $687 billion.

In addition, our friends on the other side are trying to rewrite history. They are trying to act as though our amendments last year were a package. They were not a package. They also want to act as though they were amendments for 10 years. Half of them were not. Half of them were 1-year amendments. In each and every case, we not only paid for our amendments on the Budget Resolution, we had additional deficit reduction.

For example, Senator BIDEN offered an amendment to fund the COPS Program, $1 billion in cost, and he provided $2 billion of offset. He paid for the amendment, plus he provided $1 billion of deficit reduction.

I ask unanimous consent to have this printed in the RECORD so hopefully our colleagues will not keep repeating these false claims they have made in the past.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMOCRATIC SPENDING AMENDMENTS TO 2004 SENATE GOP BUDGET PROVIDED FOR $687 BILLION IN DEFICIT REDUCTION OVER 10 YEARS

[Dollars in billions]

Amendment No.	Sponsor	Purpose	10-year spending	10-year offset
278	Biden	COPS	$1.000	−$2.000
281	Kerry	HIV/Global Aids	0.797	−1.592
284	Murray	Fully Fund NCLB Act	8.900	−14.664
294	Graham	Prescription Drugs	219.000	−395.832
299	Schumer	Homeland Security	79.320	−158.511
300	Lautenberg	Restore Defense Cuts	88.030	−88.030
311	Kennedy	Pell Grants	1.800	−1.800
315	Kennedy	Unemployment Insurance	16.300	−16.635
318	Leahy	First Responders	3.000	−6.000
324	Lincoln	TRICARE	20.279	−20.279
328	Wyden	Fire Management	0.500	−0.500
341	Reid	Concurrent Receipt	12.764	−12.764
343	Hollings	Port Security	2.003	−2.003
357	Kennedy	Expanded Health Coverage	38.000	−38.000
361	Daschle	Indian Health Service	2.871	−2.871
372	Levin	Restore Education Cuts	2.668	−4.685
376	Conrad	IDEA	72.880	72.880
381	Clinton	First Responders	3.500	−7.000
382	Cantwell	Job Training	0.678	−0.678
385	Dorgan	Veterans Affairs	1.014	−2.029
387	Byrd	Amtrak	0.912	−0.912
395	Dorgan	Homestead Venture Capital	3.567	−3.567
396	Harkin	Rural Health Care	25.000	−25.000
409	Dayton	IDEA	193.246	−386.554
415	Dodd	Head Start/After School	37.871	−75.742
417	Bingaman	Child Care	8.758	−8.758
418	Clinton	First Responders	4.500	−9.000
419	Dodd	Firefighting Grants	11.866	−23.730
421	Murray	Education	2.00	−2.000
423	Corzine	Environment	10.661	−10.661
424	Clinton	Vocational Education	3.102	−3.103
425	Harkin	Restore Education Cuts	20.660	−20.660
429	Landrieu	Imminent Danger Pay for National Guard	3.00	0

Mr. CONRAD. Every single time I have heard our friends on the other side claim the Democratic amendments to the Budget Resolution would have increased the deficit, it is absolutely false. Go back and read the amendments. The deficits would have been reduced under our amendments because we provided fully the offsets for each of those amendments.

We can go down the list. In fact, I had an amendment to fund IDEA and completely paid for it. Senator LAUTENBERG had an amendment restoring the defense cuts. Members will recall, there were defense cuts last year. Senator LAUTENBERG fully funded defense and provided the money to do so. On homeland security, there were increases offered to better protect the country. It was fully paid for, plus an amount for deficit reduction. Every single amendment was fully paid for. Accumulate the totals, it is $687 billion of deficit reduction.

Our friends on the other side talked about the record on deficit reduction. I am glad he did because here is what has happened to the deficits over time. We can see on this chart going back to 1969, the last time we had record deficits was in the administration of the previous President Bush. President Clinton came in 1992, and we can see the deficit went down each and every year until we were back in surplus. It was only when this new Republican President took office that we again went back into deficits and now have gone into record deficit territory, the biggest deficits in the history of the country.

Here is what has happened to Federal spending. The Senator from Idaho wants to posture this as a question of spending, who is responsible for spending, and that spending is the reason we have deficits.

No, we have deficits because we spend more than our income. Deficits are a function of spending and revenue, not just a factor of spending but a question of spending, the relationship between spending and revenue.

This chart shows going back to 1981 spending as a share of our gross domestic product. Go to 1992 when a Democrat took control, and what happened to spending as a share of our gross domestic product? Spending went down each and every year from about 22 percent of gross domestic production to 18 percent of gross domestic production. Spending has now gone back up with our friends on the other side in charge of the White House. And I don't fault them for the increases; 91 percent of the increases in spending were for defense, homeland security, and responding to the attack on September 11. We all supported that increase in spending, as well we should have. We had to defend this country.

However, I remind my colleagues, when Democrats were in charge in 1993, we put in place a 5-year deficit reduction plan without a single Republican vote, and we reduced spending each and every year of that 5-year plan. In 1997, we had a bipartisan plan. Thankfully, that was a nice moment in time. We

had a bipartisan agreement. We continued to take spending down. Spending has now bumped up because of what has happened.

Let's look on the revenue side. On the revenue side, again, President Clinton came in and revenue went up. It was that combination of spending going down under the Democratic plan, and revenue going up that got us back into balance, and stopping the use of Social Security for other purposes. That is the Democratic record on spending and revenue. We lowered spending. We raised revenue so that we balanced the budget, and stopped the raid on Social Security.

Our friends on the other side have raised spending—and I don't fault them for that because it had to be done to respond to the attack on this country—but they also dramatically cut revenue. Here is what has happened to revenue. It has been shredded. We will have the lowest revenue this year as a percentage of GDP since 1950. It is that combination of increased spending and reduced revenue that has mushroomed the deficits.

Let's be honest. I don't think the deficits we are facing at the moment are the basis for our strongest criticism of the President's proposals. Anyone who is honest would acknowledge once we had been attacked, once we had to increase defense spending, increase homeland security spending, the economy took a hit, we would expect budget deficits.

Our criticism of the President and his preliminary is that he is suggesting deficits from now forward as far as the eye can see. He never wants to balance the spending and the revenue. Oh, he wants to keep the spending going. They say he is going to restrain spending.

Please, the spending he is restraining in his budget is 17 percent of Federal spending. He is going to save about $7 or $8 billion when the operating deficit, this year, is $700 billion. That is a 1-percent solution the President has come with. He is solving 1 percent of the problem.

Now, let's get serious. Let's be direct and honest with people. Talking about that restraining spending is going to solve the problem, and you come in here and save $7 billion, when you have a $700 billion problem, and suggesting you are solving the problem? That is not real. That is not serious. That is not credible. That does not stack up.

What the President is proposing is increasing spending and cutting revenue, when we already have record budget deficits. And what does it do? It balloons the deficits and the debt at the worst possible time, right before the baby boomers retire. That is the President's plan: to put us deeper and deeper into the deficit ditch, to take every penny of Social Security surplus over the next 10 years—$2.4 trillion—every penny of which has to be paid back. The President has no plan to do it.

The President says he is cutting the deficit in half over the next 5 years? The only way he is cutting the deficit in half is if he leaves out things, he leaves out that there is a war going on. He says there is no war cost past September 30. That is what his budget says: zero to fund this war past September 30; nothing for Iraq, nothing for Afghanistan, nothing for the war on terror.

He says he is going to fully and aggressively prosecute the war on terror, but he has no money to do it. Zero is not the right answer. That is what is in the President's budget to fight the war in Iraq, to fight the war in Afghanistan, to fight the war on terror. The President has a big goose egg past September 30 of this year.

And tax cuts? The President says: Do not worry. Do not worry, my budget will cut the deficit in half over the next 5 years. What he does not tell people is, beyond the 5-year window, the cost of his tax cuts explode.

He also leaves out the alternative minimum tax. It affects 3 million people now, the old millionaire's tax that is now becoming a middle-class tax trap. The President deals with that crisis for 1 year, does nothing for the next 4 years—a problem that is growing geometrically. It is going to affect 40 million people by the end of this budget period. The President does nothing past the first year.

The President's budget adds $3 trillion to the national debt in the next 5 years. This is the President who told us he was going to have maximum paydown of the debt, and he is increasing the debt by $3 trillion over just the next 5 years, and all of it at the worst possible time—right before the baby boomers retire.

I have shown chart after chart today showing the long-term implications of the President's plan. The long-term implications are to dig this deficit hole deeper and deeper and deeper as you go out into future years. The cost of his tax cuts explode at the very time the trust funds of Social Security and Medicare go cash negative. He is putting us in a situation that will require the most agonizing of decisions in the future.

No, our chief complaint against the President's budget is not the deficits being run now, although they are of record proportion. Our chief criticism of the President's budget is he has us on a course to balloon the deficits and the debt in future years, right before the baby boomers retire, compelling a future Congress and future President to make tough choices.

On the question of the tax choices the President has made, when I hear it said, ''Oh, really, the wealthy in the country are paying more,'' please, the wealthy in the country are paying more? I do not know how anybody can stand on the floor of the Senate and seriously assert the wealthy are paying more. I have just shown that those earning over $1 million a year, under the President's proposal, in 2006, are going to get a $140,000 tax cut, on average, in that year.

The wealthy are paying more? Who are we kidding? In 2005, the top 1 percent, those earning over $337,000, are going to get a $45 billion tax cut. That is the cost of the tax cut going to the wealthiest 1 percent. The cost of the tax cut for those earning over $1 million a year, in 2005, is $27 billion. The President chose a set of tax policies that overwhelmingly go to the wealthiest among us.

I put up a chart earlier that showed the top 1 percent—those earning over $337,000—get 33 percent of the benefit of the tax cut in 2005—33 percent, the top 1 percent.

The President said this is all to get the economy moving. Look, I believe it was important to have tax reductions to get the economy moving. Of course, it is not just the tax reductions, it is also the spending. About half the stimulus in the last 3 years has been spending; about half of it has been tax cuts. Both of those were warranted.

The problem is, the tax cut mix the President chose did not give us the biggest bang for the buck at creating jobs or growing the economy. And that is not just my view, that is the Congressional Budget Office's view. They were asked to look at all of the tax cut proposals and tell us what kind of bang for the buck you would get. Interestingly enough, the tax cut on personal capital gains, they said, would give you a small bang for the buck—small—yet that was singled out as one of the important areas for tax reduction.

The same is true on the dividend tax reduction that our colleague mentioned. He said that was a centerpiece. Well, it was a centerpiece in terms of what it cost. It was not a centerpiece in terms of what most economists would tell you is bang for the buck at getting economic growth and job creation. I believe that is a fundamental reason we are in the circumstance of today.

Yes, we should have stimulated the economy. Yes, we should have had tax cuts. Yes, we should have had increased Government spending to give a lift to the economy. But the tax cuts should have been geared to primarily the middle class. They are the folks who spend the money. Instead, this tax cut proposal has gone primarily to the wealthiest among us, those who are the most likely to save the money rather than spend it. However laudatory it is to save money, the thing that stimulates the economy, at least in the short term, is to spend it. This is a bad set of choices.

In addition to that, going forward, the President's proposal will dig us into a deeper and deeper deficit ditch, creating a circumstance, when the baby boomers start to retire, that will become more and more difficult and require tough choices.

What is going to be needed is not just tax increases, no. We need more revenue. The first place we ought to look is not tax increases but closing the tax gap, the difference between what people owe and what they pay because we

know the vast majority of people pay what they owe. But we have a small group of people and companies who do not. We now know that is costing us $255 billion a year. That is not a tax cut. That is somebody cheating on their taxes, cheating all the rest of us, cheating the ability of this country to meet its requirements of national defense and homeland security. That is the first place we ought to go to begin to close this gap.

Yes, we are going to have to be tough on the spending side, too. It is going to take both. We are going to have to restrain the growth of spending, and we are going to have to get more revenue. It is as clear as it can be. Anybody who tells you something other than that is not being straight.

I hope before we are done we will have a healthy debate on the priorities of the country. I believe one of our top priorities is to get our fiscal house in order. Now that we have economic recovery underway, we have to move back to fiscal balance. We have to reduce these deficits that are at record levels, and not just by make believe.

The President says he is cutting the deficit in half in the next 5 years. He says the deficit is only going to be $237 billion in that fifth year. But when we total up the things we know are going to be the costs, including the war and fixing the alternative minimum tax and the money that he is taking from Social Security and Medicare that has to be paid back, what we see in that fifth year is not $237 billion being added to the national debt; it is $600 billion. It is $600 billion the next year and $600 billion the next year and $600 billion the next year. What we see happening is, right before the baby boomers retire, an explosion of the national debt under this President's plan. That cannot be the answer.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. NICKLES. Mr. President, I yield the Senator such time as he may consume.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation to the chairman of the Budget Committee, Senator NICKLES, for his leadership. We will miss him desperately in this Senate. He has chosen not to seek reelection, which he would have handled easily, and we are certainly going to miss him. His handling of this budget process this year was particularly skillful, principled, filled with integrity and good judgment.

I also appreciate the ranking member, Senator CONRAD. He is a skilled man with the numbers of this budget. He can find more bad numbers in this budget than most anybody I know, but a lot of those numbers need to be talked about. He is correct. We have some long-term problems with financial stability. It is great to debate and have people discuss our challenges and have the numbers put out there and not hide anything as we go forward.

I believe we have produced a budget that is responsible, that the American people, if they understand it, could appreciate and would support in general. We will continue to debate it, and it will pass I believe, much as it has been written.

What we had to do is confront the situation of declining revenue to our Government. It has come from a number of different reasons, primarily because the economy has not been as healthy as we would like it, although we have seen some positive rebound. We ought to talk about that and we should consider that as we evaluate how we are going to handle the country's financial situation.

To sum up where we are, President Bush submitted a budget he believed funded the Government's discretionary accounts, including defense and homeland security and all other discretionary accounts, at $818 billion.

We were operating in the Senate under a budget of last year that called for us to stay at $814 billion, $4 billion less. So we decided the right thing for us to do was produce a budget at 814. Then, as we continued to score the proposals in the President's budget, that budget came in at $823 billion. So to go from $823 billion to $814 billion there was $9 billion we had to confront as we worked from the President's budget.

Unfortunately, we had to take a sizable sum from the proposed increase in defense spending. The budget called for an increase of $26 billion for defense, 7 percent, the largest aggregate increase in the budget. We were forced to come in at a $20 billion increase for defense. We made other decisions and reduction changes. Certainly, I hope this Congress will support the President's proposals to eliminate some 50 or 60 programs that need to be eliminated.

Everybody knows that we too seldom confront spending programs that have a certain value on the surface but, if examined carefully and with an eye toward efficiency and productivity and wise use of the taxpayers' dollars, don't meet the test. But we seldom, if ever, eliminate one. The President said it is time to do that. I, too, believe it truly is.

I spoke to the National Association of State Treasurers this morning and shared with them, a story of when I became attorney general of Alabama in 1994. My predecessor had left our office in a colossal, disastrous situation financially. We were forced, because we had a balanced budget constitutional amendment in the State of Alabama, to terminate the employment of one-third of the employees of the attorney general's office. It was a very difficult and painful decision for me. All those terminated were noncivil servants. They were hired under the political system that the attorney general could use at that time. But still many of them were good people, and I hated to terminate their employment.

But we reorganized that office. We worked hard. I believe we thereafter produced as much or more good legal work, even though we lost one-third of the employees.

I say that to illustrate there is a myth in this Senate, in this Congress, that somehow money only tells whether something is being productive, and if you don't give an agency more money, somehow they can't do as much work as they were doing before. That is wrong. It is not so. Every business in America understands they can do more for less work hard to do so. I think that is one reason why so many Americans today are cautious and concerned about how our Government spends their money.

It is because they are at their workplaces every day, working with ingenuity and technology and training and new systems to produce widgets better and cheaper for the consumer so they can stay in business. They expect the same out of Government, and they have every right to.

This budget comes in at 814. I believe we can make that work, but there will be, throughout this process, a host of amendments to spend more for every item you can imagine. Many of them have every resonance of good and worthwhile programs. In fact, some of them will be. But we simply don't have the money we want to spend on all these programs. We need to show discipline. If we show discipline, and we do this for several years, we can bring this budget back into balance again.

Senator NICKLES believes, if we stay at this constrained spending rate, we will cut the deficit in half within 3 years. That is a good goal. I would like to exceed that. Maybe we can exceed that. We will just see. I will share my personal view that economic growth will be a big part of accomplishing our goal.

When President Bush was elected President, the economy was in trouble.

In the third quarter of President Clinton's last year in office, negative growth occurred. The first quarter that President Bush was in office—had negative growth. Not good. But, that is what he inherited from his predecessor.

I say that because people say this slowdown was President Bush's fault. The NASDAQ exchange had lost one-half of its value by the time President Bush took office. The bubble had already burst and that value out there, on paper at least, was gone, leaving companies strained and unable to borrow and hurting the economy in a

number of different ways. The economy began to come back, and in September 2001 we had the attack on the Trade Towers and the Pentagon. That hurt us, too. So we are bouncing back from that.

The President did not sit around and not do anything. He acted. He had a number of programs. One was to stimulate this economy through allowing the American citizens to keep more of the money they earn. I think that was a good idea. First of all, it is always good policy in this land of freedom and individual responsibility to allow the people who earn their wages to keep as much of it as they possibly can. That is who we are as a people. We are not part of the socialist ideal of Europe, other countries. We have a heritage of freedom and individual responsibility. First, I thought President Bush's actions were good philosophically.

Secondly, it has helped our economy. We have seen continual growth since. The third quarter of this past year, the growth of GDP in America was at 8.2 percent. That is the highest growth in over 20 years in this country. The fourth quarter of last year was over 4 percent. The combined two quarters were higher than any two quarters President Clinton had when he was in office, I have been told. It was a good end to last year.

I think we are going to have good growth this year. The stock market is coming back up. Mr. Greenspan said interest rates are expected to stay low. He expects growth to continue. Jobs have continued to increase for the last three or four quarters. Not as much as we would like; we need to see more growth in the job area. But the household survey numbers look a lot better than the numbers that are most often cited, the wage number. Regardless, we want to see continued growth in jobs. Economists tell us as the economy grows, it takes some time before employers start adding permanent employees. In other words, they will pay overtime and do other things before they hire a permanent employee. But if their business stays healthy and continues to grow, they will hire people over a period of time. Jobs lag behind growth. Despite the fact that we have people running for President who have been going around for months saying how terrible everything is, how unemployment is hurting us so badly, how the economy has been damaged by President Bush, consumer confidence is up there pretty healthy and strong. So we have to be pleased with that.

With regard to the unemployment numbers, in June of last year, the unemployment rate was 6.3 percent. The fourth quarter's unemployment was reported at 5.6 percent—which is a significant drop—is about the average over 20 years for unemployment in America. Do we want it to get better? Absolutely. Do we need to take steps to continue the growth and continue job enhancement in America? Yes. I am willing to consider any good proposals toward that idea.

Mr. President, this economy seems to be coming back on solid footing and trusting the individual American citizens who work hard, manage their money carefully, and businesses to increase productivity. Oddly, increased productivity is not good for jobs. If businesses improve productivity, they can make more widgets with less employees. I think almost every economist who would be consulted on this subject would say that in the long run productivity increases are good because productivity is what will allow us to be competitive in the world marketplace. Without increases in productivity, we will not be able to compete with low-wage nations.

So productivity is a good and bad thing. In the long run, it is going to be good. But I think it has delayed the surge of hiring we would like to see, but I think we will see hiring increase as time goes by. There are a lot of reasons our country had a decline in revenue. A small portion of the decline—maybe a quarter—was the tax cut. But the tax cuts, I am absolutely convinced, were key cause of that 8-percent growth we saw—4 percent in the last quarter—which is surging out there and which will lift us out of this slowdown.

I believe the fundamental problem with the lack of income to America has come about because our taxes in this country are focused on the highest income wage earners. I know my colleague on the other side said we are reducing taxes on the rich. But after all the tax cuts, the highest 1 percent, highest 10 percent will still pay a larger percentage of the total taxes to America than the lower income people will pay—a higher percentage of total tax revenue will still come from the rich. But the deal is this: If you have money invested in the stock market and the market drops by one-half or more, as NASDAQ did, and you sell your stock, what can you do? You take a loss. You don't show a gain and pay a tax on the gain. You show a loss. The loss claim is limited to $3,000. But $3,000 for a lot of people who sell stock means loss of revenue to the Government. For those in the top brackets who are paying 38 percent, that is a large loss in tax revenue to America.

Corporations that were making profits in good times and who are now showing losses are not paying taxes. People who were being paid bonuses because companies were doing fine, they don't get those now, and they are not paying more taxes. So it seems to me that by taxing heavily our highest income people and depending on them substantially for our base revenue from income taxes, we have created a pretty volatile situation in how the income comes in.

If you have 6 months of growth like we are having now, I don't think you will see a lot of bonuses to executives. But if you have a year, 2 years, of growth, and improvement and profits begin to come back in a company, you will see other things happening that will generate profits for the corporation. More people will be hired, more people will be working overtime making that extra money, and they get taxed at the higher bracket rate. All those things, to me, indicate the President is correct to decide to take strong action, to inject an infusion of American ingenuity into the economy by allowing them to keep their wealth, what they have earned.

As a result of that, we will get growth and, as the growth stays out there, I hope our budget numbers are going to look better. Will growth solve all our problems quickly? I don't think so. I think we are going to have to sustain a long period of managing our spending habits, keeping spending growth down. Some areas need to be reduced. Some areas need to be increased modestly. We are going to have to resist starting a whole lot of new programs, and I am indeed troubled by the expansion already of the expected cost of the prescription drug program.

If we do those kind of things, and this economy comes back and we hold the line, we will begin to see the deficit be reduced. That is what we desperately need to do. We simply cannot sustain the size of the deficits we have today, and it is not necessary that we have the kind of deficits we have today. I feel that strongly. I believe we will see progress happen.

I offer as support for my belief the fact that as of June last year, the experts—CBO or OMB—predicted the deficit would be $450 billion for the fiscal year ending September 30 of last year. But when the numbers came in, it was not $450 billion, it was $375 billion, $75 billion less than they were predicting a few months before, and that was because of some containment in spending and because of the economy coming back.

We are not going to see huge, dramatic improvements, but we can believe and hope that if this economy remains strong and we remain firmly in control of spending, we will see some good things happen. This budget does that. It is less than a 4-percent increase overall, about a 3.5-percent increase in spending.

Frankly, we would have done better coming in with lower spending, but most of our spending is entitlement spending that goes up on its own on a trajectory we have not figured out how to control. We are going to need to figure out how to control it as the years go by and bring sanity and wisdom to that process.

I think our President has submitted a good budget that does not go hog wild. I believe our committee, after a long period of intense debate—Republicans and Democrats engaged in offering amendment after amendment and their philosophies and debates—has produced a frugal budget, even more frugal than the one the President submitted; that if we pass this budget and do not lose our discipline with the inevitable proposals for spending that are

about to come, then we will be in good shape to chop away at this deficit.

We must not do it, however, at the threat or expense of those marvelous tax cuts that are so important to our economy and to our American family. First, the child tax credit. Instead of $700, we raised it to $1,000 per child. I believe that is important.

The marriage tax penalty. The very idea that this Congress would penalize people who get married by increasing their taxes is just an anathema to me. I cannot believe we would do that. This marriage penalty fix went a long way toward eliminating that problem. It is not a gift to married people; it is simply allowing them to get back on a level playing field. A tax is a penalty. We should not penalize marriage.

The third provision up for renewal is expanding the lowest bracket, the 10-percent bracket, covering a lot of people who were paying 15 percent on their income taxes, the lower income bracket. That bracket will be increased so more people will be paying at 10 percent rather than 15 percent.

All of these provisions are critical. They will strengthen the family. In fact, we need more young couples to have children today. Somebody has to take care of us when we become aged. A lot of people are not having children. One reason is they do not think they have the money to raise children, and the child tax credit and the marriage penalty might well strengthen our families in ways we cannot measure in terms of economics but, in the long run, will be good for this country. I believe that very deeply. That is why I am particularly supportive of those two reductions in taxes.

I thank Senator NICKLES for his leadership. I appreciate this opportunity to share a few words at this time. I see Senator NICKLES, the chairman of the Budget Committee, is back in the Chamber. I, again, congratulate him for the extraordinarily capable way in which he handled this process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank our colleague, Senator SESSIONS from Alabama, not only for his statement but also for the outstanding work he has done on this committee. It is not easy reporting out a budget resolution. It is not easy defending a budget. I encourage our colleagues who want to throw rocks at it all the time to put one together.

I compliment our colleague from Alabama. He has been an invaluable member of this committee. He has worked very hard. We touch every single dollar in the Federal budget in this committee. We review all those dollars. I compliment the Senator from Alabama for being an outstanding member of a challenging working committee.

Mr. President, I yield to the Senator from Colorado such time as he desires.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Oklahoma for yielding. I wish to say how grateful and what an honor it has been to serve with the current budget chairman. He has done a great job. He has been a great leader in the Senate. This is the last budget with which he is going to be involved in the Senate. He is thorough, he is straightforward, meticulous and has put together some good budgets since working with him as chairman on the Budget Committee. We are going to miss him in the Senate. He has done a yeoman's job in putting together this budget.

Like he said, putting together a budget is not simple. It is always easy to criticize a budget, and that is what I pointed out during the Budget Committee hearings. All we are hearing is criticism about this item and that item, but nobody is putting together a total budget, laying it before us and explaining what they are going to do to eliminate deficit spending.

I think back to last year, for example, on the floor of the Senate when we were debating the budget. It was the same situation. The chairman and Budget Committee members had worked hard to put together a budget and bring it to the floor of the Senate. Colleagues were consistently complaining and criticizing the deficits, but the fact is, we had amendment after amendment presented calling for more spending. It totaled up to about $1.6 trillion in amendment after amendment calling for more spending.

Where were they getting a lot of the money? They were getting the money by wanting to increase this tax and increase that tax to pay for it. The rebuttal is: Well, we pay for it by increasing taxes.

I do not think the answer to this economy and the long-term solution to this budget is to increase taxes. I think the long-term solution is we need to hold down spending.

One of the problems we have run into in recent years, since about 2002, since many of the provisions which held spending in check are no longer before us, is we have seen spending increase, and we are continuing to see spending as a problem as we move forward and debate this budget.

We cannot deny the role the recession has had in revenues coming into the Federal Government. Our deficits are a function in any 1 year of the amount of money that is coming in and the amount of money that is being spent. In any 1 year, when spending is greater than the revenue coming in, we end up with a deficit.

Sometimes in our discussions, we interchange the terms ''debt'' and ''deficit.'' There is a difference. Debt is the accumulation of the deficit spending over the years, so it reflects that. Deficit is when we spend more than what we bring in in revenue.

I have some information. When we look at the economic downturn—and the President in his budget had come up with a figure in the economic downturn—he held 49 percent of the current deficit. I looked at a chart—this is from the President, the Executive—and it comes up with similar figures. This is put out by the Joint Economic Committee. Senator BENNETT is chairman. It is equally balanced between Republicans and Democrats out of the Senate. They point out what has happened to the surplus.

Using our CBO figures and using the figures we use in the legislative branch, we come up with the weak economy could be attributed to greater than 40 percent, and that increased spending was attributed to 36 percent of the loss of the surplus. Then we have our tax cut in 2001, 18 percent. The economic stimulus was 1 percent, and then the tax cut we put in place again was 5 percent. So the total is about 24 percent of the loss of surplus that would be attributed to tax cuts; 36 due to an increase in spending of the Federal Government, and the weak economy another 40 percent. This is by the Joint Economic Committee. This is not me. This is not the President putting that out. This is a bipartisan committee we have which looks at these kinds of figures.

Then we look at what happens year after year with spending as compared to the tax cuts we have put in place. Let's take a look at that. We start in fiscal year 2005. Here is a good example. The tax cuts reduced revenues by $212 billion. Spending increases enacted since 2002 will total $268 billion. We have $212 billion tax expense to the surplus, but spending is $268 billion.

Let's see what happens in 2006 as we move out in time in this budget. The gap we see between spending and tax cuts and its impact on the surplus grows even more. The 2006 tax cut reduces revenues by $163 billion and spending increases enacted since 2001 will total $314 billion. That gap is growing with each year as we move out. Over the next 5 years, 2005 to 2009, revenue decrease due to tax cuts is going to run a total of $979 billion.

What happens during the same time period with our spending as it moves out in time, $1.722 trillion. That is what happens to the growth in spending.

The point I am making is when there is a tax cut and that money is returned to the American people, it does not escalate and grow as an expense against the surplus, but the spending grows considerably.

I happen to believe our budget process is prejudicial against holding down taxes. The way the budget rules work, it is always easier to increase spending than it is to cut taxes. I think one of the most important ways to continue to stimulate this economy is to make sure we hold down our tax burden. I know the other side is advocating that we go ahead and increase taxes, but I think that is wrong. It is the wrong thing to do now, when the economy is starting to come back. We are starting

to see very encouraging figures about the economy in response to the stimulus plan we passed in the two previous tax cuts we put in place. They were put there to stimulate the economy.

When this President came into office, he inherited an economy that was starting to go down. Then we went through an unprecedented period of an economic downturn, which we had never seen during modern times, where revenues decreased at least for 3 consecutive years as we looked out. This had a profound impact on the amount of revenues coming into the Federal Government.

If we had not made those tax cuts, my personal judgment is this economy would still be struggling. Those tax cuts stimulated the economy, and now I think once we start getting the revenues in from this year, we are going to see a growth and the budget reflects that. Our economy is going to be on the way. With the recovering economy, we are going to see a regrowth in revenues coming to the Federal Government. The best way to grow revenues to the Federal Government is to stimulate the economy, not to increase taxes. Increasing taxes has a depressing effect on people's willingness to produce because they do not see themselves keeping that money in their pocket. They see it coming back to Washington and being spent. If the citizens of this country can see the money they are earning staying in their own pocket and paying for their needs, meeting their family's needs, meeting the needs of their local economy, they see it as a much more beneficial process and something that would motivate them to be more productive. When they are more productive, they are going to be paying more Federal taxes. Then that return comes back to the Federal Government and is reflected in increased revenues and helps us eliminate deficit spending.

The last parameter to change in our economy is unemployment. Unemployment is going down and we are continuing to see job growth. This last report was not as much as was hoped, but we are continuing to see a growth in jobs. According to the payroll survey, jobs have increased 6 months in a row. The household survey remains higher than prior to the recession and more Americans have jobs than at any other time in our history. This is a result of those tax cuts.

Where do we go from here? We have the economy beginning to grow, and we have a budget before us that begins to eliminate the deficit. I will talk a little bit about that because the President had planned to eliminate the deficit within 5 years of his budget. He said we can cut the deficit in half either as a percent of gross domestic product or in nominal terms—in other words, actual dollars.

We have done better than that in the Budget Committee, thanks to the leadership of the chairman. We are getting out of deficit spending within 3 years, depending on how one wants to talk about it, or even as soon as 2 years. This is in real dollars, and we are doing better than the President. I think this is a phenomenal step in the right direction.

We started taking this deficit seriously in the last budget. In fact, it was important to me, and I know a lot of other members on the Budget Committee, that we start taking an early step in eliminating the deficit, so we started putting this plan in place in the last budget. It is important to me that when I look at today's budget I want to make sure we are staying with that plan, or doing better.

I am happy with what the President has proposed. I am especially happy with what has come out of the Budget Committee. We need to stay with that commitment and move forward. In order to continue to hold down spending, we are going to have to put in place some budget rules in order to have a disciplined approach to deliberating the budget so spending does not get out of hand.

I know the chairman of the Budget Committee is looking at such a plan and giving it some serious thought. We have part of that plan currently in the budget proposal before us, and I think that is something we need to focus on. In fact, from a long-term strategy standpoint the most important thing might be to do something legislatively that would put in place, with the President's signature, some real rock-solid rules on how we can control spending.

There need to be some provisions in case of an emergency, but we cannot be so flexible that we allow the emergency spending to be abused. I have observed in the short time I have been in the Senate that emergency spending bills get abused. Again, with some good, thoughtful provisions, and if we can get this budget passed, I think we will have in place some rules that will help us try to stay on board in order to eliminate the deficit.

I am convinced with the economy starting to grow that we can get back to where we have surpluses. I would like to be back in a position where I was a number of years ago where I could propose amendments on the Senate floor on appropriations bills to pay down the surplus, to pay down the public debt. I am glad we did that, because if we had put some of that money aside toward paying down the public debt, then it gave us some money in reserve.

We got to the point where we had an unprecedented time in our history, which we just experienced when this President came into office. We had an economic downturn that was getting well on its way, we had 9/11, and then we had some major conflicts we had to pay out of this budget.

I would hate to think what our deficits would be like today if we had not made an effort to pay down part of the public debt when we had an opportunity to do that. At first, it was not very easy to get those amendments adopted on the floor, but after staying with them we were able to get those so we could make some significant steps toward paying down the public debt.

I am hoping in the not too distant future we will be in a position again where we can pay down the public debt and eliminate deficit spending so we are back out of the red on an annual basis and then begin to work to pay down that public debt because that gives us sort of the reserve. I am glad we had that there. That is responsible management of the taxpayers' dollars, responsible management of our budget resources we have that come from hard-earned dollars that our taxpayers, American citizens, are earning for the Federal Government and sending back to Washington.

Then, once we are in a position to get this budget passed, I think we also need to look at ways in which we can take care of emergency spending provisions. There are some dollars that are put in this budget to try to take care of some predictable emergency spending that we think we are going to have.

We will have an emergency surplus bill. It will be either the end of this year or in the next fiscal year. It is right and proper and good accounting to begin to take that into consideration.

I hope at some point in time we can begin to develop a pot of money over here for emergency expenses only. Then, once we have developed that, we will not have to come in for emergency supplementals where spending gets out of control and people get around our budget rules. We need to work and modify those, in my view, in order to have long-term responsible budgeting, at least out of the Senate and in the Congress.

I think the solution is no tax increases. I think we could help our economy even more if we would take some of these—in fact I would take all these recent cuts we passed, which were the economic stimulus package and the 2001 tax cut as well as the 2003 tax cut—and make those all permanent. I think that would stimulate our economy to continue growing and we would go through another unprecedented period of economic growth, bringing revenues into the Federal Government, and that would be part of our solution as far as getting out of deficits.

I think the fact that businesses and families, individual taxpayers, could plan ahead with the understanding that those tax cuts were going to stay in there for some time would build confidence in the economy. Then they would be willing to go out and make their investments and, as a result of that, create more revenue. When the tide rises, everything rises and everybody benefits.

I hope at some point in time we can make all these permanent, especially the inheritance tax. The death tax is not part of those we have in here, although I think we extend that out for a year or two in this budget. But we

need to permanently eliminate the death tax because it is silly to think people are going to plan for their death. They are not going to do that. The elimination expires toward the end of this decade and then it goes way back to previous levels, which are extremely high. That is not fair. If nothing else, just out of fairness we need to permanently eliminate the death tax.

I see my time is running out. I thank the chairman, again. I see Senator DOMENICI on the floor. He was the chairman of the Budget Committee before Senator NICKLES took over that responsibility. I think both of them have been very responsible and have worked very hard on the budget. I think we have a good piece of legislation. It is a resolution, an agreement between the House and Senate. It doesn't require the President's signature, but it is a commitment of both the House and Senate to eliminate deficit spending and hold down our tax burden and spending. I think we are heading in the right direction. If we can accomplish what is in this budget, I feel good about the future of this country and the future of our economy.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank our colleague from Colorado for not only his statement but the outstanding job he does as a member of the Budget Committee. He works hard. He does his homework. He is one of the more knowledgeable persons on our committee about a lot of issues on the budget. I compliment him for his statement and his contribution in putting this budget resolution together.

I note my predecessor as chairman of this committee, Senator DOMENICI, is seeking the floor. It is always a pleasure to work with him. I yield him such time as he desires.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have to go to a chairmen's meeting now, so I cannot speak very long. I did not want to let the first day go by without saying a couple of things.

Senator DON NICKLES has done an outstanding job, as have the Members who serve with him, working for our country, joining him in doing the very best possible job they can do.

I think the budget before us, under the circumstances, is as good as we are going to get. I only hope not only do we pass it but at the end of the year we look back and say, with the exception of things that were outside of our control, it truly was enforced; we carried it out. I hope that is the case.

I will come back tomorrow to make a few more remarks. When you get a budget and it is deficit time, and the debts are as big as they are, people generally are too gloomy. There are too many people running around saying how bad things are. I have been there when the deficits were bigger than they are now. I have been there when they were less. I have been there when it was balanced, believe it or not. Frankly, I think what is good to know is that the American economy, the engine of wealth day by day, is in pretty good shape.

We are in a world economy that makes it very tough for America because we are trying to let the whole world get rich right alongside us. America is not looking to try to keep the world poor. It is pretty obvious that whatever globalization means to others, they have it wrong if they think the United States wants everybody else's wealth.

The truth is, we buy from everybody because we want them to grow and prosper. We want their workers to make money. We want their businesses to prosper. That is beginning to happen in a rather phenomenal way. In fact, I have never asked anybody to check carefully what has happened to China in a decade, but I imagine it would be phenomenal what is happening to their people, to their prosperity, and to their opportunity to make the world a better world for everyone.

While all that is going on in poor countries, America has trouble because we have to compete. We have a lot of people thinking we ought to pull out of this world. Not only pull out of wars, a lot of people think we ought to quit negotiating treaties of trade and just come home.

I think we are very lucky we have a cadre of leaders for the most part who do not believe that is the way. I would be very worried if we were going to move in that direction, all of a sudden say we are staying home, we are not selling our goods, and we are not buying theirs; it will just be fortress economic America. If that were the case, it would not take us along until we would have one broken down fortress.

From my standpoint, I will join with those who are trying to help America do a better job of producing goods and wealth cheaply and more competitively, getting our universities, our laboratories, and great scientists to produce out of the research room, out of their laboratory, into the technology room, and then onto the manufacturing floor. What we need is to move those faster. The great research has to turn into production in America. If only we could dream up some way to sensitize that so it would happen better and more rapidly. Researchers like researching but they would like it more if they could produce a product.

If we are not there yet, there are plenty of people who do not feel that way about research. But I submit that we are going to have more and more researchers in every sense of the word who believe they are not successful until they have solved the problem, produced the product, and let America take cutting edge advancement to work at making products.

Having said that, tomorrow I will return and talk a little bit about this specific budget and the deficit we have and the debt we have.

But I want to close by saying I sure hope the average American is not too worried about the future. When you go through a recession for a couple of years, have two wars going on, and terrorists who ripped the heart out of your major city, and you are still in as good a shape as you are today with our economy growing, productivity growing, and more people working than any comparable day in history, you have to feel proud. For those who want to lead our country, the best way to do it is to convince them they have something to be proud of and that the future is bright.

I am down here on a tough budget with a tough chairman who worked hard to get us here, and probably with many people who won't agree with it. But I am here because I also want to let people know we are going to do the best we can. We have cut taxes not only because we like to cut taxes—that is true, we do—but because we think an economy in recession needs to have taxes cut if it is going to get out of recession. We think that happened. We are proud of that. We don't want to do away with the taxes that are about to occur right now because they are the right kinds of taxes. If we are going to do pay-as-you-go, let us at least let those taxes that we cut take effect.

I want to repeat in closing that I am going to start working tomorrow with a bipartisan group of Senators to produce a pay-as-you-go plan. It will include taxes, but it won't include the taxes that we have already passed that are waiting to be enforced but look 4 or 5 years from now, no more free rides for anything—no free rides for taxes, no free rides for defense, no free rides for anything. We are going to increase things. If you cut something, you also pay for it. If we can do that for 4 or 5 years and start the process so that it is credible, what a change it will have. It will be a very positive day for America and for those who invest if we do.

For today, I said about as much as I can. I yield the floor. I thank the chairman for yielding. I thank the Senate for listening. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator DOMENICI, former chairman and very distinguished member of the committee, and someone to whom we all look for wisdom on budget issues.

Let me pick up on the last point he made, the pay-go provision. What the Senator is talking about are rules that we used to have that were allowed to lapse in 2002 which required if you wanted to add spending or cut taxes, that was fine, but you had to pay for it. You had to pay for it. I think that budget discipline that was lost is unfortunate. We ought to renew those budget disciplines as quickly as possible.

I think it is fine to say there are certain taxes we should cut. In fact, I have

indicated publicly that I will vote to extend the 10-percent bracket. I will vote to extend the marriage penalty relief. I will vote to extend the expansion of the child care credit. I will vote to extend the small business expensing. I personally believe—and I think Senator ALLARD and I may agree—those are provisions that we ought to continue. There may be some more that Senator ALLARD wants to continue that I would not without paying for it.

But I would say on any spending that is new and any tax cuts that are new, we ought to pay for them. This deficit ditch is so deep now that I think we ought to impose that discipline on ourselves. We did it before. It helped. I don't think it solved the problem, but it certainly made a contribution. It provided a discipline on both the spending side and the taxing side that was important. That doesn't mean you can't, on an emergency basis, spend more or tax less. It requires a supermajority vote. It requires 60 votes to break that discipline. I think it helped us immeasurably. I think it saved hundreds of billions of dollars.

I was on this floor last year with Senator NICKLES siding with him in stopping some spending by raising budget points of order that apply on the spending side of the ledger.

I think it is very important that we reintroduce those disciplines as soon as possible.

Let me talk a little about this budget. I talked earlier about the President's budget. I also want to talk a little about this budget and why I think it is deficient.

The first thing that concerns me is it adds $2.86 trillion to the debt over the next 5 years. I think one of the things that is being missed in these discussions is something that is flying right below the radar. It is the amount of money that is being taken out of Social Security to pay for other things, money that has to be paid back but that gets lost in this discussion of deficits. The reason for that is they are talking about what is called the unified deficit. That is when you put all the money in the pot and you treat it all the same. All the Social Security revenue goes into the pot along with the income tax revenue and every other kind of revenue. All the spending comes out of that pot. The problem with that approach is at this moment in time, Social Security funds are running big surpluses in preparation, supposedly, for the retirement of the baby boom generation. But we are not using that money to pay down the debt or prepay the liability. We are taking that money and using it to fund tax cuts and other expenditures of Government, and those Social Security surpluses are growing dramatically, by the end of this 5-year budget the Social Security fund surplus just for the fiscal year 2009, is going to be up over $235 billion. I think it is hiding, basically from all of us, and from the American people, our true fiscal condition.

Let me make this point. If we take the chairman's mark—I have high regard for the chairman. I respect him. I have found that he is somebody I can trust. I also like him. This does not have anything to do with personalities. This has to do with the fiscal situation we face as a country. Under the chairman's mark, the total debt of our country at the end of this year is going to be $7.4 trillion. But this year, $612 billion will be added. Next year, we will have $8 trillion of debt. The next year, $569 billion is being added to the debt; the next year, $553 billion; the next year, $563 billion; the next year, $564 billion. Do you notice a certain sameness as to how much is being added to the debt every year? Yet at the same time, the chairman and other Members have said it is cutting the deficits in half. And both statements are true. The deficit—which is calculated on a unified basis with all funds going into the pot, all revenue and all spending coming out of that same pot—is being reduced in half over 3 years by the chairman's mark. The problem is the increases in the debt are not being cut in half. The increases in the debt are virtually unchanged.

The debt is increasing this year by $612 billion under the chairman's mark. By the third year it is going to increase by $563 billion.

The debt increases are not being reduced by this plan in any significant way.

As a result, for the 5 years, the debt is being increased by $2.860 trillion.

This is, in many ways, the good times because the baby boomers have not started to retire yet. They start to retire in 2008. When we couple the increased expenses which flow from the baby boomers retiring with the reduced revenue by making the tax cuts permanent—and, by the way, that cost explodes right outside this 5-year budget window—what we see is under any growth scenario, any reasonable growth scenario, this debt problem, this deficit problem, is going to get much more serious in this next 10-year period. It is not getting better.

Those who say, gee, with some more growth this will all work out—no, it does not work out. That is what the Comptroller General of the United States is warning us about, that is what the International Monetary Fund is warning us about, that is what budget group after budget group is warning us about. We cannot grow our way out of the deficits that are coming because we are stacking up debt at the time that is most favorable. We are stacking up debt when we have the trust funds throwing off huge cash surpluses.

What is going to happen when those trust funds go cash negative? Instead of $160 billion of Social Security surplus, which will happen this year, instead of $235 billion of Social Security surplus which will happen in the fifth year, when those trust funds go cash negative, then what happens, and the baby boomers have retired and the full cost of the President's tax cuts have been phased in? Then these deficits look like child's play. Then we have a real chasm which has to be dealt with.

As I see it, the chairman's budget simply does not do the job. When we look at the chairman's mark and we put back in the war costs CBO says will be there, and we look at addressing the alternative minimum tax, here is what we see the operating deficits looking like over the next 5 years. They are enormous. The operating deficits are enormous. We see very little reduction in them under the chairman's mark. There is $638 billion going down in 2009 to $520 billion, and I don't believe that is an accurate reflection. I believe by the time we get to the fifth year we will add another $600 billion to the debt, based on my own analysis.

Our colleagues on the other side have talked about this proposal reducing the deficit. Actually, this proposal does not reduce the deficit. The deficit is going down on a unified basis, not counting the money that is being taken from Social Security, if we do nothing. The deficit is going down if we do nothing. But if we adjust the baseline for the one-time expenditures that were made last year, when we had a supplemental appropriations bill for over $85 billion last year—that is in the so-called baseline going forward—if we take that out, which the chairman has done—and, by the way, I commend him for doing that because otherwise we build in spending that should not repeat itself. It is one-time spending that should not be added to the base. The chairman has taken it out of the base. He is absolutely right to do so.

Once we have done that and then we look at what is happening with the deficits under the chairman's proposal, what we see is it increases the deficit by $177 billion over the next 5 years. He is adding $177 billion to the deficit over the next 5 years. That is a mistake. We have record deficits now. We have the baby boomers coming. They will retire. We should not be adding to the deficit by the policy decisions we make here. We ought to be reducing it.

The chairman says the deficit in the fifth year under his plan will be $202 billion. That is only true if we leave out certain things. Number one, he is leaving out additional war costs in that fifth year. The Congressional Budget Office says residual war costs in the fifth year will be $30 billion. He leaves out the alternative minimum tax fix, that costs $55 billion in the fifth year. He leaves out the $22 billion he will borrow from the Medicare trust fund that year which he has to pay back. He is leaving out the $235 billion he is borrowing from the Social Security trust fund in that fifth year. In that year alone, he will borrow $235 billion from Social Security. He will borrow another $22 billion from Medicare trust funds so he is borrowing $257 billion in that year and that is being stacked on the debt. So instead of adding $202 billion to the debt in that fifth

year, he is adding at least $545 billion to the debt. That is my own conclusion.

What is wrong with, for example, this budget in terms of revealing our full fiscal condition? One of the first problems we have is the war costs. The President has zero for war costs past September 30th. The chairman has put in a reserve fund of $30 billion which is certainly more forthcoming than the President's plan. But the chairman does not include it in his actual budget so he does not add to the deficit calculations by that $30 billion. He just says it is in a reserve fund. It may be spent, but we are not counting on it.

That is not a budget. It is not a budget when you say we may spend this money, and if we do, we will find someplace to get it. I guess we will have to borrow it because he is not providing the funding for it. He is not adding it to the deficit totals for that year. He is not budgeting for it.

The Congressional Budget Office says for the 10 years from 2005 to 2014, the residual war cost is $280 billion. We are not facing up to the real costs we all know are coming.

Then we look at priorities. In 2005, the tax cuts going to the top 1 percent cost $45 billion, those earning over $337,000. If we were to keep the promise of No Child Left Behind in that year according to the chairman's budgets—this is a different number compared to the Bush budget because this budget before the Senate, the chairman's mark, is somewhat more generous in dealing with No Child Left Behind than the President's budget—but looking at this budget, he is $8.6 billion short of meeting the amount committed to No Child Left Behind. That is less than 20 percent of the money that is going in the tax cut to the wealthiest 1 percent.

The same is true as we look at other priorities. Veterans medical funding. If we were to increase veterans medical care funding to meet the 2004 service levels, it would cost $521 million. Instead, we are giving $45 billion of tax cuts to the wealthiest 1 percent.

This is a question of priorities. What is more important? They are saying it is 90 times as important. We will spend 90 times as much providing a tax cut to the wealthiest 1 percent than to restore medical care funding to the 2004 service levels in 2005. If we took a poll of those who are the wealthiest 1 percent in this country and they were asked, Would you be willing to give up 1⅓ percent of your tax cut so we could match the medical care funding of our veterans in 2005 with what we did in 2004, there would be a resounding yes, I would give up 1 percent of my tax cut in order to provide decent medical care for our Nation's veterans.

The COPS program. It would take $700 million to restore the cuts being made in the COPS program. COPS program is the program that has put 100,000 police officers on the street. It costs $700 million to restore those cuts that are in this chairman's mark. Again, I compare it to the $45 billion being provided in tax cuts to the wealthiest 1 percent.

Does it make sense to cut the COPS program, reduce the number of police on the street, when we are threatened by terrorist activity in this country?

I do not think that makes sense. I do not think those are the right priorities for the country.

We look at the firefighters in the same way. It would cost $246 million to restore the cuts to the firefighters that are included in this budget. Again, if one looks at a comparison of the tax cuts provided to the wealthiest 1 percent—those earning over $337,000—it costs $45 billion for that same year.

If you asked the people who are in this category: Gee, would you be willing to give up one-half of 1 percent of your tax cut so we do not cut the firefighters, I think overwhelmingly people in that category would say, yes, that is a priority that we fund the firefighters at last year's levels and not cut them, not cut them dramatically.

This is a debate about choices. It is about choices of what is the future course for our Nation. I believe the deficits and debt that are contained in these budgets are simply too large and we need to take aggressive action to deal with them, and this is all happening at the worst possible time, right before the baby boomers retire.

But I am not focused on this year's deficit. That concerns me, but that is not the focus of my concern. I am much more worried about where this is all headed under the President's plan. I am much more worried about where this is all headed under the chairman's plan than the immediate deficits.

One would expect deficits at a time we have been attacked. One would expect it at a time we have been recovering in the economy. The problem with the President's plan, the problem with the chairman's plan, is they never plan to get out of deficit. Instead, they keep adding to the debt, and by hundreds of billions of dollars a year, not just this year, but next year, and the next year, and the next year, and the next year—every year by over $500 billion of added debt, and every year thereafter, taking every penny of Social Security surplus, borrowing it, using it to fund tax cuts and other expenditures, with no plan to pay it back.

No, this does not add up. This does not add up. This does not come close to adding up. It has enormous implications for our long-term economic strength.

Now I understand this is an election year and things are unlikely to be changed very dramatically this year. I have had probably a dozen of my colleague say to me, what we need is a big plan for next year. I wish we could take more aggressive action this year, but I am realistic and know it is probably true that our best opportunity to deal with this problem in a fundamental way will come next year, and that is when we need to be prepared to act in a serious way and quit just hoping against hope that somehow this all goes away.

It is not going away. It is not going away under the chairman's plan. He is adding $500 billion to the debt every year of this plan. It is not going away under the President's plan. He is adding even more. The President adds $3 trillion to the debt over the next 5 years—$3 trillion. This plan is a little bit better. It adds $2.860 trillion to the debt. None of this is sustainable, especially in light of the retirement of the baby boom generation, which starts in 2008, and of the cost of the President's tax cuts that absolutely explode beyond the 5 years of this budget plan.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to speak about the budget. I first commend my ranking member, the Senator from North Dakota, for his incredible leadership and the way in which he has presented all of these issues and the challenges facing our country. There is no question that a huge hole has been dug with deficits as far as the eye can see.

I remember coming onto the Budget Committee as a new Member of the Senate in 2001, when the debate was what to do with the largest surplus in the history of the country. I remember when the Senator from North Dakota was talking about the baby boomers retiring and the need to put money aside to meet our obligations under Social Security and Medicare, and the need to look to the future.

Unfortunately, instead, what we saw were very short-term decisions that turned the largest budget surplus in the history of the country into the largest budget deficit in the history of the country, in only 3 years. It is astounding to see what has happened in the last 3 years.

But I thank him for his courage and his willingness to fight for what is important to my family and the people of Michigan and the people of North Dakota and people all across the country, for fighting for the right priorities for the future of our country.

I also want to take a moment to thank our chairman, who convened his last budget hearing and budget resolution markup this year. I appreciate the fact that he conducted a fair markup, as he has done since being chairman. We came to the conclusion and voted on a budget resolution that now is in front of us. He did it in a very fair way.

I also commend him for a couple of tough decisions he made that the administration was not willing to make. Chairman NICKLES, unlike the administration, put funding in the budget for ongoing activities in Iraq. He put in a reserve fund of $30 billion. While I am concerned that is not enough to meet the request that will come back to us, I commend him for his leadership in understanding the number certainly is not zero, that there needs to be an

amount that is put aside into a reserve fund.

But this budget is so flawed in the end analysis, I am not sure where to begin in talking about it. It reminds me of Yogi Berra when he said: This is deja vu all over again. Because that is exactly where we are, given the direction we have gone in the last 3 years. Once again, we see a budget that is skewed to a privileged few while leaving middle-income families behind. It fails the credibility test, and it does not reflect our Nation's values and priorities. I hope the Senate will decide to reject it and go back to the drawing board and get it right.

Our Nation's budget is our chief economic tool. This is the fourth time President Bush has submitted a budget to Congress containing his economic plan for the Nation. Unfortunately, the President's last three budgets have led to major job loss, soaring deficits, rising debt, the looting of the Social Security and Medicare trust funds, and have failed to provide the necessary resources for our domestic priorities.

It seems every day we hear more and more economic bad news. Certainly in the State of Michigan every day there are headlines of job loss.

On Friday, the Labor Department said there were only 21,000 jobs created in February. This is anemic, according to many economists, and 285,000 jobs short of what the President said would happen just a couple of months ago. At this rate, it will take 9 years to recover all of the jobs lost under President Bush.

Unfortunately, the people of the State of Michigan can't wait that long. Our people need jobs now. Under the Bush Presidency, we have lost 2.8 million manufacturing jobs, many of them in the State of Michigan. Our manufacturing sector is in crisis. Every day we hear about another company shipping its jobs overseas to China or India or Mexico. In fact, the State of Michigan had the highest number of jobs lost last year.

Just last Friday, our Democratic Policy Committee held a hearing on the topic of shipping jobs overseas. At that hearing we heard testimony from Dave Doolittle who works at the Electrolux Refrigerator plant, Greenville, MI. They announced they were going to close and export 2,700 jobs to Mexico.

Despite major concessions offered by the workers and over $70 million in economic incentives from the State and the community—the community did everything right; the workers did everything right—Electrolux announced it will close next year, and 2,700 workers will be out of a job. That means 2,700 families will be without a breadwinner in a town of 9,000 people; 2,700 people losing their jobs out of 9,000. This type of job loss is devastating to these families.

In addition to that, when we look at the ripple effect and the suppliers involved and others, this can reach as high as 8,000 good-paying jobs with health care and pension plans throughout the entire region. This type of job loss is devastating for our families, and it is devastating to Dave Doolittle.

Mr. Doolittle has worked at the plant for over 23 years. He has a pension. He has health benefits. He has one child in college and two in high school. The plant closing will devastate his family. He asked us, who will pay for his two high school children to go to college? What is he going to do about health care for his family? Will they be able to keep their home?

To add insult to injury, Dave Doolittle and other employees will be working on an assembly line that has just received major investments of $100 million to improve it so the company can see what problems it has so they can then rebuild that and take it to Mexico. This highly productive, highly skilled workforce is working out all the kinks in the equipment that they will then pack up and send to Mexico.

Unfortunately, the President's budget and the budget before us will do nothing for Dave Doolittle and his family. He is a one of a growing number of hard-working families making up a part of another America. The other America includes not only the unemployed but millions of workers who have simply given up trying to find a job. If you include them in the unemployment rate, these discouraged workers push the unemployment numbers up to 9.6 percent, almost 1 in 10 of our workers.

People such as Dave Doolittle are not interested in a handout. This is a hard-working, skilled individual. What he is looking for is a good job and a chance to give his children and his grandchildren-to-be a better future. They want to provide their children with health care and an education so they can live the American dream. Isn't that what we all want for ourselves and for our children? They want the country to be strong and safe from terrorist attacks. They are counting on us to do what is right at home and abroad.

Unfortunately, the Bush economic policies have failed Dave Doolittle and his family on all counts. The President's budget has no plan to create jobs. It does nothing to help the uninsured and make health care more affordable. It contains proposed cuts for our schools, our police officers, our firefighters who are trying to protect us on the front lines against terrorist attacks.

On these priorities and more, Democrats tried to improve this budget in committee but were voted down on a party-line vote every time.

This budget also lacks credibility. For the last 3 years we were told one thing; yet something very different has happened over and over. The first tax cut produced massive deficits and harmed our economy. Despite all that, the President continues to push the same trickle-down economics that have failed. If these tax cuts were done by trial and error, they were an error.

Consider everything that was said and what actually has happened. We were told that the administration's tax cuts in 2001 and 2003 would create jobs, but we have lost jobs, almost 3 million. We were told we would have a surplus, but we now have the largest deficit in the history of the country. We were told we would pay off the national debt, but now our national debt is higher than when President Bush took office. We were told the President's budget would not use Social Security trust funds, but now we are using every penny of the Social Security surplus to pay for tax cuts for the privileged few. We were told we needed to modernize Medicare and add a prescription drug benefit, with which I agree, but now we have a law that will privatize Medicare, hurt one in four seniors on Medicare, and cause them to lose their private insurance. It does little to help seniors purchase prescription drugs and does nothing to lower prices for all Americans.

We were told we would fund Leave No Child Behind and special education, but now we have failed to fully fund them. School districts are making cuts, shortening their school years, and laying off teachers. We were told we would have a new Department of Homeland Security that would help protect us, but in only the second budget cycle for this agency, we are already seeing budget cuts from last year, and we are falling far short of what is needed to protect our country.

We tried to make some changes to this budget in committee to have it better reflect our Nation's values and priorities. Unfortunately, we were unsuccessful. We tried to add fiscal discipline and reduce the deficit, but we lost on a party-line vote. We tried to fully fund Leave No Child Behind, but we lost on a party-line vote. We tried to restore the cuts to our firefighters, but we lost on a party-line vote.

Unfortunately, the Democrats were not the real losers, though. The American people were the losers by those votes.

We are in this budget and economic mess because this administration has valued wealth over work and the privileged few over our children's future. For the privileged few, this administration has given so much: most of the tax breaks, subsidies for insurance companies and HMOs, and $139 billion in profit for the pharmaceutical industry. For working families there has been very little. In fact, working men and women and their families are worse off than they were 3 years ago.

Three million workers have lost their jobs. As of the end of January, we have over 400,000 people who have lost their jobs who have been cut off of unemployment insurance. Eight million will see their pay cut because of new overtime regulations. Seven million people who work for the minimum wage have seen their pay eroded, and 12 million children were too poor to get the child tax credit.

Three years ago, Federal Reserve Chairman Alan Greenspan gave the go-ahead for massive tax cuts for the top 1 percent, and this Congress, in conjunction with the President, enacted them, and now we have the largest deficits in history.

Unfortunately, now Chairman Greenspan is urging Congress and the President to make cuts in Social Security because we have these deficits. This means tax cuts for the privileged few are paving the way for cuts in Social Security for middle-income families. This is wrong.

How can we ask people who have worked their entire lives to have their Social Security cut to pay for tax cuts for our privileged few?

I mentioned earlier that budgets are all about values and priorities, and I truly believe that. We have to decide, do we want more tax cuts for the privileged few or do we want all Americans to be safe by providing full funding for firefighters, police officers, and other first responders?

Do we want more tax cuts for the privileged few or do we want a real comprehensive Medicare prescription drug benefit and lower prescription drug prices for everyone?

Do we want more tax cuts for the privileged few or quality schools with highly educated teachers and small class sizes and state-of-the-art technology for all of our children?

More tax cuts or quality education? More tax cuts or quality health care for our veterans who have served us and continue to serve us today? More tax cuts or hundreds of thousands of new jobs, rebuilding our Nation's highways?

We need a new vision. We need new priorities for America. We need a positive budget that will help all Americans raise their families, get access to health care, and enjoy their lives and their retirement. We need to restore our fiscal discipline, make critical investments to create jobs, and strengthen Medicare and Social Security. In short, we need to make the needs of American families our top priority again.

I will be supporting a number of amendments that will do that in this budget debate. I am hopeful we will be able to get bipartisan support to be able to do those things that American families are asking us to do, so at the end of the day we will have a budget that reflects what is important to the people we represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I want to set the record straight. We have heard a lot of discussion from the other side about the burden or about how these tax cuts are somehow favoring the rich and somehow implying that the rich are getting some sort of an advantage.

I share with my colleagues some facts. This factsheet was put out by the Tax Foundation. It talks about the Federal individual income tax. It takes us up to 2001. The top 1 percent of the earners in this country, the top 1 percent who pay the highest taxes, pay 40 percent of the individual income tax in this country. The top 5 percent pay 53.3 percent. The top 10 percent pay 64.9 percent. The top 25 percent pay 82.9 percent. The top 50 percent of the individual income taxpayers in this country pay 96.1 percent.

That means the bottom 50 percent only pay 4 percent of the total individual income tax that comes in. That is the individual taxes that are filed.

I was looking to see what happens when we look at all income classes and all returns. These are taxable returns, itemized tax liability, at the 2003 rate and the 2003 law and 2003 income levels. If we look at those returns that show $100,000 to $200,000 in taxes, they pay 25 percent, a little over 25 percent. If we look at those who pay over $200,000 in taxes, they pay 49 percent. So if we total all the income classes and all returns—these figures are put out by the Joint Committee on Taxation—and we look at all these returns, and this is a current document—the previous document I referred to was up to 2001—put out by the Tax Foundation—if you take those who are $100,000 or more, they pay over 75 percent of the taxes in this country.

Now, it seems to me those individuals with those tax returns reflect hard work and productivity. They are doing their fair share in supporting the economy of this country. I think this needed to be made part of the record. That is why I wanted to take a little time to talk about the tax burden, because the story we keep hearing from colleagues on the other side is that somehow the rich are getting off easy.

The lowest 50 percent of our individual taxpayers pay 4 percent and the top 50 percent are paying 96 percent of the taxes. That tells you who is paying the taxes.

Then, if we look at all the returns filed in 2003, and then look at who is paying those, all those who paid $100,000 or more are paying over 75 percent of the taxes. That is phenomenal. The producers and earners are paying their fair share.

I might add that a large percentage of these individuals, as well as others, are coming from small business. That is where our economic growth occurs, where our new ideas come from. If we can continue to promote and encourage the growth of small business, then that means our economy is going to do well. That is why I think the tax cut that we put in place was the right solution, and it has worked. I don't think anybody can deny that the tax cuts we put in place have worked. They have worked.

If we increase taxes, which is being encouraged on the other side, supported by the other side, it is the wrong thing to do at the wrong time—particularly when our economy is beginning to show growth. I think it is important, again, that we ought to actually extend these taxes permanently. If we would do that, I think that sends a message to the producers of this country that we are open for business and they will get out and they will produce. When the economy grows, I think it will help work us out of where we are now in deficits. I think it will increase revenues to the Federal Government substantially, and it will be easier for us to work our way out of the deficits we now face.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, if I might respond to my colleague's comments, we certainly have heard similar comments before. There are a couple of concerns that I have. Like everything, it depends on how you look at the numbers and how you look at what is happening in terms of tax burden. The debate that has gone on relates to the income tax. It has nothing to do, first, with all of the taxes.

In this debate, there is always a conscious desire not to look at the payroll tax, which everybody pays and, in fact, it is skewed more to lower and middle-income people, because above a certain income you don't pay the payroll tax anymore.

So let's look at who is paying the payroll tax. Let's look at who pays sales tax, which is based on what you buy. It has no relationship to your income specifically, in terms of what the sales tax burden is. We know it falls more on low- and moderate-income individuals.

We can also look at property taxes. We look at a wide array of taxes in this country and we see that low- and middle-income people have a huge burden. When taxes get cut, it is not on the things they are paying; it is on those taxes—in this case, the income tax—which is paid by those who make higher incomes, higher percentages.

When we look at the total tax burden, we see that it is the middle-income people in this country who get squeezed on all sides. We should not add to that by extending a tax cut that continues to do that.

Let us look at the numbers, how the tax breaks stack up. The combined effect of the tax cuts of 2001 and 2003, if you make over $1 million a year—that is in a year and a half—if you make over $1 million a year, your combined tax cut is $140,369. The average middle-income-tax payer will get a tax cut of $566. Look at these numbers. This is more than the majority of people in the country earn working hard every single year for their family. They work hard, they play by the rules, they are struggling with sending their kids to college and making sure they can buy their homes and pay the property taxes, and all of the other pressures on them. They are worried about losing their job now to overseas competition. Instead of selling products overseas,

they are worried their jobs are going to go overseas.

We have individuals who work hard every day, play by the rules, and the vast majority of them are earning less per year than what one person is going to get in an income tax cut who earns over $1 million a year. I do not begrudge in any way someone who earns over $1 million a year. That is not the point. The point is we are looking at this kind of a tax cut of $140,000 versus $566. There is a major issue of who is getting the tax benefit and who drives the economy, from where does the economic growth come. We know it is from middle-income-tax payers who are as consumers purchasing in the economy, but more broadly we look at this in terms of choices.

We know if we were to give them two-thirds of their tax cut this year instead of all of it, we could fully fund what has been reported is needed to keep us safe with homeland security—every single penny. It is a large number. We are told by Warren Rudman and the members who came together to look at all of our homeland security needs—not only police and fire and bioterrorism, borders and ports and chemical plants, but all of it—it will cost $15 billion, which is one-third of what those at the top are going to get back this year in a tax cut.

Would folks be willing to take a little bit less to know they are safe, that their family is safe, that the borders are safe, that the ports are safe, that they can call 9–1–1 and know they can get a first responder at their home if there is an emergency, or that the community can respond, that police and firefighters can talk to each other on the radio, have interoperability, which they do not have now?

All across Michigan, we do not have one system where everybody can talk to each other in case of an emergency. I think most of the people who do very well in this country would say, yes, that is important for my family, and that is a tradeoff I am willing to make; that is a choice I am willing to make.

This is about choices. It is not about class warfare. There are huge differences in what people will be getting back. It is not about penalizing or in any way demonizing people who make over $1 million a year. This is about choices. When we see red for as far as the eye can see, when we see that this year's projected deficit, just this year's deficit of $521 billion is more than the entire investments outside defense—take defense away—all of our domestic investments, all of our domestic budget: homeland security, education, health care, law enforcement, protecting the environment, parks—we could wipe out the entire domestic budget, except for defense, and not equal the deficit hole that the administration has put us in just this year.

It is a matter of choices and saying to someone who is doing very well: We need you to help. We need you to be willing to make sacrifices just as every family is, just as our men and women in the armed services are making in Iraq and Afghanistan. It is about choices. If the choice is keeping every American safe, making sure we can protect ourselves from terrorist attacks across this country, and asking those doing very well, who have reaped the benefits of this country, to help share in paying for that, I think the majority of them would say yes. That is something we all are willing to do.

This is always a question of choices. It is a question of priorities. It is a question of values.

As the chart shows, it is also a question of fairness for people. If we look at the difference in the average middle-income-tax payer and the cut they will get in 2006, and those with incomes over $1 million and the cut they will get, we see that in addition to this disparity, this middle-income-tax payer is paying a payroll tax, sales taxes, property taxes, and contributing greatly to the payment of services in their community.

This budget is about what is fair for everybody, what is the right thing to do to keep us strong fiscally, how do we put ourselves on a path of not asking our children to pay the burden of the debt that is being accumulated, how do we make sure we are smart in terms of our investments in the economy to grow jobs, put money in the pockets of middle-income people, small businesses that drive the economy—the majority of new jobs are coming from small business—how do we make sure that is a priority for us, and how do we make sure we are creating a set of priorities and a vision for the future that our families are asking us to do?

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Utah.

Mr. BENNETT. Mr. President, I listened to this particular debate for a while. I have a few observations. I am not prepared to make a significant economic statement. I will be doing that at some point during the debate. But I think I will respond to a few comments that have been made.

If I may quote Paul Samuelson in a recent article in Newsweek and the Washington Post, he said most of the debate about jobs that is currently going on is bogus, and he makes the point that if a President could create jobs, the unemployment rate would be permanently at 3.2 percent. If a President could create jobs, every President would. If a Congress could create jobs, every Congress would. No one wants to go home and address his constituents at a time when jobs are difficult.

The fact remains, however, that the Congress or the President cannot, with a wave of the hand or the passage of legislation or the adoption of a political slogan, create jobs. Jobs are created in the economy. Jobs are created because of two things: There first must be accumulated wealth, accumulated capital of some kind, and then there must be someone who holds that capital who is willing to take a risk.

All wealth is created by the combination of accumulated capital and risk taking. When we tax people, we tax their accumulated capital. We have to do that. We should do that. I am not suggesting in any sense that taxes are not appropriate, but if we tax capital too much, capital flees. It goes some place else. If we regulate risk taking too heavily, it goes some place else or it is killed altogether.

As a consequence, if we are going to have jobs, we want an economic situation where accumulated capital is allowed to work and where risk takers are rewarded for their risk and where they receive the incentive necessary to compensate them for the risk they take.

I do not mean to be overly personal, but I hear people talking about two things. One, they talk about small business and how wonderful small business is, and then they talk about millionaires and how millionaires should be willing to sacrifice a little of their money so everybody else can have a job.

It is very interesting that those who talk about let's not make the tax cuts permanent then praise small business in the next breath. Perhaps they do not realize most of the tax returns that show income in excess of a million dollars are, in fact, the tax returns of owners of small business.

Let me give my own personal example to illustrate the point. I have done it before, but I have discovered since I have come to the Senate, there is no such thing as repetition in the Senate. We always give every speech as if it is brand new.

Before I came to the Senate, I was the president of a privately held corporation that filed its taxes under the S section of the Tax Code. Therefore, it was known as an S corporation. It used to be called a subchapter S corporation, but they changed the law a little and it is now just an S corporation.

When that phrase is used, people's eyes glaze over and they say, what does that mean? Well, it is very simple. If the corporation earns $1 million and it has 10 shareholders, instead of the corporation paying taxes on that $1 million, as an S corporation it pays no taxes, but each of its 10 shareholders, assuming their shareholdings are equal, pays taxes on $100,000. Why would any shareholder want to do that? Very simple. It avoids double taxation.

If the corporation made $1 million, had 10 shareholders and it paid taxes, it would pay taxes at 36 percent. The Federal Government would get 36 cents out of every dollar it earned.

At the time I was doing this, the top tax rate was 28 percent. By saying, all right, we are going to register as an S corporation so the corporation does not pay any taxes on the $1 million, it comes to the 10 shareholders and each one of us will pay taxes on our share of the earnings, which in my case was 28 cents, that is a very significant difference—the difference between paying

28 cents on every dollar you earn and 36 cents on every dollar you earn.

During the period of time Bill Clinton was President, that number went up to 42. I had said before if we had started that company at a time when the effective tax rate was 42 percent, we probably would not have survived, but because we started it during the Reagan years when the top individual tax rate was 28 percent, we got to keep 72 cents out of every dollar we earned.

What did we do with that? We put it back into the corporation and we created jobs, real jobs. The company had four full-time employees when I joined it as the chief executive—not a very big company, frankly, not a very big deal. It eventually grew to 4,000 jobs. The reason it had that kind of momentum as a small business is because we only paid 28 cents back to the Federal Government out of every dollar we earned. We put the 72 cents into growing the business and from a base of 4 jobs we created 4,000 jobs. If we add up all of the income taxes that were paid by those 4,000 employees and the corporate taxes that were paid by the company when it finally went public and ceased to be an S corporation, it became a C corporation, and the taxes that were paid by the suppliers of our company and the taxes that were paid by their suppliers and all the rest of it, we come up with a very large number that came into the Federal Government because that company was started.

As I said in the beginning, it was started because of two things: accumulated capital and risk taking. How much accumulated capital did we have? We borrowed $175,000 from the bank. It was the bank's capital. That was our accumulated capital. How big a risk did we take? Every one of us signed away everything we owned in the form of a personal guarantee to make that company go. After about 9 months of operation, I remember the principal shareholder of the company saying to me, BOB, are we going to make it? Are we going to survive?

I said to him, well, it depends on whether we get repeat business. We sold a product that had a year's life and the question was would the people at the end of the year come back and buy the product at the end of the year. I said, if we get 55-percent repeat business, we are going to survive. If we get less than that, your next phone call has to be to a real estate broker because you are going to have to sell your house. The bank is going to show up and take everything you own.

On that pleasant note, we went ahead with the business. It turned out we got more than a 55-percent renewal rate. We got a 95-percent renewal rate and the business doubled. It continued to grow and we funded it with internally generated funds because we were able to keep 72 cents out of every dollar we earned and put every dime of that 72 cents back into the business.

Because we were an S corporation and the profits we were earning showed up on our individual tax returns, I filed tax returns that showed I was earning over $1 million a year. Now, in fact, my salary as the CEO of that company was $140,000, but there was the other million that was added to it as my share of the company's earnings reported on my personal income tax return.

If we go to the chart that was shown by the Senator from Michigan, I would be one of those who would be earning $1 million a year. In fact, my take-home stayed exactly the same at the $140,000 figure. The rest of it was all a bookkeeping entry. We did it because we wanted to avoid double taxation and because we wanted to take advantage of the fact that the effective rate for individuals was lower than the effective rate for corporations. We built the business and we created the jobs because the tax situation was as I have described it.

We hear all of these comments about how wonderful small business is and how small business is the engine that is driving the economy, and they are right. We hear all of these comments about how small business is where the new jobs are, and they are right. It is interesting that almost unanimously those who represent small business are saying to us, keep the President's tax cuts in place. If you do not, you will stifle small business.

On this floor we are seeing our colleagues say, let's let the millionaires pay for the things we want to do, let's take a little off the top from the millionaires and then we can afford all of these wonderful Federal programs we want to fund, all of the time while we are saying, gee, we are spending too much money, but we should spend more money here and we should spend more money there and we should spend more money in the other place. And where are we going to get it? Well, we will let the millionaires pay it.

Then they say, all of this will help small business. The small businesspeople are saying, we are the millionaires and it is not coming to us in personal income, it is showing up on our tax returns in K–1 forms filed to deal with an S corporation, and you are stifling job growth, you are stifling small business if you do it this way.

We do not hear from the real small business man and woman. We hear from those who say, I am speaking for small business while I am saying small business is wonderful, and at the same time I am saying increase the taxes on those small business men and women who have sole proprietorships or S corporations or limited liability corporations.

The other point I want to make in this debate has to do with jobs. We are hearing over and over, where are the jobs? Once again, it is the President's fault. President Bush has presided over the loss of more jobs than anybody since Herbert Hoover. He must have done it deliberately is the implication. As I said at the outset, Paul Samuelson said if a President knew how to create jobs, we would never see the unemployment rate go above 3.2 percent.

What is the basis of the creation of jobs? Let me give a statistic. When economic activity goes up, obviously there is a need for more jobs. There is a need for more people to work at businesses, at firms that are involved in the economic activity growing. So the economic activity has gone up.

We had a great year in 2003. The gross domestic product grew by 4.3 percent, which in historic terms is terrific. The President said we will get good growth if we have these tax cuts, and we have gotten good growth. We have added something like $3 trillion to $4 trillion worth of wealth on the stock market—and that involves over 50 percent of our population.

The stock market is not just for the privileged few at the top now. Teachers' pensions, labor union pensions, veterans' pensions, people who have invested for their children's college funds—over half of Americans are now invested in the stock market. They have seen, since the President's program went into place, an increase in the overall value of the stock market in the multiple trillions of dollars. This is not a small accomplishment.

But where are the jobs if GDP is at 4.3 percent, historically a high position? The stock market has come back, creating a tremendous amount of accumulated wealth, and where are the jobs?

There is another statistic that answers the question we need to pay attention to. In 2003, once again GDP increased by 4.3 percent. Normally that is a time when you would see the creation of many jobs. However, in that same year productivity increased by 4.4 percent: a staggering number in historic terms. But the net effect is that it was higher than GDP.

Whenever productivity grows faster than the economy grows, something we don't like happens and that is we lose jobs. For all of the efforts on this floor and in the White House and in the Federal Reserve to get the economy growing, to get the traction in the recovery growing—and we produced a year of 4.3 percent growth in 2003—with that strong growth, we lost 60,000 jobs. The reason was productivity grew at 4.4 percent while GDP was growing at 4.3 percent.

Some will say the solution to the problem is to get productivity down, to have GDP growing and productivity falling. That, of course, is a prescription for long-term economic disaster. The most significant thing we want to do in our economy is keep it as productive as possible, to have productivity growing rapidly here so we can outgrow the rest of the world. That is what America has done for 100 years or more.

Go back to the middle 1800s and look at the productivity figures for the then leading economy in the world, which was Great Britain, and the productivity figures for the young upcoming

country in the world, which was the United States. You see that over the years the United States had a higher productivity than Great Britain by about a half a percent. That was enough, over the decades, and then the century, to see America eclipse Great Britain and see Great Britain ultimately disappear as a major world economic factor. America now stands as the strongest economy in the world. We do not want our productivity to go down.

The thing that has happened in this recession and recovery, something that has not happened before, is that through the quarters of recession and recovery productivity remained strong. Productivity simply means you are getting more value out what the workforce is producing. You are getting more goods; you are getting more services; you are getting more to sell. If you can get more out of the workforce in this fashion, it means ultimately your society has a higher standard of living and your consumers pay less for the goods they use. But if productivity is growing faster than the economy is growing, that means you are getting that result, higher standard of living and lower cost, with fewer people.

This is the real dilemma we are facing that is not being discussed when we talk about economics. The real dilemma we are facing is how do we get the GDP to grow faster than productivity

I believe productivity will come down from the high of 4.4 percent that we saw in 2003. I don't think that is sustainable. I think the GDP will eventually cross over the line so the GDP is growing more rapidly than productivity does, and when that happens the jobs will automatically come into play. They will appear. It will not be because of anything we do or not because of anything President Bush does or of anything that a potential President KERRY might do. It will happen because the economy is strong enough that the GDP will grow faster, that productivity will be passed by the GDP number. Whoever holds office at that time, be he or she, Republican or Democrat, will take full credit for it. They will say, since it happened on my watch, I did it.

But let us, at least for a moment, in the rhetoric of this election year, pause and recognize what is happening. We are in the midst of the information revolution. It is as fundamental to changing the economy as the industrial revolution was in the late 1800s. We have not yet learned quite how to cope with it and deal with it. But the potential for good for our citizens, and for the world, is enormous.

I don't want to peddle fear and pessimism because, in fact, we should be optimistic and excited about the future that this represents to us. It will be filled with challenges, just as the industrial revolution brought enormous challenges. But it will be filled with opportunity and it should be filled with optimism.

I close with this observation. If we had been having this debate 100 years ago, in 1904 instead of 2004, and some economist with a great, clear crystal ball had come before us and told us the following we would all have panicked, but it would have been true if he had said this 100 years ago. He would have said: Sixty-nine percent of America's labor force works on the farm; 69 percent of America's labor force is involved in agriculture, which is civilization's oldest economic activity. One hundred years from now, in 2004, that number will be two. Yes, you heard me, it is now 69 percent; 100 years from now it will be 2 percent.

If that were all he had said, the sense of panic would be enormous. Of course, he would have been accurate because agricultural jobs now have gone from 69 percent of the labor force to 2 percent.

What in the world have we done with all of those people who are out of work? The industrial revolution took hold and their productivity became greater and greater and greater, and today the 2 percent of Americans who are involved in agriculture produce more food and fiber than Americans can possibly eat or wear, even though obesity is our largest health problem. We have to export food to keep the farmers busy and only 2 percent of our working force is in agriculture.

We have enormous productivity.

Here is another statistic and cautionary tale in that same situation. The percentage of workers involved in manufacturing has been going down, just like the percentage of workers involved in agriculture for 50 years—not just in this country but all over the world. As we now see the percentage of workers going down in manufacturing and we get all excited because it is going down in one President's term, or in the 8 years of Bill Clinton, or in the first President Bush's term, or in Jimmy Carter's term, or wherever it might have been going down, it has been going down on a steady basis for over 50 years here and in Europe and in every other industrialized country in the world.

What have we done with those workers? How have we been able to find jobs for them? The son of the steelworker who no longer has a job because about 10 percent of the number of steelworkers is necessary to run a steel mill now compared to the number that was necessary when we had open hearth furnace steel mills, the sons and grandsons of those steelworkers who worked in the open hearth furnaces are now working for Microsoft, or Verizon, or in a startup that will become the next e-Bay, or whatever company you want to speculate. They are earning more money than their grandfather and their father earned, and they are providing for their families better. We are in the midst of the information revolution, as I said, that is transforming the economy as fundamentally as the industrial revolution did.

As we deal with this recession and this recovery and talk about what we need to do, let us understand the environment in which we are operating.

There are many things we don't know about the information revolution. There is much to understand before we can make sound policy. But we come back to a fundamental truth which was true during the agricultural age, which was true during the industrial age, and which is true now during the information age; that is, in order to get economic activity, growth, and wealth creation, you need two things—accumulated capital and the willingness to take a risk.

If we can always remember those two fundamentals—that all growth and all wealth comes from the combination of accumulated capital and taking a risk—we will make wise decisions.

If we fall for the siren song that says the way to deal with our problem is to share the wealth and take the accumulated capital and spread it all around in a way that nobody then has any risk—Karl Marx suggested that and we have seen what has happened to the economies that followed his economic advice—we will kill the goose that has been laying golden eggs in this country for over 240 years.

That is a dramatic condemnation of some of what I have heard on the floor, and it is over the top. But, frankly, much of what I have heard here on the floor is over the top.

Let us stay with the basics. Let us do our tax policy in a way that encourages accumulation of wealth. Let us do our regulatory policy in a way that encourages the taking of risks. Then as the wealth is created by the combination of accumulated capital and risk taking, let us devise a tax system that does not kill the golden goose but that does take out of the economy the money we need to deal with the proper role of government. I am not one who says we shouldn't have taxes. I am not one who says people shouldn't pay their fair share. I am not one who says just because you are successful you should be left alone. But my fundamental goal is a tax system that functions to raise enough money to pay for the legitimate needs of government, not one that picks winners and losers, not one that tries to set social policy by tax incentives. Let social policy be set by Congress. Let the taxes be drawn in a way that produces the greatest efficiency in the economy. Then the gross domestic product will grow more rapidly than productivity, even though the information age will keep productivity high. At that point the jobs will start to come and we will have done our jobs.

We cannot create jobs. The President cannot create jobs. But what we can do is create an economic circumstance where jobs are discouraged and economic activity is dampened. When that happens, we will all pay the price.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I agree with much of what the Senator from Utah has indicated. There are basic fundamentals to the functioning of our economy. Right at the heart of the determination of how successful we are as an economy and the role the Federal Government plays is first on the monetary side with the Federal Reserve Board and on the fiscal policy side what we do with our spending and taxing decisions.

The problem I have with the President's budget and the budget offered by the majority is it contemplates deep additions to the debt even at a time of economic strength leading into the retirement of the baby boom generation which will explode the cost of the Federal Government. When we overlay that with the President's tax proposals, it explodes the cost of revenue lost to the Federal Government at the very time the baby boomers retire, taking us right over a fiscal cliff.

Those are not just my views. Those are the views of many who have studied the President's plan. That is why we have the Comptroller General of the United States warning us we are heading in a direction that is unsustainable. That is why we have the head of the Federal Reserve Board saying to us we are overcommitted and tough choices are going to have to be made. That is why responsible budget group after budget group has said to us you are overcommitted. You have massive deficits—the biggest we have ever had in dollar terms—and you are headed for even more trouble in the future.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. CONRAD. I would be happy to.

Mr. BENNETT. Mr. President, I agree with the Senator about the size and terrifying nature of what we are facing with retirement of the baby boomers. But I disagree with him about the connection between this budget and that kind of disaster. I feel even as we are running surpluses right now, the disaster that is facing us is exactly the same size regardless of where we are right now.

My question to the Senator is when he references the Chairman of the Federal Reserve Board, with whom he and I both have had this discussion—we know how strongly Chairman Greenspan feels—is the Senator not aware Chairman Greenspan is of the opinion that the President's tax proposals did indeed help produce the recovery in which we now find ourselves, and indeed Chairman Greenspan has endorsed making the President's tax proposals permanent? Is the Senator aware of the fact Chairman Greenspan, even as he warns about the same things the Senator and I agree upon in terms of the problems of the future, says in the present context making the President's tax proposition permanent is a good idea?

Mr. CONRAD. I am fully aware of that. I say to the Senator the Chairman of the Federal Reserve Board has also told the Congress to consider cutting Social Security benefits. That is part of the logic of where it all leads. The 75-year shortfall in Social Security is one-third the 75-year cost of the President's tax cuts. To suggest these two things are not related is to avoid reality—an unpleasant reality, but, nonetheless, a hard fact we have to cope with.

The fundamental problem we have here is our appetite for spending is greater than our appetite to tax ourselves to pay for it. I believe it is going to take an approach on both sides of the equation. I believe we are going to have to restrain our impulse to spend, and I believe we are going to have to be more disciplined on the revenue side of the equation.

The revenue side of the equation is what has really fallen out. We now look at this year and we see revenue will be at the lowest percentage of gross domestic production since 1950. While it is true we have seen an up-tick in spending largely because of the needs for additional money for defense and homeland security and responding to the September 11 attacks, it is still true even with that increase in spending that we are well below the levels of Federal spending in the 1980s and the 1990s as a share of our national income.

As I diagnose this problem, I come to a different conclusion than the Senator from Utah. I share with the Senator the conclusion we have to discipline spending. I also believe we have to work on the revenue side of this equation. I say the first place we ought to look is not to a tax increase but to the tax gap, the difference between what is owed and what is being paid that the revenue commissioner now tells me for 2001 was $255 billion for the 1 year alone. We have not had any serious aggressive effort to go after this tax gap.

I was also told by the former revenue commissioner that he anticipates those in the vast majority who pay what they legitimately owe are paying 15 percent more because we have some—both companies and individuals—who are failing to pay what they legitimately owe. I am confident the Senator from Utah pays what he legitimately owes. I know I do.

Mr. BENNETT. Mr. President, if I could respond, I have no idea if what I pay is what I legitimately owe or not because the Tax Code is so impenetrable I did not get an answer out of two different people as to what the amount is. I pay the amount my tax preparer tells me I owe and so far the IRS has accepted that as legitimate.

Mr. CONRAD. I would be happy to review the Senator's returns and render another judgment.

Mr. BENNETT. Give me a third opinion.

If I could make a quick comment without the Senator losing his right to the floor.

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

Mr. BENNETT. I recognize fully the level of revenue currently coming into the Federal Treasury is at a distressingly low historic point. But I go back again to a comment that Chairman Greenspan once made to a group of us. I am not sure whether the Senator from North Dakota was present. It fits in with the area of agreement that we have. He said to us: You can set the level of spending just about wherever you want. You can pass a law and be pretty sure spending will be where the law says it will be. You cannot set the level of income where you want. That is a function of the economy.

If we look at the period which we all look back on with such great satisfaction—that is, the years in which we were in surplus—one of the major reasons we were in surplus was that the economy unexpectedly, according to the computers at CBO, produced far more revenue than CBO scored. This came as a result of the balanced budget agreement, the agreement entered into with the Republican Congress and the Democratic President after the 1996 election, an agreement that the Speaker of the House in 1995 tried to enforce with heavyhanded political methods and got himself in trouble in 1995. But after the election, the leadership of the Senate and the House and the leadership in the White House with President Clinton sat down and we got the balanced budget agreement, the balanced budget proposals, and in that process the Congress insisted, the President resisted but finally agreed to cut the capital gains tax rate.

The CBO scored the amount of revenue we would get from that tax cut. The actual revenue, I believe, was five times as great as CBO scored it. No one had anticipated the rivers of cash that would come in.

Now, rivers of cash came in, in my view, because there was capital tied up in mature investments that wanted to find more entrepreneurial kinds of investment but believed that it could not move it—that is, the owners of capital believed they could not move it with the capital gains rate of 28 percent. When the capital gains rate came down to 20 percent, they figured that was enough to allow moving the capital out of mature investments and into entrepreneurial investments and we saw Federal revenue go above 22 percent of gross domestic production, which I don't think has ever happened before.

Now we are in a recession. There are no capital gains. The revenue has gone down into the teens in percentages of gross domestic production. The recovery, historically, can be depended upon to take care of that and the more the recovery persists, the more Federal revenue as a percentage of gross domestic production will rise.

I thank the Senator for his courtesy and will not continue this dialog because I am intruding on the good will of others, but I appreciate the opportunity to have engaged in this exchange.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I might say for my part I always enjoy visiting with the Senator from Utah and his questions. He thinks about these subjects in a very careful and disciplined way. I always enjoy these chances to have a serious discussion and a serious debate that is all too lacking in the Senate.

Just momentarily, because I know the Senator from Nevada has a presentation he would like to make, and I know the Senator from Washington also has something, for the record I will provide the other side of the story with respect to something Senator ALLARD presented.

Senator ALLARD was making the argument that those at the highest income levels are actually going to bear a greater proportion of the total tax bill going forward than they did before the tax cuts. The analysis we have seen by others reaches a different conclusion. Let me share that with my colleagues.

This is done by the Tax Policy Center which is run jointly by the Urban Institute and the Brookings Institution. Their conclusion is those with very high incomes will be paying a smaller share of total taxes as a result of the Bush tax cuts.

Let me give three examples. Those with taxable incomes above $1 million who constitute 0.2 of a percent of taxpayers would pay 12 percent of total taxes in 2006 without the Bush tax cuts. With the tax cuts, these same pairs will pay 11.2 percent of total taxes in that year. This includes not only income taxes but payroll taxes.

Second example. Those with taxable incomes above $500,000, who constitute one half of 1 percent of taxpayers, would pay 17.4 percent of total taxes in 2006 without the Bush tax cuts. With the tax cuts, these same taxpayers will pay 16.4 percent of total taxes in that year.

Finally, those with taxable incomes above $200,000, who constitute 2.4 percent of taxpayers, would pay 30.7 percent of total taxes in 2006 without the Bush tax cuts. However, with the tax cuts, these same taxpayers will pay 30.1 percent of total taxes in that year.

The Senator from Colorado was arguing that those who are at the high incomes will pay more of total taxes as a result of the Bush tax cuts. This independent analysis by the Tax Policy Center reaches just the opposite conclusion. When you look at income taxes and payroll taxes, higher income people, those at $1 million, those at $500,000, those at $200,000, all will pay less than they would have paid without the tax cuts.

Finally, looking at it in a different way, under the Bush income tax cuts, the top 20 percent of income earners got 68.7 percent of the benefit. More striking, the top 1 percent of income earners, those earning more than $337,000, got 33 percent of the benefit of the Bush tax cut. That is much more than any other income class.

Finally, looking at 2006, how the tax benefits stack up, in that year, middle-income taxpayers, those who are right in the middle of the income stream, the 20 percent right in the middle, will receive an average tax cut of $566. Those with incomes over $1 million in 2006 will get an average tax cut of $140,369. If these bars were actually proportionate, the bar representing the tax cuts received by those with over $1 million of income would have to be 35 feet tall. It would have to be 35 feet tall in order to compare proportionately with what the middle-income taxpayers will receive in that year.

I thank my colleagues and yield the floor so the Senator from Nevada can speak.

I ask the Senator, will you give us an idea how long you intend to speak?

Mr. ENSIGN. Maybe 10 or 15 minutes.

Mr. CONRAD. Ten or 15 minutes. And then for the information of our colleagues, I ask the Senator from Washington, how much time would she like?

Mrs. MURRAY. Ten minutes.

Mr. CONRAD. After that, we will then probably close down the shop. We do not have any other speakers on our side, I say to my colleague.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I want to make a couple of comments about the budget we have before us today.

It was an interesting process, once again, in the Budget Committee last week. We had a lot of amendments that went pretty much down party lines. But one comment I will make about the Budget Committee that is maybe a little more encouraging this year is the rhetoric was not nearly as harsh. And that, in an election year, I think is something positive to take out of the whole discussion in the Budget Committee. While there were differences, I thought it was at a little higher level this year—my second year on the Budget Committee—than my first year. I thought there was a little less rancor and a little more agreeing to disagree type of attitude on the Budget Committee.

There are differences between the two sides, and sometimes even within our own parties, as we look at making policy. The ranking member on the Budget Committee has made a lot of issues about deficits. I echo that. I think it is very important we get the looming deficits in the outyears under control because they are a huge threat to the long-term health of our economy.

Having said that, there are reasons for deficits, and there are acceptable reasons for short periods of time to run deficits. The two biggest reasons would be being in a recession and having a war. Unfortunately for our country, those both hit at the same time.

We had, obviously, the recession which started at the end of the Clinton administration and continued on into the early parts of the Bush administration. Then we had September 11 and the global war on terrorism. We had the huge costs for New York City, the huge cost to our economy 9/11 has had, as well as the cost in increased spending the global war on terrorism has had. Given all of that, it is understandable why we have a $500 billion deficit.

Where I would disagree with my colleague, though, is what are we going to do with it now. How are we going to go into the future to get our hands around this deficit, to bring it down to an acceptable level? I think an acceptable level is to do what we were doing; and that is, to start paying down some of the long-term debt. With the baby boomers out there, we have to have a growing economy. We have to get some of this debt under control so we will be able to afford some of the things people want to be able to afford, as far as our Government spending is concerned.

But we have to look at how do we go forward. What are our priorities? That is what the budget we have before us attempts to set. We have more money for education. We have more money for veterans benefits. We have more money for the defense of our country. We wish we did not have to be spending all this extra money on the defense of our country, but that is the primary role for the Federal Government, according to the Constitution, to defend the United States of America. This budget reflects that primary role of the Federal Government.

Having said that, I want to look at how we have gotten to the present deficit so we can have a document that takes us forward.

This pie chart we have shows the various reasons why we have the deficit we have today. About 40 percent of it, shown on the yellow portion of the chart, the largest chunk, is because of the poor economy. Some of that can be blamed on September 11. Some of it is because of a downturn in the business cycle, and we are coming out of it. But the fact is, that is a big part of the reason we are in this deficit.

Almost 40 percent—37 percent—comes in the red area on this graph, and that is because of new spending. That is everything from the war, education programs, veterans benefits, environmental programs, roads, everything you can think of. That is new spending. That is almost 37 percent.

The tax cuts have reduced revenues—out of a total of 100 percent of the reason for the deficit, it accounts for about 23 percent of the deficit.

You can also make the argument, though, that the economy would be worse without the tax cuts. Therefore, the yellow-shaded portion, which is the 40 percent, would be even higher without the tax cuts. Because what the tax cuts did—and Alan Greenspan has testified to this—is they stimulated the economy so fewer people were on the unemployment rolls and more were working. That is the reason we have a lower unemployment rate today. That includes self-employed people. That is a big part of what people are doing. They are starting their own businesses.

One of the big things we heard from a lot of States is their State budgets

are in trouble. We saw a dramatic decline in the value of the stock market. The NASDAQ, toward the end of the Clinton administration, was tanking. Then we had September 11. All of that, with the bad economy, kind of combined and we saw huge losses in the stock market.

Since the tax cuts we passed last year, we have had an increase between the New York Stock Exchange and the NASDAQ of $4.5 trillion in value. We would see an increase in tax revenues at this point except there are so many people who had losses from before when the stock market tanked that we do not have a huge amount of increased revenues. But the fact is, as the stock market continues to go up, we are now poised to start reaping the benefits in new revenues to the Federal Government from the stock markets and capital gains taxes.

By the way, in the State of California, one of their biggest budget problems was the lack of capital gains taxes. The more the stock market goes up and the value of property goes up and the value of a lot of things goes up, the more State budgets are going to be helped, especially States that rely on revenue sources such as that, such as the State of California does.

I wish we could get more of a handle on Federal spending. I believe it is out of control.

I want to run through a few charts to show that when we were in surpluses, people got a pretty strong appetite. The ranking member on the Budget Committee talked about how we all have big appetites around here for spending. It is an easy way to get reelected, to keep giving that money out. It is hard for people to say no. When we were in those surpluses, the appetite increased. Federal spending went up fairly dramatically. You can argue for every one of these programs, it was justifiable. But we have to realize we got to this point.

A couple of examples. These are simple examples. The Low Income Home Energy Assistance Program. You can see in the last several years how it had gone up. Then it went down for a few years. Now it has gone back up.

For the Centers for Disease Control, there have been dramatic increases in the last several years. The increases started in about 2000, and went forward pretty rapidly.

The child nutrition programs, you can see, continued, but with a fairly good uptick in the last few years.

The child care funding in around 2000 had a huge jump compared to what it was during the 1990s. It was fine when the economy was producing a lot of tax revenues.

This is the National Institutes of Health. Their spending, as you can see, has had a very rapid rise.

There are a lot of great programs, but the fact is, we have built a lot of spending into our budget now.

As Ronald Reagan said—and I am paraphrasing him—he discovered, when trying to eliminate Federal programs or Federal spending: The closest thing to eternal life in Washington, DC, is a Federal program.

That was a true statement back then and remains so today.

Both sides of the aisle are going to have to come together and address the problem of Federal spending. The ranking member of the Budget Committee has argued that we need to start looking on the revenue side.

I have a philosophical difference of opinion because I believe increasing tax rates takes away the incentive for businesses to invest. I remember when I was in business as a small businessperson, and I maybe wanted to do an expansion on my animal hospital. As a practicing veterinarian, if the Government was taking more money, I would have less money to be able to make that decision. Maybe I couldn't add that extra employee or I couldn't do the expansion to add on to my building. The more money I had in my pocket because the Government was taking less, the more money I could pump back into the economy by doing an expansion of the building or by hiring another employee. Even if I didn't hire an internal employee, doing an expansion obviously puts other people to work.

That is why there is a philosophical difference between the two sides of the aisle on taxes and tax cuts. I want to put it in the hands of investors and entrepreneurs to stimulate the economy. It can be that low-income tax cuts, child tax credits, things such as that, help the economy because then those folks go out and spend money.

The bottom line is, we have to have a strong economy and have tax revenues going up. We are not going to cut spending around here—we all know that—but at least slow the rate of growth down to the point where the tax revenues start outpacing what we are doing spending-wise so that we can start taking care of these deficits and eliminate them within a few short years.

I am not a person who thinks that 7, 10, 12 years out is acceptable to have deficits where they take a dip down and then they start going back up. I believe we have to take it down as we did in the 1990s, take it all the way down to where we start actually paying off some of the long-term debt so that we leave our children and grandchildren with a smaller Federal debt than we currently have. If we don't, with the retirement of the baby boomers, our children and grandchildren will have to pay higher taxes.

It is important we join together across party lines and work out the differences we can, understanding there are philosophical differences. The one place we both agree is that we need to hold the line on spending. We will have different priorities of where that spending is, but we need to hold the line on Federal spending, especially over the next couple of years until the economy starts becoming robust.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague from Nevada. He is also a valuable member of the Budget Committee. I enjoy these discussions with him. He is thoughtful. We disagree, but we will have a chance to talk about some of those disagreements as we go through the debate.

I am going to take a moment to talk about some of these issues now, but I believe he does share a fundamental commitment to the notion that we have to get these deficits down. We may have some differences about how to do that. I believe we have to both restrain spending and work the revenue side of this equation. I don't think it is going to work without that.

Let me start with a little different take on what has caused this dramatic flip in where we are with respect to deficits and what we earlier projected to be surpluses. We have had, for the period from 2002 to 2011, a $9 trillion reversal. As we look at the causes, here is what we see. The tax cuts are 33 percent of the difference.

The Senator from Nevada had a chart. I think it showed 23 percent. I don't quite know what the difference is, although I will bet in his chart he did not include the additional debt service as a result of the tax cuts. My recollection is it was 23 percent in his chart. We may also have a different timeframe.

Our analysis from 2002 to 2011 is that 33 percent of the disappearance of the surplus was from tax cuts. The second biggest reason was technical changes, primarily lower revenues—lower revenues that were not caused by the tax cuts; lower revenues that were because the projections were overly optimistic.

The third biggest reason was other legislation. It is spending. Most of the spending went to increased defense spending, increased homeland security spending, and the response to the 9/11 attack, rebuilding New York, the airline bailout, and the rest. Only 8 percent of the disappearance of the surplus for the years 2002 to 2011 is the result of the economic downturn. In our analysis, the biggest reason for the disappearance, the biggest single reason, is the tax cuts.

I am much less concerned about the tax cuts in the short term. I think all of us know you have to run deficits in the short term with an economic downturn, with the attack. It is the longer term policy of continuing to run these deficits that is truly dangerous and reckless.

When we look at where the increase in spending occurred, we can see that 91 percent of it is in these three areas: The increase in defense spending, which is by far the biggest, the increase in homeland security, and the response to the attack.

Here is what has happened to the debt under the President's plan. The debt is taking off like a scalded cat;

again, right before the baby boomers retire. The problem I see with the budget the President has put before us is there is no real progress on reducing the increases in the debt. The President says he is going to cut the deficit in half, but that is only because he leaves out whole areas of expenditures. But if you look at increases in the debt, what you see is quite a different picture. The debt keeps getting increased under the President's plan by $600 billion a year, each and every year, for as far as the eye can see. At the end of the budget period it is increasing by $700 billion.

The Senator from Nevada says we have to get back to reducing the deficit so we stop accumulating debt and so we are in a position to start paying down debt. That isn't where the President's plan takes us.

This is from the President's own budget document.

What it shows is record deficits, the biggest deficits in dollar terms we have ever had, a slight improvement in terms of the so-called unified deficit where all the funds are jackpotted, Social Security money is used to pay for tax cuts and other expenditures. But then look what happens. As the baby boomers retire and the President's tax cuts explode in cost, we are taken right over the cliff. That is the problem with the President's plan. It doesn't add up in the long term. It does not add up in the short term, and it takes us in a very reckless direction, one in which we will not be able to meet the long-term obligations of the country.

With that, I yield the floor and thank the Senator from Washington for being here this evening and for her invaluable contributions to the deliberations of the Budget Committee.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank my colleague for his tremendous leadership on the Budget Committee over the years and for his leadership in making sure we do the right thing in terms of deficits and also investments for this country.

I have served on the Budget Committee for the past 11 years, through recessions and economic expansions and during periods of surplus and periods of deficit. I know what responsible budgets look like because I have worked with chairmen from both parties.

I believe this Republican budget doesn't do what we must do to create jobs, improve our security, and to meet our country's needs. I think we can do better. That is why I am speaking out on the floor this evening. It is why I offered amendments in committee last week, and it is why I will be offering amendments on the floor this week.

Mr. President, this is a critical time for our country, and we need a Federal budget that meets our needs. We are facing many challenges today, from supporting our soldiers in Iraq and Afghanistan, to improving our security at home, to recovering all the jobs that we have lost, and addressing the growing deficit.

This budget resolution should help us meet those challenges, but instead it offers the wrong priorities. It favors tax cuts over our Nation's security. It favors boardrooms over classrooms. It favors deficits over job creation. Frankly, this budget offers too little help for families in my State of Washington. My State still has the fourth highest unemployment in the Nation. This budget does not give families in my State the support they deserve as they work to turn our economy around and build for the future.

The people of Washington deserve a real Federal commitment because they work to create jobs and provide health care and improve our security and transportation. On the issues important in my State, this budget comes up short. I am particularly disappointed that the President's budget doesn't fulfill the Federal commitment to secure our ports, care for our veterans, to invest in education, to improve health care, or to provide the infrastructure we need to move our communities forward.

Not only is this budget bad for Washington State, but it is also bad for our country's economic future, lining up massive deficits for years to come. I hear many in the majority speak of the need for ''fiscal discipline,'' but the rhetoric in this budget doesn't meet the reality. This budget continues the fiscal policies that have put our Nation's priorities in jeopardy.

Two weeks ago, Americans learned that the majority's policies are threatening America's retirement security in order to pay for their own irresponsible fiscal policies. Rather than backing away from a misguided economic policy that has cost us millions of jobs, the administration now appears ready to cut Social Security benefits for millions of hard-working Americans. I am not willing to tell the people of my State that they must suffer because of the fiscal mistakes of this administration or this majority in the Congress.

I want to turn to a few of my top concerns with this budget: port security, veterans, education, health care, and transportation.

In Washington State, we depend on our ports. One in 4 Washington jobs rely on international trade, and our ports are critical economic engines. Unfortunately, as we all know, in today's world, America's ports are vulnerable. A terrorist attack launched on or through our ports could bring our commerce to a standstill, threatening lives and jobs and really our economic future. We have an obligation to improve the security of our ports.

Unfortunately, this budget tells our communities that the Federal Government will not be a full partner in port security. This budget literally sticks our local ports and communities with unfunded mandates at a time when local and State budgets are already stretched incredibly thin.

The President's budget undermines port security in 4 ways:

First of all, it eliminates Operation Safe Commerce.

Second, it underfunds the Maritime Transportation Security Act by 93 percent.

Third, it doesn't provide the Coast Guard with the funding it needs to meet its growing missions.

Finally, the President's budget cuts port security grants by 63 percent.

Last week in the Budget Committee markup, I offered an amendment to stop the President's cut to port security grants. My amendment failed on a party-line vote. This fight is not over. I will continue to push this White House to pay its share of port security instead of passing those bills on to our local communities.

Mr. President, this budget also shortchanges our veterans. Washington State is home to more than 670,000 veterans today. They rely on services they were promised when they signed up for service to our country. But the President's budget is $2.6 billion below the independent budget recommendation for the VA.

The VFW, in fact, called the President's budget ''harmful to veterans.'' The Disabled American Veterans called it ''utterly disgraceful.''

This is the wrong message to send at a time when the next generation of combat veterans is today risking their lives in Iraq and Afghanistan.

Last week, I offered an amendment in the Budget Committee to increase the VA construction account by $400 million. Last year, Congress authorized the VA to take money out of its health care budget for these construction projects that will begin in this fiscal year. Unless we can increase that construction account, our veterans are going to face a $400 million cut in their health care services.

The amendment I offered in committee would have protected our veterans from that cut. Unfortunately, the veterans amendment was defeated in the committee on a party-line vote.

Our American veterans deserve better, and I will keep fighting for them.

Let me talk about education. I really believe this budget fails, as we all know, to provide the funding that was promised in the No Child Left Behind Act. This Republican budget comes up $8.6 billion short of what our local schools need to fully fund No Child Left Behind. I represent nearly 28,000 Washington State students who will be denied title I services this year under the President's budget request.

The President's budget falls $84 million short of the title I funding that was promised to my State under the No Child Left Behind Act.

The President's budget also freezes funding for impact aid, dropout prevention, school counseling, afterschool programs, teacher quality, migrant education, and rural education.

How can we expect our students and teachers to succeed when we fail to

provide them with the resources they need? That is why I offered an amendment to provide $8.6 billion to help our local schools implement the No Child Left Behind Act.

Once again, in committee my amendment failed on a party-line vote. We cannot expect our schools to do everything we required of them under the No Child Left Behind Act without the support we promised to them.

Let me talk about health care. I believe this budget also seriously jeopardizes health care for many in my home State of Washington. This budget could jeopardize critical support for community health centers, the community access program, NIH, and the CDC.

This budget also reduces our commitment to Medicaid. That is a program we should be expanding and strengthening to address the rising number of uninsured and increasing costs of health care.

Today, Washington State is struggling to keep its commitment to low-income children through the Medicaid and CHIP programs. Medicaid cuts could result in another 74,000 uninsured individuals in my home State alone. We need more help from the Federal Government and, frankly, this budget falls short.

Finally, let me say a word about transportation. Less than a month ago, this Senate passed a strong, bipartisan bill to invest in our Federal highways, transit, and transportation safety programs for the next 6 years. Unfortunately, despite the overwhelming support of the Senate, the budget that we see now before us today cuts $62 billion for investment in our surface transportation needs. That is about jobs and about economic growth.

It is estimated that for every $1 billion we spend on transportation infrastructure, we create over 47,000 good paying family wage jobs.

We know that investing in our transportation priorities today will help us not only improve our quality of life but will provide for our future economic growth. If this Congress truly cares about investing in jobs, we will provide the funding agreed to by the Senate less than 1 month ago today.

As I see it, as this budget is written today, it fails our families in areas such as security, veterans, education, health care, and transportation. I am hopeful that we can improve this resolution through the amendment process this week and really create a budget that makes the right investments, that is fiscally responsible, and reflects the priorities of working families across this country.

I look forward to working with my colleagues throughout this week to address those issues.

I thank the Chair, and I thank the Senator from North Dakota for his work. I see the chairman of the Budget Committee. I know this is the last budget he will shepherd through the Congress. I thank him for his commitment to our country as well.

The PRESIDING OFFICER. Who yields time? The Democratic leader.

Mr. DASCHLE. Mr. President, I wish to speak to the budget resolution for a couple minutes, if I can. I know we are getting closer to the end of the day. This budget, obviously, maps out this Nation's fiscal present and future in great detail, but this budget, as all budgets, is more than about numbers. It is about choices. The choices we make in a budget tell us who we are and what we value as a nation.

Unfortunately, the budget resolution brought to the floor by our Republican colleagues, like the budget proposed by President Bush last month, makes the wrong choices, sets the wrong priorities, and fails to prepare our Nation for the challenges we will face in the future.

Since President Bush took office, 3 million private sector jobs have been lost. Today, 8.2 million Americans are out of work, and the number of long-term unemployed is at the highest point in 20 years. But even with so many Americans looking for work, the Republican budget fails to provide a strategy for creating new jobs.

Nearly 60,000 veterans are on waiting lists for care at veterans hospitals. When our troops fighting in Iraq and Afghanistan return home, the lines could get even longer. But despite the extraordinary sacrifices our soldiers have made for us, the Republican budget offers veterans only longer waits and higher fees.

School districts across the country are facing an early end to classes because they do not have the resources to offer students a full year of learning. Despite the strain on local school budgets and the promises the President made in the No Child Left Behind Act, the Republican budget falls $9.4 billion short of their commitment and leaves millions of children behind in the process.

Al-Qaida and other terrorist groups are still plotting against Americans and still capable of carrying out catastrophic attacks on American soil. Despite CIA Director Tenet's warnings of continuing threats, the Republican budget fails to provide our first responders and port officials the resources they need to make us more secure.

Our Nation is at war, our economy is flagging, our schools are struggling, and our Government is facing record deficits as far as the eye can see. Despite the tremendous challenge our Nation faces, this budget inexplicably proposes a staggering $1.3 trillion in new tax breaks primarily for those at the very top.

When President Bush took office, he inherited record surpluses that ensured a rock solid fiscal foundation for a generation to come. But in 3 years, due to these reckless policies and irresponsible choices, this administration has steered our country toward an unprecedented fiscal meltdown. Rather than try to repair the damage caused by these policies, this budget continues these policies and digs an even deeper hole.

This is not an accident. It is becoming increasingly clear that supporters of these policies have pursued them knowing that—some would say hoping—the record deficits would unravel the Nation's retirement security net.

Three years ago, the administration and Republicans tried to obfuscate this fact with budget gimmickry. During the 2000 campaign and numerous times since then, the President assured us that under his watch none of the Social Security surplus would be used to fund other spending initiatives or tax relief. But late last month, Federal Chairman Alan Greenspan blew the cover off this budget strategy. He, too, said, in 2001, that the President's tax breaks would not endanger Social Security, but now that the deficits caused by the tax breaks are unmistakable, Chairman Greenspan and the Republican leadership say it is Social Security that must be cut rather than the tax cuts that drove us into deficits in the first place.

In the face of the unending flow of red ink, President Bush publicly shifted his position as well. When asked his opinion of Chairman Greenspan's comments, President Bush responded:

> My position on Social Security benefits is this: Those benefits should not be changed for people at or near retirement.

The President appears to be indicating that cutting Social Security benefits for the coming generation of retirees, including the baby boom generation, is an option he is prepared to take. The choice many of our colleagues are making is now apparent for all of us to see. They are choosing tax breaks for the wealthy elite over a strong Social Security system upon which every American can depend.

Democrats have a different set of priorities. In the course of the coming debate, we plan to offer a series of amendments aimed to repair our fiscal problems, keep the promises made to our seniors and veterans, and prepare our country for the challenges of the future. Each amendment will fix a glaring weakness in the Republican budget, and each will be fully paid for. In fact, most will actually reduce deficits that the budgets have created.

First, we will offer an amendment to strengthen Social Security. As I noted earlier, when President Bush was elected, he promised not to touch the trust fund. The administration flip-flopped on that promise, and in the last 3 years has taken $550 billion from Social Security to pay for the tax breaks. But they are not done yet. According to the Congressional Budget Office, the Republican budget spends every penny of the 10-year $2.4 trillion Social Security surplus on tax cuts and other Government programs. In other words, in 3 short years, the Republicans have gone from promising not to touch a penny of the Social Security surplus to proposing that we spend all $2.4 trillion to fund their tax breaks and other Government spending.

We believe the Social Security system represents a solemn promise to our seniors, and we will propose an amendment that protects Social Security for generations to come.

Second, we will offer an amendment to help end the jobs crisis and get more Americans back to work. On average, more than 80,000 private sector jobs have been lost each and every month since this President took office. The manufacturing sector alone has lost 2.8 million jobs. We will offer an amendment that encourages the creation of American jobs, discourages shipping American jobs overseas, and provides dislocated workers the assistance they need.

Third, we will offer an amendment to provide the resources necessary to ensure that our veterans receive the care and treatment they deserve. According to CBO, the President's request is $257 billion below last year's level when adjusted for inflation. With 60,000 veterans already on waiting lists for health care and tens of thousands of military personnel scheduled to return home from Iraq and Afghanistan as the newest generation of veterans, this underfunding will only increase an already unacceptable backlog.

Moreover, just as the administration last year, the budget also contains policies—higher fees and copayments—that will drive 800,000 individuals out of the system and make those who choose to stay pay more. When our soldiers in uniform come home from Iraq and Afghanistan, they will deserve a parade, and they will get it. But our obligation to our veterans does not end with the parade. Our amendment will give all Members of the Senate an opportunity to demonstrate their recognition of and appreciation for all these veterans have done for our country.

Fourth, Democrats will offer an amendment to fully fund the Leave No Child Behind law. This law offered schools a deal. It said, if you hold your students to higher standards, we will guarantee you the funding to meet those standards. Schools are holding up their end of the bargain, but the President has reneged.

In the years since the bill was passed, President Bush has failed to request the funding he committed in this legislation. This year, the President's budget request is $9.4 billion short. The Democratic amendment will keep the promise we made to our children. This budget is a portrait of broken promises, bad choices, and misplaced priorities.

At a time when it is critical that we begin to regain a firm fiscal footing, this budget drives us even deeper in the hole. The White House and Republican leadership have chosen to continue their reckless fiscal policy all in the name of providing massive tax breaks to the privileged few and giveaways to special interests. As a result, their budget fails our veterans, our seniors, our children, and millions of Americans who are looking for work. We could do better. We must.

Our Nation has the resources to fulfill our promises to seniors, our veterans, and our schools. We need to make responsible choices. We need to honor the promises we have made. Our budget should reflect the priorities and choices of the American people. Democrats are ready to make sure it does.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Mr. President, I think we are coming closer to concluding the debate tonight. I urge our colleagues to be aware of the fact that this is going to be a busy week. I want to make a couple of comments. I have heard two or three of our speakers say this budget shortchanges veterans and education.

I will throw out a few facts about what this resolution does. Sometimes people say they are referring to the President's budget, or they are referring to something they read in the paper. I will just throw out a few facts. The total amount of money we anticipate spending in education, mandatory and discretionary, is $68 billion. That is a 9-percent increase over last year, mandatory and discretionary combined. People are acting as if there were significant cuts.

I also refer back to what we were spending in the year 2000. Today, it is at $97 billion. So it has almost doubled since the year 2000, and yet we hear a lot of people saying we are cutting education like crazy. Education has grown, and grown dramatically in the last few years. Those are just a couple of the facts. That includes mandatory and discretionary.

On the discretionary side, we are anticipating a little over $3 billion increase between 2004 and 2005. That is in the resolution, and people should know that.

I have also heard some comments on veterans. I will restate the facts. What we are assuming in our resolution is an increase of 14.3 percent for veterans, mandatory and discretionary, between 2004 and 2005. That is a big increase. Keep in mind, both in education and nondefense we are assuming very close to a freeze, but we are assuming a big increase for veterans, primarily on the mandatory side.

Congress did a lot of things last year to increase payments to veterans, including current receipts. So when we add all of these things together on the discretionary side, we are assuming over a $1.4 billion increase, most all of that for medical care. Again, medical care has risen dramatically over the last several years. We are looking at programs that have been expanding dramatically. Let me mention a few figures.

In the year 1990, on the discretionary side for veterans, we spent $13 billion. In the year 2000, 10 years later, we spent $20 billion. Today we are forecasting $30.5 billion. So it took 10 years, from 1990 to the year 2000, for discretionary spending for veterans to go up $7.9 billion. Now, from the year 2000 to the year 2005, 5 years, it has gone up another 50 percent.

People say you are shortchanging veterans. Maybe no matter what figure we had in the budget there would be those same complaints. Veterans, if you add discretionary and mandatory, we have a 14.3-percent increase, if you add the two. Combined, discretionary and mandatory, $61.45 billion to $70.2 billion, there is a 14.3-percent increase. Yet I have heard three or four speakers saying we are shortchanging veterans.

I heard one speaker a moment ago say, yes, there are going to be new fees. The budget we have before us did not assume there will be new fees. The President did recommend a proposal increasing the prescription drug copay on priority levels 7 and 8, from $7 to $15. Those are mostly nonservice-connected disabled and high-income veterans. I think a very good argument can be made they should have a higher copay. That is not assumed in our budget.

We also did not include the proposal to establish a $250 deductible, again on levels 7 and 8 nonservice-connected disabled and high-income veterans.

Those two proposals were not included; yet I have heard two or three speakers already allude to them, so I thought we should point that out.

We have significant increases for both education and for veterans. I urge our colleagues to become aware of that before they say they are going to offer amendments to increase funding because we are shortchanging education or shortchanging veterans. I think we are fair. Given the amount of deficit we have, I think we have very generous increases in both functions, and I urge our colleagues to look at that before they say, no matter what that figure is, they are going to be voting for more money. I think that would be a mistake.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO BRAD SEELY

Mr. DASCHLE. Mr. President, Brad Seely is a South Dakota native who was a standout player at my alma mater, South Dakota State University. He has since developed into one of the best special-teams coaches in the National Football League. When another South Dakota native, Adam Vinatieri,

kicked the Super Bowl-winning field goal, it was the culmination of a lot of great coaching and coordination under the leadership of Brad Seely.

Brad has long been an outstanding coach, serving with the Indianapolis Colts, New York Jets, and Carolina Panthers. Since 1999, Brad has been a member of the New England Patriots coaching staff and has played an integral role in the organization's two titles in the past 3 years. Prior to his career in the NFL, Brad coached throughout the college ranks at Colorado State, Southern Methodist, North Carolina State, Pacific, and Oklahoma State.

It is my great pleasure to honor Brad today. He has been a key part of the New England Patriot's success and has made his home State proud.

TRIBUTE TO LARRY JOHNSON

Mr. REID. Mr. President, I rise today to comment on a prestigious conservation award that will be bestowed upon Larry Johnson of Reno, NV later this week.

Larry is an environmentalist in the most positive sense of the word. He is a sportsman in the most positive sense of the word. He tirelessly invests his time, energy, money and passion in the protecting, restoring and enhancing Nevada's environment. He knows that the environment is synonymous with wildlife habitat, and that natural ecosystems support the fish and game he values so dearly.

As a trustee of the Eastern Nevada Landscape Coalition, Larry has worked to restore the native habitats of the Great Basin. This involvement also reflects his understanding that Nevadans can work together, through collaboration and innovative partnerships, to make our public lands better for wildlife, better for fish, and better for people.

Larry Johnson is a conservationist. He works hard to ensure that we actively manage Nevada's landscape. He holds public land managers and State wildlife officials accountable, but he also views them as allies. For example, he builds ''guzzlers'' where big game can find water in the desert, and he serves on resource advisory counsels for the Bureau of Land Management.

Indeed, Larry is famous throughout Nevada for his tireless work on behalf of our desert bighorn sheep. He is a trustee and longtime member of the board of directors of Nevada Bighorns Unlimited. He raises money, he donates money, and he donates his valuable time and expertise to the noble goal of enhancing bighorn sheep habitat, and preserving the wonderful heritage of the American West.

Larry is a man of principle, a man of ideas, a man of action, and a man exceptionally worthy of the Wayne E. Kirch Nevada Wildlife Conservation Award.

He is a great citizen, a great Nevadan, and a great American.

Chief Seattle once said: ''we do not inherit the Earth from our parents, we borrow it from our children.'' Larry Johnson fulfills our responsibility to be good stewards of the planet we will pass along to future generations.

Because of his dedication to conservation, our children will enjoy a richer legacy of wildlife and recreational opportunities.

Today I congratulate Larry Johnson for this much-deserved recognition of his work to preserve Nevada's natural heritage.

UNITED STATES-JAPAN TAX TREATY

Mr. LUGAR. Mr. President, I rise today in strong support of ratification of the United States-Japan Tax Treaty. As chairman of the Foreign Relations Committee, I held a hearing on this treaty on February 25, where the committee heard testimony on the treaty's benefits from the Treasury Department, the National Foreign Trade Council, and the United States-Japan Business Council. Our committee voted to approve the treaty, along with several other items, by a vote of 19 to 0 at a business meeting last week.

The Japan Tax Treaty is particularly significant due to our expansive trade and investment relationship with Japan. The United States and Japan are the two largest economies in the world, and account for approximately 40 percent of the world's gross domestic product. Japan is the fourth largest source of imports to the United States and the third largest export market for United States goods. The treaty, signed on November 6, 2003, by Treasury Secretary Snow and Japanese Ambassador Kato, will improve the ability of United States businesses to expand and prosper in Japan. It also will continue to encourage Japanese investment in the United States that contributes to the growth of our economy.

The original Japan Tax Treaty was signed in March 1971 and went into force in January 1973. Since then, both United States and Japanese domestic tax laws have changed dramatically. Until now, the 1971 treaty has not been amended to reflect those changes or the monumental expansion of the United States-Japanese commercial relationship.

American companies doing business with Japan are eager for this update of the bilateral tax treaty. It will guarantee more equitable treatment for United States corporate investors and relief from double taxation; it will strengthen dispute resolution mechanisms related to tax issues between our countries; and it will eliminate withholding taxes on all royalty income, certain interest income, and dividend income paid to parent companies.

The overall benefit of the treaty is that our companies will become more competitive in the Japanese market. Japan is currently a party to tax agreements with several other nations that reduce double taxation for companies from those nations doing business in Japan. Consequently, without this treaty, United States businesses will continue to face a competitive disadvantage in the area of taxation.

Following transmittal to the Senate this past December, the Foreign Relations Committee engaged in a thorough review and analysis of the treaty. Officials from the Department of Treasury briefed the committee extensively on the impact of the treaty on business relations between the United States and Japan. The committee also consulted with numerous commercial entities with operations in Japan. These entities all have indicated that the treaty will make them even more competitive in a market where they already are successful. In addition, the committee has had meetings with commercial officers from the Japanese Embassy to discuss ratification and implementation of the treaty.

I understand that the timing of enactment of the Japan Tax Treaty is critical. Therefore, I have prioritized it on the Foreign Relations Committee's agenda, and I am grateful to the majority leader for bringing it quickly to the Senate floor. I also have written to the Japanese Finance Minister and leaders of the Diet to encourage them to join us in acting swiftly to bring the treaty into force.

I want to take this opportunity to thank the Treasury Department and its International Tax Counsel Barbara Angus both for their work in producing this agreement and for their cooperation with the Foreign Relations Committee during the treaty's consideration. I would also like to salute the business community, and in particular the National Foreign Trade Council and the United States-Japan Business Council for their leadership and advocacy on behalf of this treaty.

Mr. President, this treaty is good for the United States and good for our relationship with Japan. I urge my colleagues to vote to ratify it.

CIVIL COPYRIGHT ENFORCEMENT

Mr. LEAHY. Mr. President, with the advent of the digital age, we had great hopes that the possibility of distributing music, films, books, and software on the Internet would bring us an unprecedented variety of content online with ever-increasing ease. Unfortunately, those hopes have not yet been realized. The very ease of duplication and distribution that is the hallmark of digital content has meant that piracy of that content is just as easy. The very real—and often realized—threat that creative works will simply be duplicated and distributed freely online has restricted, rather than enhanced, the amount and variety of creative works one can receive over the Internet. Part of combating piracy includes offering a legal alternative to it. Another important part is enforcing the rights of copyright owners. Senator

HATCH and I have been working with artists, authors, and software developers to create an environment in which copyright is protected, so that we can all enjoy American creativity, and so that copyright owners can be paid for their work.

In the coming months we will be discussing numerous responses to this problem. One critically important part of the attack on this problem will be to bring the resources and expertise of the United States Attorneys' Offices to bear on wholesale copyright infringers. For too long these attorneys have been hindered in their pursuit of pirates, by the fact that they were limited to bringing criminal charges with high burdens of proof. In the world of copyright, a criminal charge is unusually difficult to prove because the defendant must have known that his conduct was illegal and he must have willfully engaged in the conduct anyway. For this reason prosecutors can rarely justify bringing criminal charges, and copyright owners have been left alone to fend for themselves, defending their rights only where they can afford to do so. In a world in which a computer and an Internet connection are all the tools you need to engage in massive piracy, this was an intolerable predicament.

Some steps have already been taken. The Allen-Leahy amendment to the Foreign Operations Appropriations bill, on Combating Piracy of U.S. Intellectual Property in Foreign Countries, provided $2.5 million for the Department of State to assist foreign countries in combating piracy of U.S. copyrighted works. By providing equipment and training to law enforcement officers, it will help those countries that are not members of OECD, Organization for Economic Cooperation and Development, to enforce intellectual property protections.

Senator HATCH and I are investigating another needed response to this problem that would give the Attorney General the authority to bring a civil action against copyright infringers. This authority would not supplant either the criminal provisions of the Copyright Act, or the remedies available to the copyright owner in a private suit. Rather, it would allow the Government to bring its resources to bear on this immense problem, and to ensure that more creative works are made available online, that those works are more affordable, and that the people who work to bring them to us are paid for their efforts.

We hope to introduce a bill on this matter soon, and we look forward to continuing our efforts to bring our country's law enforcement tools into the 21st century, just as our technologies have advanced.

INTERNATIONAL WOMEN'S DAY

Mrs. FEINSTEIN. Mr. President, I rise today, on International Women's Day, to recognize the contributions that women have made to our world. Today, we commemorate the lives of women, the work that women have done, the sacrifices that women have made, and the progress that women have achieved.

The past year was a very important one for advancing the rights of women. In Iraq, American women in the armed services played an integral part to the war effort and Iraqi women have now been given a much greater role in governing their country.

In Afghanistan, women have rights and liberties not experienced for years. Women and girls are returning to schools and colleges and rejoining the workforce.

Unfortunately, for many women around the world, the past year has not improved their ability to control their own lives. In many countries around the world, women earn less than men for performing the same tasks. In some countries, women are prohibited from owning property or from receiving the same education as men. And many women do not have the same access to health care that men have.

On this day, we must reaffirm our dedication to women's rights; we must strive to ensure that all women and girls have every opportunity to improve their lives and to make their own choices.

On this day, I would like to recognize the accomplishments of one woman in particular.

In December of 2003, Shirin Ebadi, an Iranian defense lawyer, became the first Muslim woman to receive a Nobel Peace Prize. She received this honor for her dedication to democracy and human rights.

In 1975, Mrs. Ebadi was the first woman appointed to be a judge in Iran. After the Iranian revolution, she was forced to resign her post on the court. Since that time, she has fought for an interpretation of Islamic law that reflects the importance of human rights and democracy, not just for men, but for all Iranians. I wish to recognize Mrs. Ebadi's work on behalf of human rights and I wish to congratulate her on winning the Nobel Peace Prize. She is truly a great woman and a great human being.

I would also like to take some time today to focus on a number of areas where women have made recent progress and some areas that still require significant change.

The liberation of Iraq has been a great step forward for Iraqi women. Today, the Iraqi Governing Council has agreed on an interim constitution. The constitution, also known as the Transitional Administrative Law, has a number of provisions that protect women's rights. For example, the Transitional Administrative Law requires that no less than 25 percent of the members elected to the Transitional National Assembly be women. The new consititution also states that Iraqis are equal without regard to sex, sect or religion.

To ensure that the rights of women in Iraq are not violated, the Coalition Provisional Authority and USAID worked together to establish a women's rights center. This is the first of five centers that will be established throughout Iraq. The center is open to all women and offers a range of opportunities including literacy classes and English-language training, nutrition and health classes, computer skills training, and courses on living in a democracy. The center will also provide assistance for widowed or impoverished women.

While there has been progress, we must remain vigilant in our defense of women's rights in Iraq.

Since President Bush declared major combat operations over, extremist Muslims have tried to suppress women's rights. In December, a group of Shiite members of the Iraqi Governing Council passed Resolution 137, a resolution that would have required the use of Sharia, or Islamic law that limits the rights and opportunities of women. Fortunately, the Iraqi Governing Council cancelled Resolution 137 on February 27, 2004.

With the fall of the Taliban, many people felt that the situation for women in Afghanistan would improve. While Afghanistan's new constitution contains human rights provisions and mandates better political representation of women, new rules on female education in the Afghan province of Herat prevent men from teaching women or girls. The rules also uphold strict gender segregation in all schools.

Repression of women is still commonplace in Afghanistan. Let me quote from a recent report issued by Human Rights Watch. The report says:

> . . . one year after the Taliban's fall, women and girls in Afghanistan still face severe restrictions and violations of their human rights, for in many areas Taliban officials have been replaced by warlords, police officers, and local officials with similar attitudes toward women. In some parts of the country, the same officials who administered the anti-women policies of the Taliban remain in their positions. This has meant the reimposition of extremely repressive social codes that typically have a devastating impact on women.'

So much more needs to be done on behalf of women in Afghanistan.

Another year has gone by and the United States still has not yet ratified the Convention to Eliminate All Forms of Discrimination Against Women. As Americans, we can no longer afford to ignore this important document and put in jeopardy our status as a leader in advancing human rights for women and girls.

Given that it has been over 20 years since President Carter signed the Convention, one might think that the delay in ratification is due to the fact we are dealing with a treaty that requires years of study and consideration.

Yet the Convention simply requires that participating states take all appropriate steps to eliminate discrimination against women in political and

public life, law, education, employment, health care, commercial transactions, and domestic relations.

The United States is one of the only leading democracies in the world that has yet to ratify this important treaty. In fact, our partners outside the Convention include Iran, North Korea, and Sudan. Are these countries with whom we share the values of democracy, freedom, and respect for human rights? Are those the countries we can count on in the international arena?

Women and girls around the world who turn to the United States for leadership in advancing their rights are mystified that we do not take the simple step of ratifying the Convention. When we do, the sky will not fall, the sun will rise in the morning, and the Constitution will still be the law of the land.

By ratifying the Convention, the United States will reclaim its leadership status as a champion of the rights of women and girls and send a strong signal to those states who abuse those rights.

On International Women's Day, I call on my colleagues in the Senate to move forward and ratify the Convention.

While women have made great strides internationally in recent years, abuse of women remains a global problem. Worldwide, it is estimated that 1 in 3 women is abused or sexually assaulted in her lifetime. And anywhere from 20 to 50 percent of women worldwide have experienced some type of domestic violence. These numbers are astounding.

Even in the United States, certainly a leader in promoting women's rights, a woman is battered every 15 seconds and battering is the leading cause of injury to women between ages 15 and 44. On average, 3 women are murdered by their husbands every day in the United States. And as many as 750,000 women and children have been trafficked into the United States over the last decade. Certainly, we must do more at home to protect women from domestic and sexual abuse.

On International Women's Day, the United States must also reaffirm its commitment to combating HIV/AIDS, an epidemic that has had devastating effects on women and girls.

Transmission of HIV from men to women is twice as likely as transmission from women to men and the International Center for Research on Women has shown that there is a high correlation between violence against women and HIV infection.

The impact that this disease has had on the lives of women is shocking. In 2002, 2 million women were infected with HIV and 1.2 million women died from AIDS-related illnesses. Young women, ages 15–24, represent 66 percent of people with HIV in the 14 most-afflicted countries designated in the President's Emergency Plan for AIDS Relief. Teenage women in Sub-Saharan Africa are five or six times more likely to contract HIV than teenage males. This is truly a women's issue that must be addressed.

Mr. President, on this day, we honor women. On International Women's Day, the United States and the international community must take a strong stand and issue a clear warning to those who attempt to rob women of basic rights—the world's governments will no longer ignore these important issues.

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

HONORING DOTTIE POTTER

• Mr. JOHNSON. Mr. President, I wish to recognize the contributions and accomplishments of a dedicated journalist serving readers in my State of South Dakota. For years, Dottie Potter has served as a reporter covering important news impacting South Dakota's Native American population. As a writer for the Indian Country Today and the Lakota Nation Journal, Dottie is truly a credit to her profession.

She has worked hard over the years to educate the general population of the talents, accomplishments and skills of Native Americans in South Dakota. Dottie has helped educate and inform thousands of readers. I have always respected her professionalism and skill as a journalist, and her sensitivity to the issues affecting her readers.

Her tireless efforts to dig for details and to explore all sides of particular issues symbolizes her dedication to the field of journalism. She is a well-respected reporter in South Dakota. But she is also well-known for her empathy and care when writing human interest stories. Dottie has delivered stories to her readers on almost every topic, from those that involved the road to success for a favorite son or daughter to words of wisdom from a tribal elder to the plight of South Dakota Indian families.

Among the many awards she has received over the years, she received the South Dakota Education Association Golden Apple Award in October of 2002, in recognition of outstanding media coverage of public education issues and events in South Dakota.

Dottie now works on a personal story, a fight to overcome cancer. A reporter to the core, Dottie continues to make an impact on her community. With remarkable spirit and bravery, she still works as a reporter with Lakota Nation Journal as she educates, entertains and informs readers. Her fight against cancer serves as an inspiration to others.

I congratulate and commend Dottie Potter on her many years as a journalist. Her body of work serves as a long-standing tribute to her commitment to the Native American populations of South Dakota and the Nation.•

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On May 6, 1999, in Santa Clarita, CA, two men were charged with suspicion of committing a hate crime after they allegedly burglarized a residence and beat three gay men.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

TRIBUTE TO MARY F. DIAZ

• Mr. KENNEDY. Mr. President, last month, this Nation suffered the tragic loss of one of its most effective and most compassionate advocates for women and children throughout the world.

Mary Diaz was only 43 when she died on February 12 in New York after a long battle of cancer. I know she will be profoundly missed by all who knew her and worked with her and were helped by her.

For the last 10 years, Mary was executive director of the Women's Commission for Refugee Women and Children, an affiliate of the International Rescue Committee. She was there whenever she was needed and wherever she was needed—in Serbia or Angola or Rwanda or Pakistan or Nepal or Haiti and in many other places, often putting her own safety at risk to see firsthand the hardships of women and children displaced by war or fleeing persecution.

After each of her travels, Mary would return and eloquently share the stories of those she saw who needed help the most. She met with lawmakers and government agencies to urge them to respond. She worked with President Clinton to create a fund for refugee women in Bosnia. Visiting Tanzania, she worked to change the rules allowing Burundian women to distribute food with the men. Even in the all too short time she had, Mary inspired us all with her dedicated and tireless work on behalf of the disenfranchised.

It is easy to see where Mary learned her passion for helping others. Her father was a doctor and her mother is a nurse. Her two brothers are doctors. One sister is an inner-city teacher and another is a librarian. After studying international relations at Brown University, Mary worked for a television station in Philadelphia and volunteered in her free time to help refugees settle in the city. As her interest in

helping refugees grew, she enrolled at Harvard to pursue a master's degree in international education. A few years later, she became director of refugee and immigration services for Catholic Charities in Boston.

She was always there to help. Once, when 112 Haitian children arrived in Boston on a military plane, Mary was there to greet them with a friendly face. The children had lost contact with their families. They were barefoot, in a country they had never seen before. Mary comforted them, and took them to eat at a local restaurant called Buzzy's Fabulous Roast Beef. After that, she took them to a local swimming pool, and then she began the effort to reunite them with their families or place them in foster care. Stories like this about Mary are well known to all her colleagues.

Last year, Mary was honored for her work in protecting the rights of refugee women by Rudd Lubbers, the United Nations High Commissioner on Refugees. When Commissioner Lubbers learned of Mary's death, he spoke for us all when he said that it ''left a void in the refugee and humanitarian world, where she touched many lives.''

Sadly, Mary died too young. But she made the world a better place, and we will always have our warm memories of her and her inspiring legacy to guide us as we carry on her mission.●

REMEMBERING RICHARD PARSONS

● Mr. COCHRAN. Mr. President, on February 16, 2004, a good friend of mine and a distinguished farm leader from my State was a victim of heart failure. At the age of 56, Richard Lynn ''Rick'' Parsons died at his home in Vance, MS, where he managed a family farming operation and served in numerous capacities of leadership for his community and the State.

Rick was a native of Water Valley, MS. He was an elder at the Sumner Presbyterian Church and a member of the local Rotary Club. In 2001, he was appointed by President George W. Bush and served with distinction as a member of the State Farm Service Agency Committee, which oversees the implementation of Federal farm programs in Mississippi. Rick was also a leader in Delta Council and the National Cotton Council, in addition to being on the Board of Directors of Delta Wildlife and Delta F.A.R.M., which are local organizations that promote wildlife conservation on the farm.

Additionally, Rick Parsons was selected to represent Mississippi as a finalist in the Southeastern Farmer of Year competition, and he was elected by his peers to serve on the board of directors for the successful Mississippi Boll Weevil Management Program and the Cotton Leadership Program for the National Cotton Council.

Rick was an unselfish and dedicated leader on behalf of agriculture in Mississippi. My office always relied on his sound judgment and good counsel in matters which affected farmers. We extend to his wife Carlisle, his son Scott, and the entire Parsons family our sincerest condolences.●

HONORING THE AMADOR VALLEY HIGH SCHOOL CIVICS TEAM

● Mrs. FEINSTEIN. Mr. President, on May 1–3, 2004, more than a 1,000 students from across the United States will converge on Washington, DC to compete in the national finals of the We the People: The Citizen and the Constitution program. Administered by the Center for Civic Education, the We the People program has a primary goal of promoting civic competence and responsibility among our Nation's elementary and secondary school students. It is the most extensive educational program in the country designed to educate young students about the Constitution and the Bill of Rights, and since its inception in 1987, more than 26 million students and 86,000 educators have participated.

I am very proud to announce that Amador Valley High School in Pleasanton will represent the State of California in this year's We the People national final. Four years ago I had the honor of recognizing Amador Valley for winning California's contest, and am proud to be able to do so again today. On February 6, this year's class from Amador Valley placed first in California's statewide contest. The school has a rich tradition of excelling in this program, having won California's competition five times from 1992–2000, and even winning the national championship in 1995.

During the national final, the class from Amador Valley will again have to testify as experts before a panel of judges on a wide variety of historical and contemporary constitutional issues. They will also be quizzed by the judges in an effort to illustrate depth of constitutional understanding, and ability to apply that knowledge. The competition is designed to resemble what hearings would be like in the U.S. Congress.

I congratulate the civics class at Amador Valley High School for winning this year's California We the People competition, and wish them best of luck as they conduct research and prepare for the national finals.●

TRIBUTE TO DANIEL L. MIHALKO

● Mr. AKAKA. Mr. President, public service is a long and honored tradition in the United States. Through the dedicated commitment and tireless service of our Nation's Federal workforce, our country is safer and more secure than ever. I wish to take this opportunity to honor one such person, Daniel L. Mihalko, who since January 28, 1978, has served as a postal inspector in the U.S. Postal Inspection Service. After serving as a postal inspector for the past 26 years of his 31-year career with the Postal Service, Inspector Mihalko retired on March 2, 2004.

Inspector Mihalko was known to many in congress as their contact with the Postal Inspection Service in his capacity as the inspector in charge of congressional and public affairs. He was also known to the American public as the face of the Inspection Service when discussing issues such as the anthrax attacks through the U.S. mail in 2001 or pipe bombs in midwestern mailboxes. He professionally represented the Inspection Service in television appearances ranging from shows such as ''60 Minutes'' and ''Larry King Live'' to all the major television networks.

In addition to Inspector Mihalko's service as spokesman for the Postal Inspection Service, he was the guiding force behind several high-profile publicity campaigns: Project kNOw Fraud, National Fraud Against Seniors, and Awareness and Operation: Identity Crisis—important educational programs directed at increasing consumer awareness of mail fraud and deceptive mailing practices. His official appearances added to public confidence in the mail, and it is fitting that upon Inspector Mihalko's retirement from the Postal Inspection Service, we take a moment to recognize the Federal agency he promoted so well.

The United States Postal Inspection Service protects the integrity of our Nation's postal system and is one of the country's oldest law enforcement agencies. Founded in 1772 by the first Postmaster General, Benjamin Franklin, the Postal Inspection Service is the primary law enforcement arm of the U.S. Postal Service. Initially the Inspection Service helped regulate and audit postal functions, but in 1830, these functions were expanded and its auditors became special agents. By the late 1800s, special agents were renamed postal inspectors, and, in 1916, solved the last known stage-coach robbery in the United States. The modern Postal Inspection Service enforces more than 200 Federal laws relating to the U.S. mail, including identify fraud, mail bombs, child pornography, controlled substances, counterfeit stamps, money laundering, robbery, and mail theft. Because of overlapping jurisdictions, postal inspectors work closely with U.S. Attorneys, other law enforcement agencies, and local prosecutors to investigate postal cases and prepare them for court. Inspectors are aided in their work through five regional forensic crime labs strategically located throughout the United States which support field office operations.

As the former chairman of the Senate Postal Subcommittee, I have had the privilege of supporting this distinguished Department and have had to postal inspectors/attorneys as detailees on my staff. Inspector Mihalko is a fine example of the men and women who make up the Postal Inspection Service, and I wish Mr. Mihalko and his family well.●

THE DAUGHTERS OF SUNSET OF SOUTHEAST MISSOURI

● Mr. BOND. Mr. President, I today join with my constituents in recognizing the 20th Anniversary of Daughters of Sunset.

For the last 20 years, the Daughters of Sunset have been instrumental in mini-outreach initiatives in and around the Sikeston, MO area. The membership is a unique group of women dedicated to maintaining a clean and safe community for all. The organization has been successful in its school and summer lunch programs for needy children, community cleanup and revitalization efforts, fire and natural disaster assistance, and transportation programs to aid the sick and elderly. The Daughters of Sunset have also been responsible for assisting the homeless and destitute as well as convey sympathy to bereaved families.

The Daughters of Sunset also have provided 41 academic scholarships, and have publically recognized the efforts of outstanding community leaders in and around Southeastern Missouri. Today, past participants of the organization carry on the tradition of the Daughters of Sunset and continue to participate in communities throughout Missouri, and all over the country.

It is my great honor to recognize the community participants that comprise the Southeast Missouri Daughters of Sunset on this, the twentieth anniversary of the organization. On behalf of the people of State of Missouri, I look forward to 20 more years of leadership and outstanding civic participation from the Daughters of Sunset.●

RECOGNITION OF JIM WANAMAKER

● Mr. COCHRAN. Mr. President, I am pleased to have the opportunity to commend Mr. Jim Wanamaker of Greenville, MS, for his distinguished public service as the chief engineer for the Board of Mississippi Levee Commissioners. Jim graduated from Mississippi State University in 1963 and moved to the Mississippi Delta after serving in the Navy for 2 years. For the past 40 years, he has been a key advocate and one of the most knowledgeable experts in flood control in the Yazoo basin.

Flood control in the Mississippi Delta is fundamental to the quality of life and economic viability of the region. The Mississippi Levee Board has been the local sponsor and a leader in bringing improved flood protection to the citizens, property owners, and communities throughout the region. The Mississippi River Levee Enlargement Project, the Upper Steele Bayou Project, the Big Sunflower River Maintenance Project, and the Yazoo Backwater Project have all benefited from the professional and wise counsel of Jim Wanamaker in his capacity as chief engineer of the Mississippi Levee Board.

Jim has set an excellent example for future generations who aspire to excel in public service. I ask my colleagues to join me in congratulating Jim Wanamaker upon his retirement, which is scheduled later this year, and to thank him for the valuable contributions which he has made toward the quality of life of the citizens in this very important part of our Nation.●

REPORT ON THE INTENT TO ENTER INTO A FREE TRADE AGREEMENT (FTA) WITH THE GOVERNMENT OF MOROCCO—PM 71

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002 (Public Law 107–210; the ''Trade Act''), I am pleased to notify the Congress of my intent to enter into a free trade agreement (FTA) with the Kingdom of Morocco.

This agreement will create new opportunities for America's workers, farmers, businesses, and consumers by eliminating barriers in trade with Morocco. Morocco is one of the United States strongest friends in the Middle East. Increased trade will benefit Americans and help strengthen a tolerant, open, and more prosperous Morocco. Entering into an FTA with Morocco will not only strengthen our bilateral ties with this important ally, it will also advance my goal of a Middle East free trade area (MEFTA) within a decade.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of signing the United States-Morocco FTA. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this free trade agreement.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 8, 2004.*

REPORT TO THE CONGRESS ON IMPLEMENTATION OF PUBLIC LAW 107–228 AUTHORITY FOR RUSSIAN FEDERATION DEBT REDUCTION FOR NONPROLIFERATION—PM 72

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with section 1321 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), I transmit herewith a report prepared by my Administration on implementation of the debt reduction authority conferred by title XIII, subtitle B of Public Law 107–228.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 8, 2004.*

MESSAGE FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3752. An act to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes.

The message also announced that the House disagree to the amendment of the Senate to the bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Education and the Workforce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. BOEHNER, Mr. MCKEON, Mr. SAM JOHNSON of Texas, Mr. GEORGE MILLER of California, and Mr. ANDREWS.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. PORTMAN, and Mr. RANGEL.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3752. An act to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILL PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on March 5, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2136. An act to extend the final report date and termination date of the National Commission on Terrorist Attacks Upon the United States, to provide additional funding for the Commission, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC–6605. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Missouri'' (Doc. No. 01–015–1) received on March 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6606. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cattle From Mexico'' (Doc. No. 00–112–2) received on March 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6607. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Unshu Oranges from Honshu Island, Japan'' (Doc. No. 02–128–2) received on March 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6608. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Blood and Tissue Collection at Slaughtering Establishments'' (Doc. No. 99–017–3) received on March 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6609. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyripoxyfen; Pesticide Tolerance for Emergency Exemption'' (FRL#7345–3) received on March 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6610. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Yeast Extract Hydrosate From Saccharomyces cerevisiae; Exemption from the Requirement of a Tolerance'' (FRL#7343–9) received on March 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6611. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Gellan Gum; Exemption from the Requirement of a Tolerance'' (FRL#7344–1) received on March 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6612. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a proposal to amend the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6613. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation T (Credit by Brokers and Dealers)—List of Foreign Margin Stocks'' received on March 3, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6614. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Circumventing Treatment as a Nationwide Consumer Reporting Agency, 16 CFR Part 603'' (RIN3084–AA94) received on March 2, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6615. A communication from the Acting Assistant Secretary, Land and Minerals Management, Minerals Management Service, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Revision of Requirements Governing Outer Continental Shelf Rights-of-Use and Easements and Pipeline Rights-of-Way'' (RIN1010–AC91) received on March 4, 2004; to the Committee on Energy and Natural Resources.

EC–6616. A communication from the Acting Assistant Secretary, Land and Minerals Management, Minerals Management Service, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Relief or Reduction in Royalty Rates—Deep Gas Provisions'' (RIN1010–AD01) received on March 4, 2004; to the Committee on Energy and Natural Resources.

EC–6617. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States for the purpose of providing a clean, safe, affordable, and reliable water supply to rural residents and for other purposes; to the Committee on Energy and Natural Resources.

EC–6618. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Tucson Area; Technical Correction'' (FRL#7632–1) received on March 4, 2004; to the Committee on Environment and Public Works.

EC–6619. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona—Maricopa County Ozone, PM–10 and CO Nonattainment Areas; Approval of Revisions to Maricopa County Area Cleaner Burning Gasoline Program'' (FRL#7626–1) received on March 4, 2004; to the Committee on Environment and Public Works.

EC–6620. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Pennsylvania; Control of Emissions from Existing Small Municipal Waste Combustion Units'' (FRL#7631–7) received on March 4, 2004; to the Committee on Environment and Public Works.

EC–6621. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Louisiana; Plan for Controlling Emissions From Existing Commercial and Industrial Solid Waste Incinerators'' (FRL#7629–6) received on March 4, 2004; to the Committee on Environment and Public Works.

EC–6622. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delaware: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL#7631–4) received on March 4, 2004; to the Committee on Environment and Public Works.

EC–6623. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Effluent Limitations Guidelines and New Source Performance Standards for the Meat and Poultry Products Point Source Category'' (FRL#7631–2) received on March 4, 2004; to the Committee on Environment and Public Works.

EC–6624. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines'' (FRL#7630–8) received on March 4, 2004; to the Committee on Environment and Public Works.

EC–6625. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks'' (FRL#7630–9) received on March 4, 2004; to the Committee on Environment and Public Works.

EC–6626. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–367, ''District of Columbia Auditor Subpoena and Oath Authority Act of 2004''; to the Committee on Governmental Affairs.

EC–6627. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–366, ''Revised Closing of a Portion of a Public Alley in Square 209, S.O. 02–1019, Act of 2004''; to the Committee on Governmental Affairs.

EC–6628. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–364, ''Sexual Minority Youth Assistance League Equitable Real Property Tax Relief Act of 2004''; to the Committee on Governmental Affairs.

EC–6629. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–363, ''Crispus Attuks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004''; to the Committee on Governmental Affairs.

EC–6630. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–362, ''Used Car Dealership License Moratorium Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–6631. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–361, ''District of Columbia Public Schools Use of the Budget Reserve Funds Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–6632. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–386, ''Captive Insurance Company Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–6633. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–360, ''Kings Court Community Garden Equitable Real Property Tax Relief Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–6634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–385, ''Consolidation of Financial Services Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–6635. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–384, ''Tobacco Product Manufacturer Reserve Fund Complementary Procedures Act of 2004''; to the Committee on Governmental Affairs.

EC–6636. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–383, ''Health Services Planning and Development Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–6637. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–370, ''Real Property Classification Clarification Act of 2004''; to the Committee on Governmental Affairs.

EC–6638. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–368, ''Metropolitan Police Department Educational Requirement Clarification Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–6639. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15–351, ''December Use of the Cash Reserve Funds Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–6640. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15–353, ''District of Columbia Emancipation Day Parade and Fund Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–6641. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15–352, ''Real Property Disposition Economic Analysis Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–6642. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15–350, ''Owner-Occupant Residential Tax Credit and Exemption Act of 2004''; to the Committee on Governmental Affairs.

EC–6643. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15–365, ''Dedication and Designation of Streets and an Alley in Square 878, S.O. 95–251, Act of 2004''; to the Committee on Governmental Affairs.

EC–6644. A communication from the Deputy Director for Management, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to agency IT security; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate on March 4, 2004, the following reports of committees were submitted on March 5, 2004:

By Mr. NICKLES, from the Committee on the Budget, without amendment:

S. Con. Res. 95. An original concurrent resolution setting for the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as the Political Director for the United States Presidency of the G–8.

*Richard S. Williamson, of Illinois, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

*Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

*Steven J. Simmons, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

*Feliciano Foyo, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring August 12, 2004.

*Robert Hurley McKinney, of Indiana, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2004.

*Sanford Gottesman, of Texas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

*Diane M. Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

*C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 108–14 Taxation Convention with Japan (Exec. Rept. No. 108–9)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a Protocol and an Exchange of Notes, signed at Washington on November 6, 2003 (Treaty Doc. 108–14).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL:

S. 2172. A bill to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 2173. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Energy and Natural Resources.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 2174. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program; to the Committee on Finance.

By Mr. DODD (for himself, Mr. DEWINE, Mr. SMITH, and Mr. REID):

S. 2175. A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. ALEXANDER):

S. 2176. A bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Con. Res. 96. A concurrent resolution commemorating the 150th anniversary of the first meeting of the Republican Party in Ripon, Wisconsin; considered and agreed to.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 427

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 427, a bill to amend the Homeland Security Act of 2002 to assist States and communities in preparing for and responding to threats to the agriculture of the United States.

S. 430

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 430, a bill to amend the Homeland Security Act of 2002 to enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning.

S. 606

At the request of Mr. GREGG, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1212

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1212, a bill to identify certain sites as key resources for protection by the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security, and for other purposes.

S. 1369

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1369, a bill to ensure that prescription drug benefits offered to medicare eligible enrollees in the Federal Employees Health Benefits Program are at least equal to the actuarial value of the prescription drug benefits offered to enrollees under the plan generally.

S. 1487

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1487, a bill to require the Secretary of the Army to award the Combat Medical Badge or another combat badge for Army helicopter medical evacuation ambulance (Medevac) pilots and crews.

S. 1523

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1523 , a bill to amend part A of title IV of the Social Security Act to allow a State to treat an individual with a disability, including a substance abuse problem, who is participating in rehabilitation services and who is increasing participation in core work activities as being engaged in work for purposes of the temporary assistance for needy families program, and to allow a State to count as a work activity under that program care provided to a child with a physical or mental impairment or an adult dependent for care with a physical or mental impairment.

S. 1687

At the request of Mr. BINGAMAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S . 1687, a bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

S. 1717

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1717, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stems cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 1733

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1733, a bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs.

S. 1755

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects.

S. 1780

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1780, a bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 1813

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1813, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes.

S. 2011

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2011, a bill to convert certain temporary Federal district judgeships to permanent judgeships, and for other purposes.

S. 2076

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2076, a bill to amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

S. 2096

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2096, a bill to promote a free press and open media through the National Endowment for Democracy and for other purposes.

S. 2100

At the request of Mr. MILLER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2109

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2109, a bill to provide for a 10-year extension of the assault weapons ban.

S. 2134

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2134, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

S. 2157

At the request of Mr. BAUCUS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2157, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S.J. RES. 28

At the request of Mr. CAMPBELL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Mississippi (Mr. LOTT), the Senator from Hawaii (Mr. AKAKA), the Senator from Virginia (Mr. WARNER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S.J. Res. 28, a joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week.''

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 91

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 91, a concurrent resolution designating the month of April 2005 as ''American Religious History Month.''

S. RES. 299

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a

cosponsor of S. Res. 299, a resolution recognizing, and supporting efforts to enhance the public awareness of, the social problem of child abuse and neglect.

AMENDMENT NO. 2659

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2659 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 2661

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 2661 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 2686

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of amendment No. 2686 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 2690

At the request of Mrs. FEINSTEIN, the names of the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. STEVENS) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 2690 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 2172. A bill to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Tribal Contract Support Cost Technical Amendments of 2004, a much-needed bill that strengthens the highly successful policy of tribal contracting and compacting under the Indian Self Determination and Education Assistance Act of 1975, Public Law 93–638.

Beginning in 1970, with President Nixon's now-famous Special Message to Congress on Indian Affairs and the 1975 enactment of the Indian Self Determination and Education Assistance Act of 1975, Public Law 93–638, Congress has systematically devolved to Indian tribes the authority and responsibility to manage Federal programs and reassume control over their own affairs.

For good reason, tribal contracting and compacting has been embraced and expanded by Congress and the Executive by repeatedly amending the 1975 Act in 1984, 1988, 1994 and 2000.

Contracting and compacting has resulted in a reduction in the Federal bureaucracy and an improvement in the quality of services delivered to tribal members. Instead of Federal micromanagement, the tribes can tailor programs to unique local conditions and better serve their members.

Unfortunately, the ability of Indian tribes to continue to contract programs and services is severely hampered by the chronic under-funding of contract support costs.

Without such funding, tribes are forced to cut back on services to pay for their administrative costs.

The bill I am introducing today will require the Indian Health Service and the Bureau of Indian Affairs to provide the funds for contract support costs which those agencies negotiated and contracted to pay to their tribal contractors.

I urge my colleagues to join me in supporting this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tribal Contract Support Cost Technical Amendments of 2004''.

SEC. 2. AMENDMENT DETAILING CALCULATION AND PAYMENT OF CONTRACT SUPPORT COSTS.

The Indian Self-Determination and Education Assistance Act is amended by inserting after section 106 (25 U.S.C. 450j–1) the following:

''SEC. 106A. CONTRACT SUPPORT COSTS.

''(a) OTHER FEDERAL AGENCIES.—

''(1) IN GENERAL.—Except as otherwise provided by law, an Indian tribe or tribal organization administering a contract or compact under this Act shall be entitled to recover its full indirect costs associated with any other Federal funding received by the Indian tribe or tribal organization in accordance with an indirect cost rate agreement between the Indian tribe or tribal organization and the appropriate Federal agency.

''(2) NO ENTITLEMENT.—The right of recovery under paragraph (1) does not confer on an Indian tribe or tribal organization an entitlement to be paid additional amounts associated with other Federal funding described in that paragraph.

''(b) ALLOWABLE USES OF FUNDS.—

''(1) DEFINITION OF SECRETARY.—In this subsection, the term 'Secretary' means the Secretary or head of any Federal agency providing funds to an Indian tribe or tribal organization.

''(2) USE OF FUNDS.—Notwithstanding any other provision of law (including a regulation), an Indian tribe or tribal organization that is administering a contract or compact under this Act and that employs an indirect cost pool that includes funds paid under this Act and other Federal funds shall be entitled to use or expend all Federal funds in the indirect cost pool of the Indian tribe or tribal organization without the approval of the Secretary in the same manner as is permitted under section 106(j).''.

SEC. 3. AMENDMENTS CLARIFYING CONTRACT SUPPORT COST ENTITLEMENT.

(a) AMOUNT OF CONTRACTS.—Section 105(c)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(c)(1)) is amended by striking the second sentence.

(b) REDUCTIONS AND INCREASES.—Section 106(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1(b)) is amended in the matter following paragraph (5)—

(1) by striking ''the provision of funds under this Act is subject to the availability of appropriations and''; and

(2) by adding at the end the following: ''In any case in which contract support costs are not provided for, there are authorized to be appropriated such sums as are necessary to pay those costs.''.

(c) CONTRACT MODEL.—Subsection (c) of section 108 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450*l*(c)) is amended in section 1(b)(4) of the model contract set forth in that subsection by striking ''Subject to the availability of appropriations, the'' and inserting ''The''.

(d) APPLICABILITY TO AGREEMENTS WITH THE SECRETARY OF THE INTERIOR.—Section 408 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458hh) is amended by inserting before the period at the end the following: ''(including such sums as are necessary to pay contract support costs, when not otherwise provided for)''.

(e) APPLICABILITY TO AGREEMENTS WITH THE SECRETARY OF HEALTH AND HUMAN SERVICES.—Section 519 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–18) is amended—

(1) in subsection (b), by striking ''the provision of funds under this title shall be subject to the availability of appropriations'' and inserting ''the provision of funds under this title (excluding contract support costs) shall be subject to the availability of appropriations''; and

(2) by adding at the end the following:

''(c) NECESSARY CONTRACT SUPPORT COSTS.—In any case in which contract support costs are not provided for, there are authorized to be appropriated such sums as are necessary to pay those costs.''.

SEC. 4. EFFECT ON OTHER LAW.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of this Act.

(b) EXCEPTION.— Nothing in this Act shall be construed to alter in any manner the ruling of the United States Court of Appeals for

the Federal Circuit rendered on July 2, 2003, in Thompson v. Cherokee Nation, 334 F.3d. 1075 (July 3, 2003).

By Mr. CAMPBELL:

S. 2173. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, today I take great pride in introducing the Sand Creek Massacre National Historic Site Trust Act of 2004, a bill to establish the Sand Creek National Historic Site in Kiowa County, CO.

The bill I am introducing today follows the Sand Creek National Historic Site Establishment Act of 2000, Public Law 106–465, which recognized the tragic events of November 28, 1868 and made it clear that America has the strength and resolve to face its past and learn the painful lessons that come with intolerance.

Much has been written about the horrors visited upon the plains Indians in the territories of the Western United States in the latter half of the 19th century. However, what has been lost for more than a century is a comprehensive understanding of the events of that day in a grove of cottonwood trees along Sand Creek.

This bill I am introducing today builds upon the Act of 2000 and authorizes the Cheyenne and Arapaho tribes of Oklahoma to take the land on which these tragic events took place into trust for traditional, cultural, and historical purposes only.

The indisputable facts are these: 700 members of the Colorado Militia, commanded by Colonel John Chivington struck at dawn that November day, attacking an encampment of Cheyenne and Arapho Indians settled under the U.S. flag and a white flag which the Indian Chiefs Black Kettle and White Antelope were told by the U.S. would protect them from military attack.

By day's end, almost 150 Indians, many of them women, children and the elderly, lay dead. Chivington's men reportedly desecrated the bodies of the dead after the massacre, and newspaper reports from Denver at the time told of the troops displaying Indian body parts in a gruesome display as they rode through the streets of Colorado's largest city following the attack.

The 2000 legislation authorized the National Park Service to enter into negotiations with willing sellers only in an attempt to secure property inside a boundary which encompasses approximately 12,470 acres as identified by the National Park Service for a lasting memorial to events of that fateful day.

The Sand Creek Massacre National Historic Site has come into being because all of those involved have exhibited an extraordinary ability to put aside their differences, look with equal measure at the scientific evidence and the oral traditions of the Tribes, and come up with a plan that equally honors the memory of those killed and the rights of the private property owners who have been faithful and responsible stewards of this site.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sand Creek Massacre National Historic Site Trust Act of 2004''.

SEC. 2. DECLARATION OF POLICY.

To further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465), this Act authorizes the United States to take certain land in Kiowa County, Colorado, owned by the Cheyenne and Arapaho Tribes of Oklahoma, into trust.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRIBE.—The term ''Tribe'' means the Cheyenne and Arapaho Tribes of Oklahoma, a federally recognized Indian tribe.

(3) TRUST PROPERTY.—The term ''trust property'' means the property described in section 4(b).

SEC. 4. TRANSFER OF LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.

(a) LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.—

(1) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the Tribe shall convey title to the trust property to the United States.

(2) TRUST.—All right, title, and interest of the United States in and to the trust property, including all improvement on the trust property and appurtenances to the trust property and rights to all minerals, are declared to be held by the United States in trust for the Tribe.

(b) LAND DESCRIPTION.—The trust property is the property formerly known as the ''Dawson Ranch'', consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

(1) The portion of sec. 24, T. 17 S., R. 46 W., Colorado Principal Meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, Colorado Principal Meridian.

(2) All of sec. 25, T. 17 S., R. 46 W., Colorado Principal Meridian.

(3) All of sec. 30, T. 17 S., R. 45 W., Colorado Principal Meridian.

SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.

(a) SURVEY OF BOUNDARY LINE.—To accurately establish the boundary of the trust property, the Secretary shall, not later than 180 days after the date of enactment of this Act, cause a survey to be conducted by the Office of Cadastral Survey of the Bureau of Land Management of the boundary lines described in section 4(b).

(b) PUBLICATION OF LAND DESCRIPTION.—

(1) IN GENERAL.—On completion of the survey under subsection (a), and acceptance of the survey by the representatives of the Tribe, the Secretary shall cause the full metes and bounds description of the lines, with a full and accurate description of the trust property, to be published in the Federal Register.

(2) EFFECT.—The descriptions shall, on publication, constitute the official descriptions of the trust property.

SEC. 6. ADMINISTRATION OF TRUST PROPERTY.

(a) IN GENERAL.—The trust property is declared to be part of the Indian reservation of the Tribe.

(b) ADMINISTRATION.—The trust property shall be administered in perpetuity by the Secretary in accordance with the law generally applicable to property held in trust by the United States for the benefit of Indian tribes and in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465).

SEC. 7. RELIGIOUS AND CULTURAL USES.

(a) IN GENERAL.—The trust property shall be used only for historic, religious, or cultural uses that are compatible with the use of the land as a national historic site.

(b) DUTY OF THE SECRETARY.—The Secretary shall take such action as is necessary to ensure that the trust property is used only in accordance with this section.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 2174. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce a very important piece of legislation with Senator MIKULSKI from Maryland. Our bill will ensure that Medicaid beneficiaries in all States have access to the services of top-quality podiatric physicians.

Podiatrists play a vital roll in keeping feet and ankles healthy. This is critical to keeping people mobile and productive, which is a key to good long-term health.

Proper foot care is particularly important for individuals with diabetes, which is a severe problem in my State. According to the Centers for Disease Control and Prevention (CDC), 18.2 million people—or 6.3 percent of the population—have diabetes in this country, and it is the sixth leading cause of death. If not managed properly, diabetes can cause several severe health problems, including blindness, kidney disease and heart disease. Too often, diabetes can lead to foot complications, including foot ulcers and even amputations.

In fact, the CDC estimate that ''more than 60 percent of nontraumatic lower-limb amputations occur among people with diabetes,'' which equals about 82,000 amputations a year.

These numbers are startling.

Podiatrists, however, can play a vital role in recognizing and correcting foot problems among diabetics to help avoid amputations and other complications.

Our bill is fairly simple. It amends the Medicaid's definition of ''physicians'' to include podiatric physicians. This will ensure that Medicaid beneficiaries have access to foot care from those most qualified to provide it.

Under Medicaid, podiatry is considered an optional benefit. However, just because it is optional, doesn't mean that the need for these services is

eliminated or that the services aren't performed by other providers. Instead, Medicaid beneficiaries will have to receive foot care from other providers who may not be as well trained as a podiatrist in treating lower extremities.

According to the American Podiatric Medical Association, 43 States currently recognize and reimburse podiatrists under their Medicaid problems. Also, podiatrists are considered physicians under the Medicare program, which allows seniors and disabled individuals to receive appropriate care.

I urge my colleagues to give careful consideration to this important bill and to support it. It will help many Medicaid beneficiaries across the country have the guaranteed access to podiatrists that they need.

Finally, I want to thank the Senator from Maryland for helping me introduce this legislation today. I hope that by working together we can see this important change made.

Ms. MIKULSKI. Mr. President, I rise to join Senator BUNNING to introduce this important bill to make sure that Medicaid patients have access to care provided by podiatrists.

This bill ensures that Medicaid patients across the country can get services provided by podiatrists. This is a simple, common sense bill. This legislation includes podiatric physicians in Medicaid's definition of physician. This means that the services of podiatrists will be covered by Medicaid, just like they are in Medicare. Podiatrists are considered physicians under Medicare. They should be under Medicaid. Medicaid covers necessary foot and ankle care services. Medicaid should allow podiatrists who are trained specifically in foot and ankle care to provide these services and be reimbursed for them.

Currently, the services of podiatrists are considered optional under Medicaid. The Medicaid programs in 43 States, including Maryland, recognize and reimburse podiatrists for providing foot and ankle care to their beneficiaries. During times of tight budgets, States may cut back on these optional services. Last year Connecticut, Michigan, Utah and Texas discontinued podiatric services. Even though podiatrist services are considered optional, Medicaid patients need foot and ankle care regardless. If podiatrists do not provide the care, patients will see providers who may not be as well trained in the care of the lower extremities as podiatrists. I want the over 560,000 Medicaid patients in Maryland to have access to the services provided by over 400 podiatrists in Maryland.

Podiatrists receive special training on the foot, ankle and lower leg. They play an important role in the recognition of systemic diseases like diabetes, and in the recognition and treatment of peripheral neuropathy, a frequent cause of diabetic foot wounds that can often lead to preventable lower extremity amputations. Over 18 million people in this country have diabetes, but an estimated more than 5 million of these people are not aware that they have the disease.

Ensuring Medicaid patient access to podiatrists could save Medicaid funds in the long term. According to the American Podiatric Medical Association, 75 percent of Americans will experience some type of foot health problem during their lives. Foot disease is the most common complication of diabetes leading to hospitalization. About 82,000 people have diabetes-related leg, foot or toe amputations each year. Foot care programs with regular examinations and patient education could prevent up to 85 percent of these amputations. Podiatrists are important providers of this care.

This bill will make sure that Medicaid patients across the country have access to care provided by podiatrists. It has the support the American Podiatric Medical Association. I urge my colleagues to cosponsor this important legislation.

By Mr. DODD (for himself, Mr. DEWINE, Mr. SMITH, and Mr. REID):

S. 2175. A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to speak on an important issue that holds great meaning to me—the issue of youth suicide in our country.

Youth suicide is both a public and mental health tragedy—an acute crisis that knows no geographic, racial, ethnic, cultural, or socioeconomic boundaries. According to the Centers for Disease Control and Prevention (CDC), over 3,000 young people take their lives each year, making suicide the third overall cause of death between the ages of 10 and 24. Young people under the age of 25 accounted for 15 percent of all suicides completed in 2000. In fact, more children and young adults died from their own hand than from cancer, heart disease, AIDS, birth defects, stroke and chronic lung disease combined.

Equally alarming are the numbers of young people who consider taking or attempt to take their lives. Recent CDC figures estimate that almost three million high school students, or twenty percent of young adults between the ages of 15 and 19, consider suicide every year. And over two million children and young adults actually attempt suicide. I find these figures to be staggering and simply unacceptable.

And, sadly, we rarely find these facts disseminated widely amongst public audiences. We rarely read them in newspapers or hear them on television. We know that youth suicide is intricately linked to mental health issues like depression and substance abuse. Yet, we also know all too well that both youth suicide and children's mental health continue to carry an unfortunate stigma—a stigma that all too often keeps these crucial issues unspoken and discourages children and young adults from seeking the help they so desperately need.

We have a societal obligation to break through the stigma attached to youth suicide and children's mental health. We have an obligation to reach out to our young people—to help them understand that whatever difficulties or illnesses they might be experiencing are only temporary and treatable in a comfortable setting. And, most importantly, we have an obligation to instill in our young people a sense of value, self-worth, and resilience. All too often, children and young adults considering suicide lose sight of themselves, their talents, and their potential in life. All too often they lose sight of the love their families, friends, and communities have for them.

I am pleased that our Nation has already taken several positive steps toward better understanding the tragedy of youth suicide and its emotional and behavioral risk factors. Several recent reports like the President's New Freedom Commission on Mental Health, the National Strategy for Suicide Prevention, and the Surgeon General's Call to Action To Prevent Suicide have made youth suicide a top national public and mental health priority. Today, hundreds of community-based programs across the country offer a variety of early intervention and prevention services to thousands of children and young adults—services that include comprehensive screening, assessment, and individualized counseling. Nearly thirty states, including my home State of Connecticut, have developed or already implemented statewide youth suicide early intervention and prevention strategies that coordinate appropriate services in schools, juvenile justice systems, foster care systems, mental health programs, substance abuse programs, and other youth-oriented settings. Furthermore, the Federal Government has stepped up its role in both supporting these community-based activities and conducting relevant research and data collection. Several mental and public health agencies have shown a growing interest in youth suicide, including the Substance Abuse and Mental Health Services Administration, the Health Resources Services Administration, the Centers for Disease Control and Prevention, and the National Institute of Mental Health.

However, despite these important gains, we still face significant challenges. Today, a large number of states and localities are finding themselves with unprecedented budget deficits—making the establishment of new services and the retention of existing services increasingly more difficult. Statewide strategies are often underfunded or understaffed to be properly effective. And while a number of Federal agencies have supported youth suicide

activities, there has been no comprehensive inter-agency strategy implemented to share data, disseminate research, or evaluate the efficacy of youth suicide early intervention and prevention programs.

Today, I am introducing bipartisan legislation with my colleagues Senator DEWINE and Senator SMITH. The Youth Suicide Early Intervention and Prevention Act of 2004 will further support the good work being done on the community level, the State level, and the Federal level with regards to youth suicide. This legislation will support, through new grant initiatives, the further development and expansion of statewide youth suicide early intervention and prevention strategies and the community-based services they seek to coordinate. It will encourage greater Federal support in the planning, implementation, and evaluation of these strategies and services. And it will create a new inter-agency collaboration that will focus on research, policy development, and the dissemination of data specifically pertaining to youth suicide.

Finding concrete, comprehensive and effective remedies to the epidemic of youth suicide cannot be done by lawmakers on Capitol Hill alone. Those remedies must also come from individuals—doctors, psychiatrists, psychologists, counselors, nurses, teachers, advocates, survivors, and affected families—who are dedicated to this issue or spend each day with children and young adults that suffer from illnesses related to suicide. I feel that we have made an important first step with this legislation today. However, I also know that our work is not done. I hope that, as a society, we can continue working collectively to both better understand the tragedy of youth suicide and develop innovative and effective public and mental health initiatives that reach every child and young adult in this country—compassionate initiatives that give them encouragement, hope, and above all, life.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Youth Suicide Early Intervention and Prevention Expansion Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) More children and young adults die from suicide each year than from cancer, heart disease, AIDS, birth defects, stroke, and chronic lung disease combined.

(2) Over 4,000 children and young adults tragically take their lives every year, making suicide the third overall cause of death between the ages of 10 and 24. According to the Centers for Disease Control and Prevention suicide is the third overall cause of death among college-age students.

(3) According to the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention, children and young adults accounted for 15 percent of all suicides completed in 2000.

(4) From 1952 to 1995, the rate of suicide in children and young adults has tripled.

(5) From 1980 to 1997, the rate of suicide among young adults ages 15 to 19 increased 11 percent.

(6) From 1980 to 1997, the rate of suicide among children ages 10 to 14 increased 109 percent.

(7) According to the National Center of Health Statistics, suicide rates among Native Americans range from 1.5 to 3 times the national average for other groups, with young people ages 15 to 34 making up 64 percent of all suicides.

(8) Congress has recognized that youth suicide is a public health tragedy linked to underlying mental health problems and that youth suicide early intervention and prevention activities are national priorities.

(9) Youth suicide early intervention and prevention have been listed as urgent public health priorities by the President's New Freedom Commission in Mental Health (2002), the Institute of Medicine's Reducing Suicide: A National Imperative (2002), the National Strategy for Suicide Prevention: Goals and Objectives for Action (2001), and the Surgeon General's Call to Action To Prevent Suicide (1999).

(10) Many States have already developed comprehensive youth suicide early intervention and prevention strategies that seek to provide effective early intervention and prevention services.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICES ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399O. SUICIDE PREVENTION FOR CHILDREN AND ADOLESCENTS.

''(a) YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.—

''(1) IN GENERAL.—The Secretary shall award grants or cooperative agreements to eligible entities to—

''(A) develop and implement statewide youth suicide early intervention and prevention strategies in schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations;

''(B) collect and analyze data on statewide youth suicide early intervention and prevention services that can be used to monitor the effectiveness of such services and for research, technical assistance, and policy development; and

''(C) assist States, through statewide youth suicide early intervention and prevention strategies, in achieving their targets for youth suicide reductions under title V of the Social Security Act (42 U.S.C. 701 et seq.).

''(2) ELIGIBLE ENTITY DEFINED.—In this subsection, the term 'eligible entity' means a State, political subdivision of a State, Federally-recognized Indian tribe, tribal organization, public organization, or private nonprofit organization actively involved in youth suicide early intervention and prevention activities and in the development and continuation of statewide youth suicide early intervention and prevention strategies.

''(3) PREFERENCE.—The Secretary shall give preference to eligible entities that—

''(A) provide early intervention services to youth in, and that are integrated with, school systems, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations;

''(B) demonstrate collaboration among early intervention and prevention services or certify that entities will engage in future collaboration;

''(C) employ or include in their applications a commitment to engage in an evaluative process the best evidence-based or promising youth suicide early intervention and prevention practices and strategies adapted to the local community;

''(D) provide for the timely assessment of youth who are at risk for emotional disorders which may lead to suicide attempts;

''(E) provide timely referrals for appropriate community-based mental health care and treatment of youth in all child-serving settings and agencies who are at risk for suicide;

''(F) provide immediate support and information resources to families of youth who are at risk for emotional behavioral disorders which may lead to suicide attempts;

''(G) offer equal access to services and care to youth with diverse linguistic and cultural backgrounds;

''(H) offer appropriate postvention services, care, and information to families, friends, schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations of youth who recently completed suicide;

''(I) offer continuous and up-to-date information and awareness campaigns that target parents, family members, child care professionals, community care providers, and the general public and highlight the risk factors associated with youth suicide and the life-saving help and care available from early intervention and prevention services;

''(J) ensure that information and awareness campaigns on youth suicide risk factors, and early intervention and prevention services, use effective communication mechanisms that are targeted to and reach youth, families, schools, educational institutions, and youth organizations;

''(K) provide a timely response system to ensure that child-serving professionals and providers are properly trained in youth suicide early intervention and prevention strategies and that child-serving professionals and providers involved in early intervention and prevention services are properly trained in effectively identifying youth who are at risk for suicide;

''(L) provide continuous training activities for child care professionals and community care providers on the latest best evidence-based youth suicide early intervention and prevention services practices and strategies; and

''(M) work with interested families and advocacy organizations to conduct annual self-evaluations of outcomes and activities on the State level, according to standards established by the Secretary.

''(b) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND RESEARCH.—

''(1) TECHNICAL ASSISTANCE AND DATA MANAGEMENT.—

''(A) IN GENERAL.—The Secretary shall award technical assistance grants and cooperative agreements to State agencies to conduct assessments independently or in collaboration with educational institutions related to the development of statewide youth suicide early intervention and prevention strategies.

''(B) AUTHORIZED ACTIVITIES.—Grants awarded under subparagraph (A) shall be used to establish programs for the development of standardized procedures for data management, such as—

''(i) ensuring the quality surveillance of youth suicide early intervention and prevention strategies;

''(ii) providing technical assistance on data collection and management;

''(iii) studying the costs and effectiveness of statewide youth suicide early intervention and prevention strategies in order to answer relevant issues of importance to State and national policymakers;

''(iv) further identifying and understanding causes of and associated risk factors for youth suicide;

''(v) ensuring the quality surveillance of suicidal behaviors and nonfatal suicidal attempts;

''(vi) studying the effectiveness of statewide youth suicide early intervention and prevention strategies on the overall wellness and health promotion strategies related to suicide attempts; and

''(vii) promoting the sharing of data regarding youth suicide with Federal agencies involved with youth suicide early intervention and prevention, and statewide youth suicide early intervention and prevention strategies for the purpose of identifying previously unknown mental health causes and associated risk-factors for suicide in youth.

''(2) RESEARCH.—

''(A) IN GENERAL.—The Secretary shall conduct a program of research and development on the efficacy of new and existing youth suicide early intervention techniques and technology, including clinical studies and evaluations of early intervention methods, and related research aimed at reducing youth suicide and offering support for emotional and behavioral disorders which may lead to suicide attempts.

''(B) DISSEMINATING RESEARCH.—The Secretary shall promote the sharing of research and development data developed pursuant to subparagraph (A) with the Federal agencies involved in youth suicide early intervention and prevention, and entities involved in statewide youth suicide early intervention and prevention strategies for the purpose of applying and integrating new techniques and technology into existing statewide youth suicide early intervention and strategies systems.

''(c) COORDINATION AND COLLABORATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall collaborate and consult with—

''(A) other Federal agencies and State and local agencies, including agencies responsible for early intervention and prevention services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), programs funded by grants under title V of the Social Security Act (42 U.S.C. 701 et seq.), and programs under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and the National Strategy for Suicide Prevention Federal Steering Group;

''(B) local and national organizations that serve youth at risk for suicide and their families;

''(C) relevant national medical and other health and education specialty organizations;

''(D) youth who are at risk for suicide, who have survived suicide attempts, or who are currently receiving care from early intervention services;

''(E) families and friends of youth who are at risk for suicide, who have survived suicide attempts, who are currently receiving care from early intervention and prevention services, or who have completed suicide;

''(F) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve youth at risk for suicide and their families; and

''(G) third-party payers, managed care organizations, and related commercial industries.

''(2) POLICY DEVELOPMENT.—The Secretary shall coordinate and collaborate on policy development at the Federal and State levels and with the private sector, including consumer, medical, suicide prevention advocacy groups, and other health and education professional-based organizations, with respect to statewide youth suicide early intervention and prevention strategies.

''(e) RULE OF CONSTRUCTION; RELIGIOUS ACCOMMODATION.—Nothing in this section shall be construed to preempt any State law, including any State law that does not require the suicide early intervention for youth whose parents or legal guardians object to such early intervention based on the parents' or legal guardians' religious beliefs.

''(f) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct an evaluation to analyze the effectiveness and efficacy of the activities conducted with grants under this section.

''(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1).

''(g) DEFINITIONS.—In this section:

''(1) BEST EVIDENCE-BASED.—The term 'best evidence-based' with respect to programs, means programs that have undergone scientific evaluation and have proven to be effective.

''(2) EARLY INTERVENTION.—The term 'early intervention' means a strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

''(3) EDUCATIONAL INSTITUTION.—The term 'educational institution' means a high school, vocational school, or an institution of higher education.

''(4) PREVENTION.—The term 'prevention' means a strategy or approach that reduces the likelihood or risk of onset, or delays the onset, of adverse health problems or reduces the harm resulting from conditions or behaviors.

''(5) SCHOOL.—The term 'school' means a nonprofit institutional day or residential school that provides an elementary, middle, or secondary education, as determined under applicable State law, except that such term does not include any education beyond the 12th grade.

''(6) YOUTH.—The term 'youth' means individuals who are between 6 and 24 years of age.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) STATEWIDE YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $25,000,000 for fiscal year 2004, $25,000,000 for fiscal year 2005, $25,000,000 for fiscal year 2006, and such sums as may be necessary for each subsequent fiscal year.

''(2) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND RESEARCH.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $5,000,000 for fiscal year 2003, $5,000,000 for fiscal year 2004, $5,000,000 for fiscal year 2005, and such sums as may be necessary for each subsequent fiscal year.''.

Mr. DEWINE. Mr. President, today I join my good friends and colleagues Senator CHRIS DODD and Senator GORDON SMITH in introducing the Youth Suicide Early Intervention and Prevention Expansion Act of 2004. As Chairman of the Subcommittee on Substance Abuse and Mental Health Services, I recently held a hearing on youth suicide. At that hearing, it became painfully clear that we need thorough and actionable plans to deal with this tragic issue.

Statistics tell us that approximately every 2 hours a person under the age of 25 commits suicide. We also know that from 1952 to 1995, the rate of suicide in children and young adults has tripled and that between 1980 and 1997, alone, the rate of suicide in 15 to 19 year olds increased by 11 percent. According to the National Institute of Mental Health, suicide was the 11th leading cause overall for death in the United States in 2001. However, it was the 3rd leading cause of death for youth ages 15 to 24. We also know that more boys are killing themselves than girls at a ratio of 5 to 1 in the 15 to 19 year old age group and at a ratio of 7 to 1 in the 20 to 24 year old age group. However, while boys are dying at a higher rate, girls in these age groups are attempting at a much higher rate. Estimates suggest that there may be from 8 to 25 attempts made for every suicide death.

These alarming numbers emphasize the need for early intervention and prevention efforts. Too often, the signs may be subtle or hidden until it is too late. While research has created improved medications and methods for helping those with mental health problems to recover, there is still much work to be done in the identifying those who need help.

A great deal of study has focused on identifying and categorizing the risk factors related to suicide. In children and youth, these risk factors include depression, alcohol or drug use, physical or sexual abuse, and disruptive behavior. Of people who die from and who attempt suicide, many suffer from co-occurring mental health and substance abuse disorders. Children with these risk factors, as well as children who are know to be in situations at risk for acquiring them, should be included in comprehensive state plans. Children and youth specifically addressed in State plans should include those who attend school, including colleges and universities, those already receiving substance abuse or mental health services, those involved in the juvenile justice system, and foster children.

As a result of the need for increased attention to the problem of suicide and access to help, I am pleased to join Senators DODD and SMITH in introducing the Youth Suicide Early Intervention and Prevention Expansion Act of 2004. With the establishment of a $25 million grant initiative, this bill would encourage the development of statewide youth suicide early intervention and prevention strategies that coordinate agencies and non-profits in providing mental health services to and screening of youth in a variety of settings. The settings would include schools, substance abuse and mental health service programs, the juvenile justice system, and foster care programs. The bill would also provide $5

million for relevant technical assistance and research.

Candidly, State plans for suicide intervention and prevention need to be created and expanded to help stop these heartbreaking losses. We commend the States that already have created such plans and encourage all states to take this important step. I thank Senators DODD and SMITH for their leadership on this issue, as well as others like Senator JACK REED, who is dedicated to helping increase and improve much-needed mental health services for our Nation's youth.

By Mr. BINGAMAN (for himself and Mr. ALEXANDER):

S. 2176. A bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce, along with Senator Alexander, the High-End Computing Revitalization Act of 2004. High-end computing, also known as high performance computing or supercomputing, is a critical component to the scientific advances, defense capabilities, and commercial competitiveness of the United States in the 21st century. Several recent developments in high-end computing have stimulated a re-examination of current U.S. policies and approaches. These developments include: 1. the deployment of Japan's Earth System Simulator, which now occupies the number one position on the Top 500 list of the world's fastest computers; 2. concerns about the difficulty in achieving substantial fractions of peak hardware computational performance on high-end systems; and 3. the ongoing complexity of developing, debugging, and optimizing applications for high-end systems. In addition, there is growing recognition that a new set of scientific and engineering discoveries could be catalyzed by access to very-large-scale computer systems—those in the 100-teraflop to petaflop range. Lastly, the National Academies of Sciences and Engineering, the Office of Science and Technology Policy's High End Computing Revitalization Task Force, and the national security community have each released interim or final comprehensive reports expressing serious concern over the current U.S. position in high-end computing research. Without government support, market forces are unlikely to drive sufficient innovation in high-end computing, because the private sector would not capture the full value of its innovations on a short enough time scale.

In supercomputing, innovation is important in architecture, in software, and in application strategies and solution methods. The coupling of these aspects is equally important. Major architecture challenges stem from the uneven performance scaling of different components. In particular, as the gap between processor speeds, memory bandwidth, and memory and network latency increases, new ideas are needed to increase bandwith and mitigate latency. Additionally, as new mechanisms are introduced to address those issues, there is a need for ways to supply a stable software interface that facilitates exploiting hardware performance improvements while the changes in mechanism. A new large-scale computer system exceeding the capability of Japan's Earth Simulator would provide an excellent test-bed for promising new advancements in these areas as well as provide science, industry, and defense with an extraordinarily powerful new tool for advancing the interests of the United States.

The need for software innovation is motivated by its role as an intermediary between the application, the problem being addressed, and the architectural platform. Innovation is needed in the ways that system software manages the use of hardware resources, such as network communication. New approaches are needed for ways in which the applications programmer can express parallelism at a level high enough to reflect the application solution and without platform-specific details. Novel tools are needed to help application-level software designers development their solutions at a more abstract and problem-specific level. Software technology is also needed to lessen future dependence on legacy codes. Enough must be invested in the creation of advanced tool and environment support for new language approaches so that users can more readily adopt new software technology.

Importantly, advances in algorithms can sometimes improve performance much more than architectural and other software advances do. A center for high-end computing software would aid immensely in spurring innovation in this underdeveloped research area, an aid in coordinating the federal government's efforts with industry, academia, and between its national laboratories.

The department of Energy (DOE) and its Office of Science research programs are uniquely qualified to lead research in these fields. They have played an important role in the development of high-end computing, networking, and information technology. These capabilities have been readily accessible to the U.S. scientific community for a diverse set of grand challenge scientific computational problems. Contributions by the DOE include pioneering the concept of remote, interactive access to supercomputers (developing the first interactive operating system for supercomputers, establishing the first national supercomputer center); developing the mathematical foundations for high performance computing with numerical linear algebra libraries used worldwide; leading the transition to massively parallel supercomputing by developing software to allow processors to communicate with each other; and contributing to the development of the Internet with software that dramatically speeds up the transmission of messages.

Many challenges are associated with modeling complex physical, chemical, and biological phenomena, especially on massively parallel computers with peak speeds in hundreds of teraflops. These challenges include the management and analysis of petabyte-scale data sets. A program to address these challenges will require multi-disciplinary collaborations between theoretical and computational scientists, computer scientists, and applied mathematicians at universities, national laboratories, and industry. Such a program will enhance the ability of the DOE to meet its mission goals and advance the state of the art for the U.S. economic and industrial base in the fields of energy, genetics, pharmaceuticals, nanotechnology, chemical processing, electronics, geology, and transportation. This bill will be a major step toward addressing today's greatest needs and, to creating the high-wage jobs of the future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''High-End Computing Revitalization Act of 2004''.

SEC. 2. FINDINGS.

Congress finds that—

(1) high-end computing is a critical component of the scientific advances, defense capabilities, and commercial competitiveness of the United States in the 21st century;

(2) with the deployment of the Earth System Simulator in Japan, the United States no longer has a clear lead in high-end computing worldwide;

(3)(A) promising new architectures should be developed that increase memory and network bandwidth, minimize latency, and coordinate the architectures' various components to maximize application performance; and

(B) it is recognized that different architectures may be better suited to different applications;

(4)(A) software that improves efficiency on and accessibility to high-end systems should be developed; and

(B) this development effort should include research in optimal algorithms, programming environments, tools, languages, and operating systems for high-end computing, in collaboration with architecture development efforts;

(5) without government support, market forces are unlikely to drive sufficient innovation in high-end computing, because the private sector would not capture the full value of its innovations on a short enough time frame; and

(6) having played an important role in the development of high-end computing, networking, and information technology, the Department of Energy, and the research programs of the Office of Science of the Department, are particularly qualified to lead research in those fields.

SEC. 3. DEFINITIONS.

In this Act:

(1) HIGH-END COMPUTING SYSTEM.—

(A) IN GENERAL.—The term ''high-end computing system'' means a computing system with performance that substantially exceeds commonly available systems.

(B) INCLUSIONS.—The term ''high-end computing system'' includes a system described in subparagraph (A) that is based on a variety of architectures, including vector, reconfigurable logic, streaming, processor-in-memory, and multithreading architectures.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Director of the Office of Science of the Department of Energy.

(4) ULTRASCALE SCIENTIFIC COMPUTING CAPABILITY.—The term ''ultrascale scientific computing capability'' means a computing capability supporting open scientific research in the United States that is at least 100 times such computing capability in existence on the date of enactment of this Act.

SEC. 4. HIGH-END COMPUTING SYSTEMS PROGRAM.

(a) IN GENERAL.—In addition to any other authority provided by law, the Secretary shall carry out a program of research and development (involving software and hardware) to advance high-end computing systems.

(b) DUTIES.—In carrying out the program, the Secretary shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) conduct research in multiple architectures, including vector, reconfigurable logic, streaming, processor-in-memory, and multithreading architectures;

(3) conduct research in software development on optimal algorithms, programming environments, tools, languages, and operating systems for high-end computing systems, in collaboration with architecture development efforts;

(4) in accordance with subsection (c), develop, plan, construct, acquire, or operate equipment or facilities for the use of investigators conducting research and development on an ultrascale scientific computing capability;

(5) support technology transfer to the private sector and others in accordance with applicable law; and

(6) ensure that the program is coordinated with relevant activities in industry and other Federal agencies, including the National Nuclear Security Administration, the National Science Foundation, the Defense Advanced Research Projects Agency, and the National Security Agency.

(c) ULTRASCALE SCIENTIFIC COMPUTING CAPABILITY.—

(1) IN GENERAL.—As part of the program carried out under this Act, the Secretary shall develop, plan, construct, acquire, or operate a coordinated set of facilities for investigators to develop an ultrascale scientific computing capability for—

(A) scientific research and development using high-end computing systems; and

(B) developing potential advancements in high-end computing system architecture and software.

(2) ADMINISTRATION.—In carrying out this subsection, the Secretary shall—

(A) support multiple high-end computing system architectures; and

(B) conduct research on the basis of proposals (including proposals that are submitted by industry, institutions of higher education, national laboratories, or any Federal agency) for research on problems that would particularly benefit from large computing power, even as the reliability of new hardware and software components are being evaluated.

(d) HIGH-END SOFTWARE DEVELOPMENT CENTER.—

(1) IN GENERAL.—As part of the program carried out under this Act, the Secretary shall develop, plan, construct, acquire, or operate at least 1 High-End Software Development Center.

(2) DUTIES.—A Center shall concentrate efforts to develop, test, maintain, and support optimal algorithms, programming environments, tools, languages, and operating systems for high-end computing systems.

(3) STAFF.—A Center shall include—

(A) a regular research staff, to create a centralized knowledge-base for high-end software development; and

(B) a rotating staff of researchers from other institutions and industry to assist in the coordination of research efforts and promote technology transfer to the private sector.

(4) USE OF EXPERTISE.—The Secretary shall use the expertise of a Center to assess research and development in high-end computing system architecture.

(5) LOCATION.—The location of a Center shall be determined by a competitive proposal process administered by the Secretary.

(e) PEER REVIEW.—Each grant, contract, cooperative agreement, and financial assistance awarded under this section shall be made only after independent peer review.

(f) CLASSIFIED RESEARCH OR FACILITIES.—No funds under this section may be used to directly support classified research or facilities.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts made available for high-end computing systems under other provisions of law, there are authorized to be appropriated to the Secretary to carry out this Act—

(1) $150,000,000 for fiscal year 2005;

(2) $155,000,000 for fiscal year 2006;

(3) $160,000,000 for fiscal year 2007;

(4) $165,000,000 for fiscal year 2008; and

(5) $170,000,000 for fiscal year 2009.

(b) ULTRASCALE SCIENTIFIC COMPUTING CAPABILITY.—Of the funds made available under subsection (a), $100,000,000 is authorized to be appropriated for each fiscal year to carry out section 4(c).

(c) HIGH-END SOFTWARE DEVELOPMENT CENTER.—Of the funds made available under subsection (a), $10,000,000 is authorized to be appropriated for each fiscal year to carry out section 4(d).

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 96—COMMEMORATING THE 150TH ANNIVERSARY OF THE FIRST MEETING OF THE REPUBLICAN PARTY IN RIPON, WISCONSIN

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 96

Whereas on March 20, 1854, 50 men, 3 women, and 1 child assembled in a simple frame schoolhouse, now known as the Little White Schoolhouse, in Ripon, Wisconsin, to advocate the creation of a new political party under the name ''Republican'';

Whereas this March 20, 1854, meeting in Ripon, Wisconsin was the first of many grassroots meetings that led to the formal founding of the Republican Party;

Whereas the city of Ripon is commemorating the 150th anniversary of the first meeting of the Republican Party with a celebration entitled ''From Schoolhouse to White House; a Celebration of Active Citizenship,'' which includes a series of civic and educational events;

Whereas the Little White Schoolhouse is listed on the National Registry of Historic Places, was designated by the Department of the Interior as a National Historic Landmark on May 30, 1974, and attracts visitors from around the world; and

Whereas the Little White Schoolhouse serves as a symbol of civic responsibility and grassroots political activism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commemorates the 150th anniversary of the first meeting of the Republican Party in Ripon, Wisconsin.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2692. Mrs. HUTCHISON (for herself, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, and Mr. FITZGERALD) submitted an amendment intended to be proposed by her to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table.

SA 2693. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table.

SA 2694. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2695. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2696. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2697. Mr. DEWINE (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2698. Mrs. FEINSTEIN (for herself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by her to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table.

SA 2699. Mr. KENNEDY (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table.

SA 2700. Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mrs . DOLE, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table.

SA 2701. Mr. WARNER (for himself, Mr. STEVENS, Mr. INHOFE, Mr. ROBERTS, Ms. COLLINS, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, and Mr. TALENT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table.

SA 2702. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2692. Mrs. HUTCHISON (for herself, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, and Mr. FITZGERALD) submitted an amendment intended to be proposed by her to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FULL ELIMINATION OF THE MARRIAGE PENALTY FOR 2005.

(a) STANDARD DEDUCTION.—Paragraph (7) of section 63(c) of the Internal Revenue Code of 1986 (relating to applicable percentage) is amended by striking ''174'' and inserting ''200''.

(b) 15-PERCENT BRACKET.—Subparagraph (B) of section 1(f)(8) of the Internal Revenue Code of 1986 (relating to applicable percentage) is amended by striking ''180'' and inserting ''200''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(d) APPLICATION OF EGTRRA SUNSET TO THIS SECTION.—Each amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 2693. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $2,352,000,000.

On page 3, line 10, increase the amount by $7,253,000,000.

On page 3, line 11, increase the amount by $196,000,000.

On page 3, line 17, increase the amount by $2,352,000,000.

On page 3, line 18, increase the amount by $7,253,000,000.

On page 3, line 19, increase the amount by $196,000,000.

On page 4, line 4, increase the amount by $4,901,000,000.

On page 4, line 12, increase the amount by $1,176,000,000.

On page 4, line 13, increase the amount by $3,627,000,000.

On page 4, line 14, increase the amount by $98,000,000.

On page 4, line 20, increase the amount by $1,176,000,000.

On page 4, line 21, increase the amount by $3,627,000,000.

On page 4, line 22, increase the amount by $98,000,000.

On page 5, line 3, decrease the amount by $1,176,000,000.

On page 5, line 4, decrease the amount by $4,803,000,000.

On page 5, line 5, decrease the amount by $4,901,000,000.

On page 5, line 6, decrease the amount by $4,901,000,000.

On page 5, line 7, decrease the amount by $4,901,000,000.

On page 5, line 11, decrease the amount by $1,176,000,000.

On page 5, line 12, decrease the amount by $4,803,000,000.

On page 5, line 13, decrease the amount by $4,901,000,000.

On page 5, line 14, decrease the amount by $4,901,000,000.

On page 5, line 15, decrease the amount by $4,901,000,000.

On page 15, line 16, increase the amount by $4,901,000,000.

On page 15, line 17, increase the amount by $1,176,000,000.

On page 15, line 21, increase the amount by $3,627,000,000.

On page 15, line 25, increase the amount by $98,000,000.

On page 39, line 18, increase the amount by $4,901,000,000.

On page 39, line 19, increase the amount by $1,176,000,000.

On page 40, line 2, increase the amount by $3,627,000,000.

SA 2694. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENATE OF THE SENATE CONCERNING AN INCREASE IN THE MINIMUM WAGE.

(a) IN GENERAL.—It is the sense of the Senate that this resolution assumes that legislation increasing the Federal minimum wage will be enacted that will contain the provisions described in subsection (b).

(b) MINIMUM WAGE.—The provisions described in this subsection are the following:

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2003;

''(B) $6.45 an hour, beginning 12 months after that 60th day; and

''(C) $7.00 an hour, beginning 24 months after that 60th day;''.

(2) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(A) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(B) TRANSITION.—Notwithstanding subparagraph (A), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(i) $3.55 an hour, beginning on the 60th day after the date of enactment of the legislation involved; and

(ii) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of the legislation involved.

SA 2695. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 28, after line 7, insert the following:

SEC. ___. RESERVE FUND TO ELIMINATE OVERPAYMENTS TO REGIONAL PPOs AND OTHER MEDICARE ADVANTAGE PLANS IN ORDER TO ASSURE A LEVEL PLAYING FIELD BETWEEN CONVENTIONAL MEDICARE AND PRIVATE SECTOR ALTERNATIVE, PRESERVE MEDICARE BENEFICIARIES' RIGHT TO CHOOSE THEIR DOCTOR, IMPROVE THE FINANCIAL STATUS OF MEDICARE TRUST FUNDS, AND REDUCE THE DEFICIT.

If the Committee on Finance of the Senate reports a bill or a joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that eliminates the stabilization fund for Medicare regional PPOs or other provisions of law that raise Medicare expenditures by providing excess payments to Medicare Advantage Plans, and applies the savings from such payment changes to reducing the Medicare prescription drug coverage gap, improving the financial status of the Medicare trust funds, or reducing the deficit, the chairman of the Committee on the Budget may revise committee allocations and other appropriate aggregates in this resolution for this purpose.

SA 2696. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $1,332,000,000.

On page 3, line 10, increase the amount by $4,560,000,000.

On page 3, line 11, increase the amount by $220,000,000.

On page 3, line 12, increase the amount by $52,000,000.

On page 3, line 17, increase the amount by $1,332,000,000.

On page 3, line 18, increase the amount by $4,560,000,000.

On page 3, line 19, increase the amount by $220,000,000.

On page 3, line 20, increase the amount by $52,000,000.

On page 4, line 4, increase the amount by $3,082,000,000.

On page 4, line 12, increase the amount by $666,000,000.

On page 4, line 13, increase the amount by $2,280,000,000.

On page 4, line 14, increase the amount by $110,000,000.

On page 4, line 15, increase the amount by $26,000,000.

On page 4, line 20, increase the amount by $666,000,000.

On page 4, line 21, increase the amount by $2,280,000,000.

On page 4, line 22, increase the amount by $110,000,000.

On page 4, line 23, increase the amount by $26,000,000.

On page 5, line 3, decrease the amount by $666,000,000.

On page 5, line 4, decrease the amount by $2,946,000,000.

On page 5, line 5, decrease the amount by $3,056,000,000.

On page 5, line 6, decrease the amount by $3,082,000,000.

On page 5, line 7, decrease the amount by $3,082,000,000.

On page 5, line 11, decrease the amount by $666,000,000.

On page 5, line 12, decrease the amount by $2,946,000,000.

On page 5, line 13, decrease the amount by $3,056,000,000.

On page 5, line 14, decrease the amount by $3,082,000,000.

On page 5, line 15, decrease the amount by $3,082,000,000.

On page 15, line 16, increase the amount by $3,082,000,000.

On page 15, line 17, increase the amount by $666,000,000.

On page 15, line 21, increase the amount by $2,280,000,000.

On page 15, line 25, increase the amount by $110,000,000.

On page 16, line 4, increase the amount by $26,000,000.

On page 39, line 18, increase the amount by $3,082,000,000.

On page 39, line 19, increase the amount by $666,000,000.

On page 40, line 2, increase the amount by $2,280,000,000.

SA 2697. Mr. DEWINE (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 8, line 21, strike ''$30,140,000,000'' and insert ''$30,470,000,000''.

On page 23, line 5, strike ''−$100,000,000'' and insert ''−$430,000,000''.

SA 2698. Mrs. FEINSTEIN (for herself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by her to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. ___. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES TO INCLUDE OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) open-loop biomass.''.

(b) FACILITIES DESCRIBED.—Section 45(c)(3) (defining qualified facility) is amended by adding at the end the following new subparagraph:

''(D) OPEN-LOOP BIOMASS FACILITY.—

''(i) IN GENERAL.—In the case of a facility using open-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service before January 1, 2006.

''(ii) SPECIAL RULES FOR PREEFFECTIVE DATE FACILITIES.—In the case of any facility described in clause (i) which is placed in service before the date of the enactment of this subparagraph—

''(I) subsection (a)(1) shall be applied by substituting '1 cent' for '1.5 cents', and

''(II) the 5-year period beginning on such date of enactment shall be substituted for the 10-year period in subsection (a)(2)(A)(ii).

''(iii) CREDIT ELIGIBILITY.—In the case of any facility described in clause (i), if the owner of such facility is not the producer of the electricity, the person eligible for the credit allowable under subsection (a) shall be the lessee or the operator of such facility.

''(iv) LIMIT ON REDUCTIONS FOR TAX-EXEMPT BOND FINANCING, ETC.—If the amount of the credit determined under subsection (a) with respect to any facility described in clause (i) is required to be reduced under paragraph (3) of subsection (b), the fraction under such paragraph shall in no event be greater than ½.''.

(c) OPEN-LOOP BIOMASS DEFINED.—Section 45(c) (relating to definitions) is amended by adding at the end the following new paragraph:

''(5) OPEN-LOOP BIOMASS.—

''(A) IN GENERAL.—The term 'open-loop biomass' means any solid, nonhazardous, cellulosic waste material which is segregated from other waste materials and which is derived from—

''(i) any of the following forest-related resources: mill and harvesting residues, precommercial thinnings, slash, and brush,

''(ii) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste, gas derived from the biodegradation of solid waste, or paper which is commonly recycled, or

''(iii) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

''(B) EXCEPTIONS.—Such term does not include—

''(i) closed-loop biomass, or

''(ii) any agricultural livestock waste nutrients.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SA 2699. Mr. KENNEDY (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 26, line 4, after ''measures'' insert ''and including legislation to reallocate and maintain expiring SCHIP funds rather than allowing such funds to revert to the Treasury''.

SA 2700. Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mrs. DOLE, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, after line 25, add the following:

SEC. ___. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS TAXABLE INCOME.

(a) IN GENERAL.—Subsection (b) of section 512 (relating to unrelated business taxable income) is amended by adding at the end the following new paragraph:

''(18) TREATMENT OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES.—

''(A) IN GENERAL.—Notwithstanding paragraph (5)(B), there shall be excluded any gain or loss from the qualified sale, exchange, or other disposition of any qualifying brownfield property by an eligible taxpayer.

''(B) ELIGIBLE TAXPAYER.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'eligible taxpayer' means, with respect to a property, any organization exempt from tax under section 501(a) which—

''(I) acquires from an unrelated person a qualifying brownfield property, and

''(II) pays or incurs eligible remediation expenditures with respect to such property in an amount which exceeds the greater of $550,000 or 12 percent of the fair market value of the property at the time such property was acquired by the eligible taxpayer, determined as if there was not a presence of a hazardous substance, pollutant, or contaminant on the property which is complicating the expansion, redevelopment, or reuse of the property.

''(ii) EXCEPTION.—Such term shall not include any organization which is—

''(I) potentially liable under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to the qualifying brownfield property,

''(II) affiliated with any other person which is so potentially liable through any direct or indirect familial relationship or any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship which is created by the instruments by which title to any qualifying brownfield property is conveyed or financed or by a contract of sale of goods or services), or

''(III) the result of a reorganization of a business entity which was so potentially liable.

''(C) QUALIFYING BROWNFIELD PROPERTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualifying brownfield property' means any real property which is certified, before the taxpayer incurs any eligible remediation expenditures (other than to obtain a Phase I environmental site assessment), by an appropriate State agency (within the meaning of section 198(c)(4)) in the State in which such property is located as a brownfield site within the meaning of section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as in effect on the date of the enactment of this paragraph).

''(ii) REQUEST FOR CERTIFICATION.—Any request by an eligible taxpayer for a certification described in clause (i) shall include a sworn statement by the eligible taxpayer and supporting documentation of the presence of a hazardous substance, pollutant, or contaminant on the property which is complicating the expansion, redevelopment, or reuse of the property given the property's reasonably anticipated future land uses or capacity for uses of the property (including a Phase I environmental site assessment and, if applicable, evidence of the property's presence on a local, State, or Federal list of brownfields or contaminated property) and other environmental assessments prepared or obtained by the taxpayer.

''(D) QUALIFIED SALE, EXCHANGE, OR OTHER DISPOSITION.—For purposes of this paragraph—

''(i) IN GENERAL.—A sale, exchange, or other disposition of property shall be considered as qualified if—

''(I) such property is transferred by the eligible taxpayer to an unrelated person, and

''(II) within 1 year of such transfer the eligible taxpayer has received a certification from the Environmental Protection Agency or an appropriate State agency (within the meaning of section 198(c)(4)) in the State in which such property is located that, as a result of the eligible taxpayer's remediation actions, such property would not be treated as a qualifying brownfield property in the hands of the transferee.

''(ii) REQUEST FOR CERTIFICATION.—Any request by an eligible taxpayer for a certification described in clause (i) shall be made not later than the date of the transfer and shall include a sworn statement by the eligible taxpayer certifying the following:

''(I) Remedial actions which comply with all applicable or relevant and appropriate requirements (consistent with section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) have been substantially completed, such that there are no hazardous substances, pollutants, or contaminants which complicate the expansion, redevelopment, or reuse of the property given the property's reasonably anticipated future land uses or capacity for uses of the property.

''(II) The reasonably anticipated future land uses or capacity for uses of the property are more economically productive or environmentally beneficial than the uses of the property in existence on the date of the certification described in subparagraph (C)(i). For purposes of the preceding sentence, use of property as a landfill or other hazardous waste facility shall not be considered more economically productive or environmentally beneficial.

''(III) A remediation plan has been implemented to bring the property into compliance with all applicable local, State, and Federal environmental laws, regulations, and standards and to ensure that the remediation protects human health and the environment.

''(IV) The remediation plan described in subclause (III), including any physical improvements required to remediate the property, is either complete or substantially complete, and, if substantially complete, sufficient monitoring, funding, institutional controls, and financial assurances have been put in place to ensure the complete remediation of the property in accordance with the remediation plan as soon as is reasonably practicable after the sale, exchange, or other disposition of such property.

''(V) Public notice that such request for certification would be made was completed before the date of such request. Such notice shall be in the same form and manner as required for public participation required under section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as in effect on the date of the enactment of this paragraph).

''(iii) ATTACHMENT TO TAX RETURNS.—A copy of each of the requests for certification described in clause (ii) of subparagraph (C) and this subparagraph shall be included in the tax return of the eligible taxpayer (and, where applicable, of the qualifying partnership) for the taxable year during which the transfer occurs.

''(E) ELIGIBLE REMEDIATION EXPENDITURES.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'eligible remediation expenditures' means, with respect to any qualifying brownfield property, any amount paid or incurred by the eligible taxpayer to an unrelated third person to obtain a Phase I environmental site assessment of the property, and any amount so paid or incurred after the date of the certification described in subparagraph (C)(i) for goods and services necessary to obtain a certification described in subparagraph (D)(i) with respect to such property, including expenditures—

''(I) to manage, remove, control, contain, abate, or otherwise remediate a hazardous substance, pollutant, or contaminant on the property,

''(II) to obtain a Phase II environmental site assessment of the property, including any expenditure to monitor, sample, study, assess, or otherwise evaluate the release, threat of release, or presence of a hazardous substance, pollutant, or contaminant on the property,

''(III) to obtain environmental regulatory certifications and approvals required to manage the remediation and monitoring of the hazardous substance, pollutant, or contaminant on the property, and

''(IV) regardless of whether it is necessary to obtain a certification described in subparagraph (D)(i)(II), to obtain remediation cost-cap or stop-loss coverage, re-opener or regulatory action coverage, or similar coverage under environmental insurance policies, or financial guarantees required to manage such remediation and monitoring.

''(ii) EXCEPTIONS.—Such term shall not include—

''(I) any portion of the purchase price paid or incurred by the eligible taxpayer to acquire the qualifying brownfield property,

''(II) environmental insurance costs paid or incurred to obtain legal defense coverage, owner/operator liability coverage, lender liability coverage, professional liability coverage, or similar types of coverage,

''(III) any amount paid or incurred to the extent such amount is reimbursed, funded, or otherwise subsidized by grants provided by the United States, a State, or a political subdivision of a State for use in connection with the property, proceeds of an issue of State or local government obligations used to provide financing for the property the interest of which is exempt from tax under section 103, or subsidized financing provided (directly or indirectly) under a Federal, State, or local program provided in connection with the property, or

''(IV) any expenditure paid or incurred before the date of the enactment of this paragraph.

For purposes of subclause (III), the Secretary may issue guidance regarding the treatment of government-provided funds for purposes of determining eligible remediation expenditures.

''(F) DETERMINATION OF GAIN OR LOSS.—For purposes of this paragraph, the determination of gain or loss shall not include an amount treated as gain which is ordinary income with respect to section 1245 or section 1250 property, including amounts deducted as section 198 expenses which are subject to the recapture rules of section 198(e), if the taxpayer had deducted such amounts in the computation of its unrelated business taxable income.

''(G) SPECIAL RULES FOR PARTNERSHIPS.—

''(i) IN GENERAL.—In the case of an eligible taxpayer which is a partner of a qualifying partnership which acquires, remediates, and sells, exchanges, or otherwise disposes of a qualifying brownfield property, this paragraph shall apply to the eligible taxpayer's distributive share of the qualifying partnership's gain or loss from the sale, exchange, or other disposition of such property.

''(ii) QUALIFYING PARTNERSHIP.—The term 'qualifying partnership' means a partnership which—

''(I) has a partnership agreement which satisfies the requirements of section 514(c)(9)(B)(vi) at all times beginning on the date of the first certification received by the partnership under subparagraph (C)(i),

''(II) satisfies the requirements of subparagraphs (B)(i), (C), (D), and (E), if 'qualified partnership' is substituted for 'eligible taxpayer' each place it appears therein (except subparagraph (D)(iii)), and

''(III) is not an organization which would be prevented from constituting an eligible taxpayer by reason of subparagraph (B)(ii).

''(iii) REQUIREMENT THAT TAX-EXEMPT PARTNER BE A PARTNER SINCE FIRST CERTIFICATION.—This paragraph shall apply with respect to any eligible taxpayer which is a partner of a partnership which acquires, remediates, and sells, exchanges, or otherwise disposes of a qualifying brownfield property only if such eligible taxpayer was a partner of the qualifying partnership at all times beginning on the date of the first certification received by the partnership under subparagraph (C)(i) and ending on the date of the sale, exchange, or other disposition of the property by the partnership.

''(iv) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to prevent abuse of the requirements of this subparagraph, including abuse through—

''(I) the use of special allocations of gains or losses, or

''(II) changes in ownership of partnership interests held by eligible taxpayers.

''(H) SPECIAL RULES FOR MULTIPLE PROPERTIES.—

''(i) IN GENERAL.—An eligible taxpayer or a qualifying partnership of which the eligible taxpayer is a partner may make a 1-time election to apply this paragraph to more than 1 qualifying brownfield property by

averaging the eligible remediation expenditures for all such properties acquired during the election period. If the eligible taxpayer or qualifying partnership makes such an election, the election shall apply to all qualified sales, exchanges, or other dispositions of qualifying brownfield properties the acquisition and transfer of which occur during the period for which the election remains in effect.

''(ii) ELECTION.—An election under clause (i) shall be made with the eligible taxpayer's or qualifying partnership's timely filed tax return (including extensions) for the first taxable year for which the taxpayer or qualifying partnership intends to have the election apply. An election under clause (i) is effective for the period—

''(I) beginning on the date which is the first day of the taxable year of the return in which the election is included or a later day in such taxable year selected by the eligible taxpayer or qualifying partnership, and

''(II) ending on the date which is the earliest of a date of revocation selected by the eligible taxpayer or qualifying partnership, the date which is 8 years after the date described in subclause (I), or, in the case of an election by a qualifying partnership of which the eligible taxpayer is a partner, the date of the termination of the qualifying partnership.

''(iii) REVOCATION.—An eligible taxpayer or qualifying partnership may revoke an election under clause (i)(II) by filing a statement of revocation with a timely filed tax return (including extensions). A revocation is effective as of the first day of the taxable year of the return in which the revocation is included or a later day in such taxable year selected by the eligible taxpayer or qualifying partnership. Once an eligible taxpayer or qualifying partnership revokes the election, the eligible taxpayer or qualifying partnership is ineligible to make another election under clause (i) with respect to any qualifying brownfield property subject to the revoked election.

''(I) RECAPTURE.—If an eligible taxpayer excludes gain or loss from a sale, exchange, or other disposition of property to which an election under subparagraph (H) applies, and such property fails to satisfy the requirements of this paragraph, the unrelated business taxable income of the eligible taxpayer for the taxable year in which such failure occurs shall be determined by including any previously excluded gain or loss from such sale, exchange, or other disposition allocable to such taxpayer, and interest shall be determined at the overpayment rate established under section 6621 on any resulting tax for the period beginning with the due date of the return for the taxable year during which such sale, exchange, or other disposition occurred, and ending on the date of payment of the tax.

''(J) RELATED PERSONS.—For purposes of this paragraph, a person shall be treated as related to another person if—

''(i) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or section 707(b)(1), determined by substituting '25 percent' for '50 percent' each place it appears therein, and

''(ii) in the case such other person is a nonprofit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.''

(b) EXCLUSION FROM DEFINITION OF DEBT-FINANCED PROPERTY.—Section 514(b)(1) (defining debt-financed property) is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ''; or'', and by inserting after subparagraph (D) the following new subparagraph:

''(E) any property the gain or loss from the sale, exchange, or other disposition of which would be excluded by reason of the provisions of section 512(b)(18) in computing the gross income of any unrelated trade or business.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any gain or loss on the sale, exchange, or other disposition of any property acquired by the taxpayer after the date of the enactment of this Act.

SA 2701. Mr. WARNER (for himself, Mr. STEVENS, Mr. INHOFE, Mr. ROBERTS, Ms. COLLINS, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, and Mr. TALENT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 4, line 4, increase the amount by $699,700,000.

On page 4, line 5, increase the amount by $262,000,000.

On page 4, line 6, increase the amount by $358,000,000.

On page 4, line 7, increase the amount by $405,000,000.

On page 4, line 8, increase the amount by $432,000,000.

On page 4, line 12, increase the amount by $5,506,000,000.

On page 4, line 13, increase the amount by $1,855,000,000.

On page 4, line 14, increase the amount by $799,000,000.

On page 4, line 15, increase the amount by $550,000,000.

On page 4, line 16, increase the amount by $480,000,000.

On page 4, line 20, decrease the amount by $5,506,000,000.

On page 4, line 21, decrease the amount by $1,855,000,000.

On page 4, line 22, decrease the amount by $799,000,000.

On page 4, line 23, decrease the amount by $550,000,000.

On page 4, line 24, decrease the amount by $480,000,000.

On page 5, line 3, increase the amount by $5,506,000,000.

On page 5, line 4, increase the amount by $7,362,000,000.

On page 5, line 5, increase the amount by $8,161,000,000.

On page 5, line 6, increase the amount by $8,711,000,000.

On page 5, line 7, increase the amount by $9,191,000,000.

On page 5, line 11, increase the amount by $5,506,000,000.

On page 5, line 12, increase the amount by $7,362,000,000.

On page 5, line 13, increase the amount by $8,161,000,000.

On page 5, line 14, increase the amount by $8,711,000,000.

On page 5, line 15, increase the amount by $9,191,000,000.

On page 7, line 25, increase the amount by $6,900,000,000.

On page 8, line 1, increase the amount by $5,409,000,000.

On page 8, line 5, increase the amount by $1,594,000,000.

On page 8, line 9, increase the amount by $442,000,000.

On page 8, line 13, increase the amount by $145,000,000.

On page 8, line 17, increase the amount by $48,000,000.

On page 22, line 9, increase the amount by $97,000,000.

On page 22, line 10, increase the amount by $97,000,000.

On page 22, line 13, increase the amount by $262,000,000.

On page 22, line 14, increase the amount by $262,000,000.

On page 22, line 17, increase the amount by $358,000,000.

On page 22, line 18, increase the amount by $358,000,000.

On page 22, line 21, increase the amount by $405,000,000.

On page 22, line 22, increase the amount by $405,000,000.

On page 22, line 25, increase the amount by $432,000,000.

On page 23, line 1, increase the amount by $432,000,000.

On page 39, line 18, increase the amount by $6,900,000,000.

On page 39, line 19, increase the amount by $5,409,000,000.

On page 40, line 2, increase the amount by $1,594,000,000.

SA 2702. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 18, line 4, increase the amount by $156,000,000.

On page 18, line 5, increase the amount by $135,000,000.

On page 18, line 8, increase the amount by $162,000,000.

On page 18, line 9, increase the amount by $160,000,000.

On page 18, line 12, increase the amount by $169,000,000.

On page 18, line 13, increase the amount by $170,000,000.

On page 18, line 16, increase the amount by $175,000,000.

On page 18, line 17, increase the amount by $175,000,000.

On page 18, line 20, increase the amount by $180,000,000.

On page 18, line 21, increase the amount by $180,000,000.

On page 23, line 5, decrease the amount by $156,000,000.

On page 23, line 6, decrease the amount by $135,000,000.

On page 23, line 9, decrease the amount by $162,000,000.

On page 23, line 10, decrease the amount by $160,000,000.

On page 23, line 13, decrease the amount by $169,000,000.

On page 23, line 14, decrease the amount by $170,000,000.

On page 23, line 17, decrease the amount by $175,000,000.

On page 23, line 18, decrease the amount by $175,000,000.

On page 23, line 21, decrease the amount by $180,000,000.

On page 23, line 22, decrease the amount by $180,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to

meet during the session on Monday, March 8, 2004, at 2 p.m., to consider the nomination of Mark B. McClellen to be Administrator of the Center for Medicare and Medicaid Services; Brian Rosoboro to be Under Secretary of the Department; Donald Korb, to be Chief Counsel for the Internal Revenue Service and Assistant General Counsel in the Department of the Treasury; and Mark J. Warshawsky, to be Assistant Secretary, U.S. Department of Treasury.

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

PRIVILEGE OF THE FLOOR

Mr. NICKLES. Mr. President, I ask unanimous consent that privilege of the floor be granted to Amy Angelier, Katy Barr, Dan Brandt, Don Dempsey, Cara Duckworth, Beth Smerko Felder, Jim Hearn, Jody Hernandez, Stacey Hughes, Rachel Jones, Marshall Hazen, David Myers, Maureen O'Neill, David Ortega, Gayle Osterberg, Anne Oswalt, David Pappone, Roy Phillips, Cheri Reidy, Margaret Stewart, Bob Taylor, Lee Greenwood, Letitia Fletcher, Tim Nolan, Lynne Seymour, George Woodall, Shelley Amdur, Steve Bailey, Rock Cheung, Jim Esquea, Tim Galvin, Lawrence Hershon, Jim Horney, Cliff Isenberg, Mike Jones, Erin Keogh, Jim Klumpner, Lisa Konwinski, Sarah Kuehl, Jessie LaVine, Jamie Morin, Stu Nagurka, Mary Naylor, Sue Nelson, Kobye Noel, Anne Page, Steven Posner, John Righter, Barry Strumpf, and David Vandivier during consideration of S. Con. Res. 95, the conference report.

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

Mr. NICKLES. Mr. President, I ask unanimous consent that an additional four staff members, Stacey Hughes and Jody Hernandez from the Republican staff, and Jim Horney and Sue Nelson of the Democrat staff, be granted the privilege of the floor during debate on S. Con. Res 95.

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

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2003

On Thursday, March 4, 2004, the Senate passed H.R. 1047, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1047) entitled ''An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Miscellaneous Trade and Technical Corrections Act of 2004''.

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

Sec. 1. Short title; table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. Bitolylene diisocyanate (TODI).
Sec. 1102. 2-Methylimidazole.
Sec. 1103. Hydroxylamine free base.
Sec. 1104. Prenol.
Sec. 1105. 1-Methylimadazole.
Sec. 1106. Formamide.
Sec. 1107. Michler's ethyl ketone.
Sec. 1108. Vinyl imidazole.
Sec. 1109. Disperse blue 27.
Sec. 1110. Acid black 244.
Sec. 1111. Reactive orange 132.
Sec. 1112. Mixtures of acid red 337, acid red 266, and acid red 361.
Sec. 1113. Vat red 13.
Sec. 1114. 5-Methylpyridine-2,3-dicarboxylic acid.
Sec. 1115. 5-Methylpyridine-2,3-dicarboxylic acid diethylester.
Sec. 1116. 5-Ethylpyridine dicarboxylic acid.
Sec. 1117. (E)-O(2,5-Dimethylphenoxy methyl)-2-methoxy-imino-N-methylphenylacetamide.
Sec. 1118. 2-Chloro-N-(4′chlorobiphenyl-2-yl) nicotinamide.
Sec. 1119. Vinclozolin.
Sec. 1120. Dazomet.
Sec. 1121. Pyraclostrobin.
Sec. 1122. 1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt.
Sec. 1123. Saccharose.
Sec. 1124. (2-Benzothiazolythio) butanedioic acid.
Sec. 1125. 60–70 Percent amine salt of 2-benzothiazolythio succinic acid in solvent.
Sec. 1126. 4-Methyl-g-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1).
Sec. 1127. Mixtures of rimsulfuron, nicosulfuron, and application adjuvants.
Sec. 1128. Mixtures of thifensulfuron methyl, tribenuron methyl and application adjuvants.
Sec. 1129. Mixtures of thifensulfuron methyl and application adjuvants.
Sec. 1130. Mixtures of tribenuron methyl and application adjuvants.
Sec. 1131. Mixtures of rimsulfuron, thifensulfuron methyl and application adjuvants.
Sec. 1132. Vat black 25.
Sec. 1133. Cyclohexanepropanoic acid, 2-propenyl ester.
Sec. 1134. Neoheliopan hydro (2-phenylbenzimidazole-5-sulfonic acid).
Sec. 1135. Sodium methylate powder (Na methylate powder).
Sec. 1136. Globanone (cyclohexadec-8-en-1-one) (CHD).
Sec. 1137. Methyl acetophenone-para (melilot).
Sec. 1138. Majantol (2,2-dimethyl-3-(3-methylphenyl)propanol).
Sec. 1139. NeoHeliopan MA (menthyl anthranilate).
Sec. 1140. Allyl isosulfocyanate.
Sec. 1141. Frescolat.
Sec. 1142. Thymol (alpha-cymophenol).
Sec. 1143. Benzyl carbazate.
Sec. 1144. Esfenvalerate technical.
Sec. 1145. Avaunt and steward.
Sec. 1146. Helium.
Sec. 1147. Ethyl pyruvate.
Sec. 1148. Deltamethrin.
Sec. 1149. Asulam sodium salt.
Sec. 1150. Tralomethrin.
Sec. 1151. N-Phenyl-N′-(1,2,3-thiadiazol-5-yl)-urea.
Sec. 1152. Benzenepropanoic acid, alpha-2-dichloro-5-{4 (difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl}γ-4-fluoro-ethyl ester.
Sec. 1153. (Z)-(1RS, 3RS)-3-(2-Chloro-3,3,3 triflouro-1-propenyl)-2,2-dimethyl-cyclopropane carboxylic acid.
Sec. 1154. 2-Chlorobenzyl chloride.
Sec. 1155. (S)-Alpha-hydroxy-3-phenoxybenzeneacetonitrile.
Sec. 1156. 4-Pentenoic acid, 3,3-dimethyl-, methyl ester.
Sec. 1157. Terrazole.
Sec. 1158. 2-Mercaptoethanol.
Sec. 1159. Bifenazate.
Sec. 1160. A certain polymer.
Sec. 1161. Para ethylphenol.
Sec. 1162. Ezetimibe.
Sec. 1163. p-Cresidine sulfonic acid.
Sec. 1164. 2,4 Disulfobenzaldehyde.
Sec. 1165. m-Hydroxybenzaldehyde.
Sec. 1166. N-Ethyl-N-(3-sulfobenzyl)aniline, benzenesulfonic acid, 3[(ethylphenylamino)methyl].
Sec. 1167. Acrylic fiber tow.
Sec. 1168. Yttrium oxides.
Sec. 1169. Europium oxides.
Sec. 1170. Hexanedioic acid, polymer with 1,3-benzenedimethanamine.
Sec. 1171. N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine.
Sec. 1172. Aluminum tris (O-ethyl phosphonate).
Sec. 1173. Mixture of disperse blue 77 and disperse blue 56.
Sec. 1174. Acid black 172.
Sec. 1175. Mixture of 9,10-anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)-and disperse blue 77.
Sec. 1176. Certain children's products.
Sec. 1177. Certain optical instruments used in children's products.
Sec. 1178. Cases for certain children's products.
Sec. 1179. 2,4-Dichloroaniline.
Sec. 1180. Ethoprop.
Sec. 1181. Foramsulfuron.
Sec. 1182. Certain epoxy molding compounds.
Sec. 1183. Dimethyldicyane.
Sec. 1184. Triacetone diamine.
Sec. 1185. Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate].
Sec. 1186. Certain power weaving textile machinery.
Sec. 1187. Certain filament yarns.
Sec. 1188. Certain other filament yarns.
Sec. 1189. Certain ink-jet textile printing machinery.
Sec. 1190. Certain other textile printing machinery.
Sec. 1191. D-Mannose.
Sec. 1192. Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl)-ethenyl]-1H-indazol-6-yl)thio]-.
Sec. 1193. 1(2H)-Quinolinecarboxylic acid, 4-[[[3,5-bis-(trifluoromethyl)phenyl] methyl](methoxycarbonyl)amino]-2-ethyl- 3,4-dihydro-6-(trifluoromethyl)-, ethyl ester, (2R,4S)-(9CI).
Sec. 1194. Disulfide,bis(3,5-dichlorophenyl)(9C1).
Sec. 1195. Pyridine,4-[[4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1H-midazol-1-yl] methyl]-ethanedioate (1:2).
Sec. 1196. Paclobutrazole technical.
Sec. 1197. Paclobutrazole 2SC.
Sec. 1198. Methidathion technical.
Sec. 1199. Vanguard 75 WDG.
Sec. 1200. Wakil XL.
Sec. 1201. Mucochloric acid.
Sec. 1202. Azoxystrobin technical.
Sec. 1203. Flumetralin technical.
Sec. 1204. Cyprodinil technical.
Sec. 1205. Mixtures of lambda-cyhalothrin.
Sec. 1206. Primisulfuron methyl.
Sec. 1207. 1,2-Cyclohexanedione.
Sec. 1208. Difenoconazole.
Sec. 1209. Certain refracting and reflecting telescopes.

Sec. 1210. Phenylisocyanate.
Sec. 1211. Bayowet FT-248.
Sec. 1212. p-Phenylphenol.
Sec. 1213. Certain rubber riding boots.
Sec. 1214. Chemical RH water-based.
Sec. 1215. Chemical NR ethanol-based.
Sec. 1216. Tantalum capacitor ink.
Sec. 1217. Certain sawing machines.
Sec. 1218. Certain sector mold press manufacturing equipment.
Sec. 1219. Certain manufacturing equipment used for molding.
Sec. 1220. Certain extruders.
Sec. 1221. Certain shearing machines.
Sec. 1222. Thermal release plastic film.
Sec. 1223. Certain silver paints and pastes.
Sec. 1224. Polymer masking material for aluminum capacitors (UPICOAT).
Sec. 1225. OBPA.
Sec. 1226. Macroporous ion-exchange resin.
Sec. 1227. Copper 8-quinolinolate.
Sec. 1228. Ion-exchange resin.
Sec. 1229. Ion-exchange resin crosslinked with ethenylbenzene, aminophosponic acid.
Sec. 1230. Ion-exchange resin crosslinked with divinylbenzene, sulphonic acid.
Sec. 1231. 3-[(4 Amino-3-methoxyphenyl) azo]-benzene sulfonic acid.
Sec. 1232. 2-Methyl-5-nitrobenzenesulfonic acid.
Sec. 1233. 2-Amino-6-nitro-phenol-4-sulfonic acid.
Sec. 1234. 2-Amino-5-sulfobenzoic acid.
Sec. 1235. 2,5 Bis [(1,3 dioxobutyl) amino] benzene sulfonic acid.
Sec. 1236. p-Aminoazobenzene 4 sulfonic acid, monosodium salt.
Sec. 1237. p-Aminoazobenzene 4 sulfonic acid.
Sec. 1238. 3-[(4 Amino-3-methoxyphenyl) azo]-benzene sulfonic acid, monosodium salt.
Sec. 1239. ET-743 (Ecteinascidin).
Sec. 1240. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox′-, sodium salt.
Sec. 1241. 1,5-Naphthalenedisulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]ethyl] amino]-6-fluoro-1,3,5-triazin-2-yl]amino]phenyl]azo]-, disodium salt.
Sec. 1242. 7,7′-[1.3-Propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt.
Sec. 1243. Cuprate(3-),[2-[[[[3-[[4-[[2-[2-(ethenylsulfony-l)ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-2-(hydroxy-.kappa.O)-5-sulfophenyl]azo-.kappa.N2]phenylmethyl]azo-.kappa.N1]-4-sulfobenzoato(5-)-.kappa.O], trisodium.
Sec. 1244. 1,5-Naphthalenedisulfonic acid, 2-[[8-[[4-[[3-[[[2-(ethenylsulfonyl) ethyl]amino]carbonyl] phenyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydrosy-3,6-disulfo-2-naphthalenyl]azo]-, tetrasodium salt.
Sec. 1245. PTFMBA.
Sec. 1246. Benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl)amino]carbonyl]-, methyl ester.
Sec. 1247. Imidacloprid pesticides.
Sec. 1248. Beta-cyfluthrin.
Sec. 1249. Imidacloprid technical.
Sec. 1250. Bayleton technical.
Sec. 1251. Propoxur technical.
Sec. 1252. MKH 6561 isocyanate.
Sec. 1253. Propoxy methyl triazolone.
Sec. 1254. Nemacur VL.
Sec. 1255. Methoxy methyl triazolone.
Sec. 1256. Levafix golden yellow E-G.
Sec. 1257. Levafix blue CA/Remazol blue CA.
Sec. 1258. Remazol yellow RR gran.
Sec. 1259. Indanthren blue CLF.
Sec. 1260. Indanthren yellow F3GC.
Sec. 1261. Acetyl chloride.
Sec. 1262. 4-Methoxy-phenacychloride.
Sec. 1263. 3-Methoxy-thiophenol.
Sec. 1264. Levafix brilliant red E-6BA.
Sec. 1265. Remazol BR. blue BB 133 percent.
Sec. 1266. Fast navy salt RA.
Sec. 1267. Levafix royal blue E-FR.
Sec. 1268. p-Chloro aniline.
Sec. 1269. Esters and sodium esters of parahydroxybenzoic acid.
Sec. 1270. Santolink EP 560.
Sec. 1271. Phenodur VPW 1942.
Sec. 1272. Phenodur PR 612.
Sec. 1273. Phenodur PR 263.
Sec. 1274. Macrynal SM 510 and 516.
Sec. 1275. Alftalat AN 725.
Sec. 1276. RWJ 241947.
Sec. 1277. RWJ 394718.
Sec. 1278. RWJ 394720.
Sec. 1279. 3,4-DCBN.
Sec. 1280. Cyhalofop.
Sec. 1281. Asulam.
Sec. 1282. Florasulam.
Sec. 1283. Propanil.
Sec. 1284. Halofenozide.
Sec. 1285. Ortho-phthalaldehyde.
Sec. 1286. Trans 1,3-dichloropentene.
Sec. 1287. Methacrylamide.
Sec. 1288. Cation exchange resin.
Sec. 1289. Gallery.
Sec. 1290. Necks used in cathode ray tubes.
Sec. 1291. Polytetramethylene ether glycol.
Sec. 1292. Leaf alcohol.
Sec. 1293. Combed cashmere and camel hair yarn.
Sec. 1294. Certain carded cashmere yarn.
Sec. 1295. Sulfur black 1.
Sec. 1296. Reduced vat blue 43.
Sec. 1297. Fluorobenzene.
Sec. 1298. Certain rayon filament yarn.
Sec. 1299. Certain tire cord fabric.
Sec. 1300. Direct black 184.
Sec. 1301. Black 263 stage.
Sec. 1302. Magenta 364.
Sec. 1303. Thiamethoxam technical.
Sec. 1304. Cyan 485 stage.
Sec. 1305. Direct blue 307.
Sec. 1306. Direct violet 107.
Sec. 1307. Fast black 286 stage.
Sec. 1308. Mixtures of fluazinam.
Sec. 1309. Prodiamine technical.
Sec. 1310. Carbon dioxide cartridges.
Sec. 1311. 12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1,3-propanediamine, dimethyl sulfate, quaternized.
Sec. 1312. 40 Percent polymer acid salt/polymer amide, 60 percent butyl acetate.
Sec. 1313. 12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene.
Sec. 1314. Polymer acid salt/polymer amide.
Sec. 1315. 50 Percent amine neutralized phosphated polyester polymer, 50 percent solvesso 100.
Sec. 1316. 1-Octadecanaminium, N,N-di-methyl-N-octadecyl-, (Sp-4-2)-[29H,31H-phtha- locyanine-2- sulfonato(3-) -.kappa.N29,.kappa.N30,. kappa.N31,.kappa.N32]cuprate(1-).
Sec. 1317. Chromate(1-) - bis-{1-{(5-chloro–2-hydroxyphenyl)azoγ – 2-napthal enolato(2-)γ-,hydrogen.
Sec. 1318. Bronate advanced.
Sec. 1319. N-Cyclohexylthiophthalimide.
Sec. 1320. Certain high-performance loudspeakers.
Sec. 1321. Bio-set injection RCC.
Sec. 1322. Penta amino aceto nitrate cobalt III (coflake 2).
Sec. 1323. Oxasulfuron technical.
Sec. 1324. Certain manufacturing equipment.
Sec. 1325. 4-Aminobenzamide.
Sec. 1326. Foe hydroxy.
Sec. 1327. Magenta 364 liquid feed.
Sec. 1328. Tetrakis.
Sec. 1329. Palmitic acid.
Sec. 1330. Phytol.
Sec. 1331. Chloridazon.
Sec. 1332. Disperse orange 30, disperse blue 79:1, disperse red 167:1, disperse yellow 64, disperse red 60, disperse blue 60, disperse blue 77, disperse yellow 42, disperse red 86, and disperse red 86:1.
Sec. 1333. Disperse blue 321.
Sec. 1334. Direct black 175.
Sec. 1335. Disperse red 73 and disperse blue 56.
Sec. 1336. Acid black 132.
Sec. 1337. Acid black 107.
Sec. 1338. Acid yellow 219, acid orange 152, acid red 278, acid orange 116, acid orange 156, and acid blue 113.
Sec. 1339. Luganil brown NGT powder.
Sec. 1340. Thiophanate-methyl.
Sec. 1341. Mixtures of thiophanate-methyl and application adjuvants.
Sec. 1342. Hydrated hydroxypropyl methylcellulose.
Sec. 1343. C 12–18 Alkenes, polymers with 4-methyl-1-pentene.
Sec. 1344. Certain 12-volt batteries.
Sec. 1345. Certain prepared or preserved artichokes.
Sec. 1346. Certain other prepared or preserved artichokes.
Sec. 1347. Ethylene/tetrafluoroethylene copolymer (ETFE).
Sec. 1348. Acetamiprid.
Sec. 1349. Certain manufacturing equipment.
Sec. 1350. Triticonazole.
Sec. 1351. Certain textile machinery.
Sec. 1352. 3-Sulfinobenzoic acid.
Sec. 1353. Polydimethylsiloxane.
Sec. 1354. Baysilone fluid.
Sec. 1355. Ethanediamide, N- (2-ethoxyphenyl) - N′ - (4-isodecylphenyl)-.
Sec. 1356. 1-Acetyl-4-(3-dodecyl-2, 5-dioxo-1-pyrrolidinyl) - 2,2,6,6-tetramethylpiperidine.
Sec. 1357. Aryl phosphonite.
Sec. 1358. Mono octyl malionate.
Sec. 1359. 3,6,9-trioxaundecanedioic acid.
Sec. 1360. Crotonic acid.
Sec. 1361. 1,3-Benzenedicarboxamide, N, N′-bis-(2,2,6,6-tetramethyl-4-piperidinyl)-.
Sec. 1362. 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione.
Sec. 1363. Oxalic anilide.
Sec. 1364. N-Methyl diisopropanolamine.
Sec. 1365. 50 Percent homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50 percent polyricinoleic acid.
Sec. 1366. Black CPW stage.
Sec. 1367. Fast black 287 NA paste.
Sec. 1368. Fast black 287 NA liquid feed.
Sec. 1369. Fast yellow 2 stage.
Sec. 1370. Cyan 1 stage.
Sec. 1371. Yellow 1 stage.
Sec. 1372. Yellow 746 stage.
Sec. 1373. Black SCR stage.
Sec. 1374. Magenta 3B-OA stage.
Sec. 1375. Yellow 577 stage.
Sec. 1376. Cyan 485/4 stage.
Sec. 1377. Low expansion laboratory glass.
Sec. 1378. Stoppers, lids, and other closures.
Sec. 1379. Triflusulfuron methyl formulated product.
Sec. 1380. Agrumex (o-t-butyl cyclohexanol).
Sec. 1381. Trimethyl cyclo hexanol (1-methyl-3,3-dimethylcyclohexanol-5).
Sec. 1382. Myclobutanil.
Sec. 1383. Methyl cinnamate (methyl-3-phenylpropenoate).

Sec. 1384. Acetanisole (anisyl methyl ketone).
Sec. 1385. Alkylketone.
Sec. 1386. Iprodione 3-(3-5, dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide.
Sec. 1387. Dichlorobenzidine dihydrochloride.
Sec. 1388. Kresoxim-methyl.
Sec. 1389. MKH 6562 isocyanate.
Sec. 1390. Certain rayon filament yarn.
Sec. 1391. Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl.
Sec. 1392. 3,7-Dichloro-8-quinoline carboxylic acid.
Sec. 1393. 3-(1-Methylethyl)-1H-2,1,3-benzothiadiazin-4(3H)-one 2,2 dioxide, sodium salt.
Sec. 1394. 3,3′,4-4′-Biphenyltetracarboxylic dianhydride, ODA, ODPA, PMDA, and 1,3-bis(4-aminophenoxy)benzene.
Sec. 1395. Oryzalin.
Sec. 1396. Tebufenozide.
Sec. 1397. Endosulfan.
Sec. 1398. Ethofumesate.
Sec. 1399. Railway car body shells for EMU's.
Sec. 1400. Railway electric multiple unit (EMU) gallery commuter coaches of stainless steel.
Sec. 1401. Snowboard boots.
Sec. 1402. Hand-held radio scanners.
Sec. 1403. Mobile and base radio scanners that are combined with a clock.
Sec. 1404. Mobile and base radio scanners that are not combined with a clock.
Sec. 1405. Certain fine animal hair of Kashmir (cashmere) goats not processed.
Sec. 1406. Certain fine animal hair of Kashmir (cashmere) goats.
Sec. 1407. Certain R-Core transformers.
Sec. 1408. Decorative plates.
Sec. 1409. Bispyribac sodium.
Sec. 1410. Fenpropathrin.
Sec. 1411. Pyriproxyfen.
Sec. 1412. Uniconazole-P.
Sec. 1413. Flumioxazin.
Sec. 1414. Night vision monoculars.
Sec. 1415. 2,4-Xylidine.
Sec. 1416. R118118 Salt.
Sec. 1417. NMSBA.
Sec. 1418. Certain satellite radio broadcasting apparatus.
Sec. 1419. Acephate.
Sec. 1420. Bags for certain toys.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1501. Extension of certain existing duty suspensions.
Sec. 1502. Effective date.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1601. Certain tramway cars.
Sec. 1602. Liberty Bell replica.
Sec. 1603. Certain entries of cotton gloves.
Sec. 1604. Certain entries of posters.
Sec. 1605. Certain entries of posters entered in 1999 and 2000.
Sec. 1606. Certain entries of 13-inch televisions.
Sec. 1607. Reliquidation of certain entries of vanadium carbides and vanadium carbonitride.
Sec. 1608. Reliquidation of certain entries of televisions subject to dumping.
Sec. 1609. Liquidation of certain entries of roller chain.
Sec. 1610. Reliquidation of drawback claim relating to juices entered in April 1993.
Sec. 1611. Reliquidation of drawback claim relating to juices entered in March 1994.
Sec. 1612. Steel wire rope entries.
Sec. 1613. Liquidation or reliquidation of certain tomato sauce preparation entered in April 10, 1989, through August 20, 1993.
Sec. 1614. Liquidation or reliquidation of certain tomato sauce preparation entered in April 5, 1991, through May 9, 1992.
Sec. 1615. Liquidation or reliquidation of certain tomato sauce preparation entered in May 9, 1992, through September 18, 1993.
Sec. 1616. Liquidation or reliquidation of certain tomato sauce preparation entered in September 18, 1993, through July 25, 1994.
Sec. 1617. Certain entries prematurely liquidated in error.
Sec. 1618. Certain posters entered during 2000 and 2001.
Sec. 1619. Liquidation or reliquidation of certain entries.
Sec. 1620. Reliquidation of certain tomato sauce preparation entered between November 22, 1989, and March 7, 1990.
Sec. 1621. Reliquidation of certain tomato sauce preparation entered between March 14, 1990, and September 29, 1990.
Sec. 1622. Reliquidation of certain tomato sauce preparation entered between October 6, 1990, and November 1, 1990.
Sec. 1623. Reliquidation of certain tomato sauce preparation entered between November 3, 1990, and December 15, 1990.
Sec. 1624. Reliquidation of certain tomato sauce preparation entered between December 28, 1990, and February 9, 1991.
Sec. 1625. Reliquidation of certain tomato sauce preparation entered between February 14, 1991, and April 24, 1991.
Sec. 1626. Reliquidation of certain tomato sauce preparation entered between April 26, 1991, and June 16, 1991.
Sec. 1627. Reliquidation of certain tomato sauce preparation entered between October 7, 1991, and November 24, 1991.
Sec. 1628. Reliquidation of certain tomato sauce preparation entered between November 30, 1991, and November 26, 1992.
Sec. 1629. Reliquidation of certain tomato sauce preparation entered between December 9, 1992, and May 9, 1993.
Sec. 1630. Reliquidation of certain tomato sauce preparation entered between May 14, 1993, and October 23, 1993.
Sec. 1631. Reliquidation of certain tomato sauce preparation entered between May 16, 1990, and April 20, 1996.
Sec. 1632. Reliquidation of certain tomato sauce preparation entered between August 28, 1991, and July 8, 1996.
Sec. 1633. Reliquidation of certain tomato sauce preparation entered in April 4, 1995, and July 22, 1996.
Sec. 1634. Reliquidation of certain tomato sauce preparation entered between October 11, 1994, and May 16, 1995.
Sec. 1635. Reliquidation of certain tomato sauce preparation entered between June 17, 1991, and October 3, 1991.
Sec. 1636. Certain railway passenger coaches.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 1701. Hair clippers.
Sec. 1702. Tractor body parts.
Sec. 1703. Flexible magnets and composite goods containing flexible magnets.
Sec. 1704. Vessel repair duties.
Sec. 1705. Duty-free treatment for hand-knotted or hand-woven carpets.
Sec. 1706. Duty drawback for certain articles.
Sec. 1707. Modification of provisions relating to drawback claims.
Sec. 1708. Unused merchandise drawback.
Sec. 1709. Treatment of certain footwear under Caribbean Basin Economic Recovery Act.
Sec. 1710. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1711. Certain footwear.

Subtitle C—Effective Date

Sec. 1801. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Extension of nondiscriminatory treatment to Serbia and Montenegro.
Sec. 2002. Articles eligible for preferential treatment under the Andean Trade Preference Act.
Sec. 2003. Amendments to United States Insular Possession Program.
Sec. 2004. Technical amendments.
Sec. 2005. Wool trust fund.
Sec. 2006. Sense of the Senate regarding WTO agriculture negotiations.

TITLE III—PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

Sec. 3001. USTR determinations in TRIPS Agreement investigations.
Sec. 3002. Petitions for review under ATPA and CBERA.
Sec. 3003. Adequate and effective protection of intellectual property rights under GSP.
Sec. 3004. Adequate and effective protection of intellectual property rights under CBI.
Sec. 3005. Adequate and effective protection of intellectual property rights under the ATPA.

TITLE IV—IRAQI CULTURAL ANTIQUITIES

Sec. 4001. Short title.
Sec. 4002. Emergency implementation of import restrictions.
Sec. 4003. Termination of authority.

TITLE V—COTTON FABRICS

Sec. 5001. Temporary duty reductions for certain cotton shirting fabric.
Sec. 5002. Cotton trust fund.

TITLE VI—TECHNICAL AMENDMENTS RELATING TO ENTRY AND PROTEST

Sec. 6001. Entry of merchandise.
Sec. 6002. Limitation on liquidations.
Sec. 6003. Protests.
Sec. 6004. Review of protests.
Sec. 6005. Refunds and errors.
Sec. 6006. Definitions and miscellaneous provisions.
Sec. 6007. Voluntary reliquidations.
Sec. 6008. Effective date.

TITLE VII—EXTENSION OF SUSPENSIONS

Sec. 7001. Extension of duty suspensions.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.29.06	*9902.30.91*	*9902.33.11*
9902.29.09	*9902.30.92*	*9902.33.12*
9902.29.11	*9902.31.12*	*9902.33.16*
9902.29.12	*9902.31.21*	*9902.33.19*
9902.29.15	*9902.32.01*	*9902.33.66*
9902.29.18	*9902.32.08*	*9902.33.90*
9902.29.19	*9902.32.11*	*9902.34.02*
9902.29.20	*9902.32.13*	*9902.38.08*
9902.29.21	*9902.32.29*	*9902.38.11*
9902.29.24	*9902.32.31*	*9902.38.12*

9902.29.28	9902.32.33	9902.38.25	9902.29.53	9902.32.43	9902.84.20	9902.30.04	9902.33.03	9902.84.91
9902.29.29	9902.32.34	9902.38.26	9902.29.54	9902.32.45	9902.84.43	9902.30.17	9902.33.04	9902.85.20
9902.29.32	9902.32.35	9902.38.28	9902.29.57	9902.32.51	9902.84.46	9902.30.18	9902.33.05	9902.85.21
9902.29.36	9902.32.36	9902.39.04	9902.29.60	9902.32.54	9902.84.77	9902.30.19	9902.33.06	9902.98.03
9902.29.43	9902.32.37	9902.39.12	9902.29.65	9902.32.56	9902.84.79	9902.30.58	9902.33.07	9902.98.04
9902.29.44	9902.32.38	9902.61.00	9902.29.66	9902.32.70	9902.84.81	9902.30.63	9902.33.08	9902.98.05
9902.29.45	9902.32.39	9902.64.04	9902.29.67	9902.32.94	9902.84.83	9902.30.64	9902.33.09	9902.98.08
9902.29.50	9902.32.40	9902.64.05	9902.29.72	9902.32.95	9902.84.85	9902.30.65	9902.33.10	
9902.29.51	9902.32.41	9902.84.10	9902.29.74	9902.33.01	9902.84.87			
9902.29.52	9902.32.42	9902.84.12	9902.29.95	9902.33.02	9902.84.89			

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. BITOLYLENE DIISOCYANATE (TODI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.01	Bitolylene diisocyanate (TODI) (CAS No. 91–97–4) (provided for in subheading 2929.10.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1102. 2-METHYLIMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.02	2-Methylimidazole (CAS No. 693–98–1) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1103. HYDROXYLAMINE FREE BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.03	Hydroxylamine (CAS No. 7803–49–8) (provided for in subheading 2825.10.00)	0.6%	No change	No change	On or before 12/31/2005	”.

SEC. 1104. PRENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.04	3-Methyl-2-buten-1-ol (CAS No. 556–82–1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1105. 1-METHYLIMADAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.05	1-Methylimidazole (CAS No. 616–47–7) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1106. FORMAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.06	Formamide (CAS No. 75–12–7) (provided for in subheading 2924.19.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1107. MICHLER'S ETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.07	4,4′-Bis-(diethylamino)-benzophenone (CAS No. 90–93–7) (provided for in subheading 2922.39.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1108. VINYL IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.08	1-Ethenyl-1H-imidazole (CAS No. 1072–63–5) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1109. DISPERSE BLUE 27.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.09	Disperse blue 27 (9,10-anthracenedione, 1,8-dihydroxy-4-[[4-(2-hydroxyethyl)phenyl]amino]-5-nitro-) (CAS No. 15791–78–3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1110. ACID BLACK 244.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.10	Acid black 244 (chromate(2-), [3-(hydroxy-.kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N2]-1-naphthalenesulfonato(3-)] [1-[[2-(hydroxy-.kappa.O)-5-[4-methoxyphenyl)-azo]phenyl]azo-.kappa.N2]-2-naphthalene-sulfonato(2-)-.kappa.O]-, disodium) (CAS No. 30785–74–1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1111. REACTIVE ORANGE 132.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.11	Reactive orange 132 (benzenesulfonic acid, 2,2′-[(1-methyl-1,2-ethanediyl)-bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbon-yl)-amino)]-4,1-phenylene]azo]]bis[5-[(4-sulfophenyl)azo]-, sodium salt) (CAS No. 149850–31–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1112. MIXTURES OF ACID RED 337, ACID RED 266, AND ACID RED 361.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.12	Mixtures of acid red 337 (2-naphthalenesulfonic acid, 6-amino-5-[[2-[(cyclohexylmethylamino)-sulfonyl]phenyl]azo]-4-hydroxy-, monosodium salt) (CAS No. 32846–21–2), acid red 266 (2-naphthalenesulfonic acid, 6-amino-5-[[4-chloro-2-(trifluoromethyl)phenyl]azo]-4-hydroxy-, monosodium salt) (CAS No. 57741–47–6), and acid red 361 (2-naphthalenesulfonic acid, 6-amino-4-hydroxy-5-[[2-(trifluoromethyl)phenyl]azo]-, monosodium salt) (CAS No. 67786–14–5) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1113. VAT RED 13.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.13	Vat red 13 ([3,3′-bianthra[1,9-cd]pyrazole]-6,6′(1H,1′H)-dione, 1,1′-diethyl-) (CAS No. 4203–77–4) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1114. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.14	5-Methylpyridine-2,3-dicarboxylic acid (CAS No. 53636–65–0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1115. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID DIETHYLESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.15	5-Methylpyridine-2,3-dicarboxylic acid, diethyl ester (CAS No. 112110–16–4) (provided for in subheading 2933.39.61)	1.8%	No change	No change	On or before 12/31/2005	’’.

SEC. 1116. 5-ETHYLPYRIDINE DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.16	5-Ethylpyridine-2,3-dicarboxylic acid (CAS No. 102268–15–5) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1117. (E)-O(2,5-DIMETHYLPHENOXY METHYL)-2-METHOXY-IMINO-N-METHYLPHENYLACETAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.17	(E)-O-(2,5-Dimethylphenoxy- methyl)-2-methoxyimino-N-methylphenylacet-amide (dimoxystrobin) (CAS No. 145451–07–6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1118. 2-CHLORO-N-(4′CHLOROBIPHENYL-2-YL) NICOTINAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.18	2-Chloro-N-(4′-chloro-[1,1′-biphenyl]-2-yl)- nicotinamide (nicobifen) (CAS No. 188425–85–6) (provided for in subheading 2933.39.21)	4.4%	No change	No change	On or before 12/31/2005	’’.

SEC. 1119. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.19	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (vinclozolin) (CAS No. 50471–44–8) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1120. DAZOMET.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.20	Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione (CAS No. 533–74–4) (dazomet) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1121. PYRACLOSTROBIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.21	Methyl N-(2-[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxymethyl]-phenyl)-N-methoxycarba-nate (pyra-clostrobin) (CAS No. 175013–18–0) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1122. 1,3-BENZENEDICARBOXYLIC ACID, 5-SULFO-1,3-DIMETHYL ESTER SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.22	1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester, sodium salt (CAS No. 3965–55–7) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1123. SACCHAROSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.23	Saccharose to be used other than in food for human consumption and not for nutritional purposes (provided for in subheading 1701.99.50)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1124. (2-BENZOTHIAZOLYTHIO) BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:heading:

‘‘	9902.01.25	(Benzothiazol-2-ylthio)succinic acid (CAS No. 95154–01–1) (provided for in subheading 2934.20.40)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1125. 60–70 PERCENT AMINE SALT OF 2-BENZO-THIAZOLYTHIO SUCCINIC ACID IN SOLVENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.26	(Benzothiazol-2-ylthio)succinic acid (60–70 percent) in solvent (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1126. 4-METHYL-G-OXO-BENZENEBUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.27	4-Methyl-g-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1127. MIXTURES OF RIMSULFURON, NICOSULFURON, AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.28	Mixtures of rimsulfuron (N-[[(4,6-dimethoxypyrimidin-2-yl)- amino]carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931–48–0), nicosulfuron (2-(((((4,6-dimethoxypyrimidin-2-yl)- amino)carbonyl)-amino)sulfonyl)-N,N-dimethyl-3-pyridinecarboxamide (CAS No. 111991–09–4), and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1128. MIXTURES OF THIFENSULFURON METHYL, TRIBENURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.29	Mixtures of thifensulfuron methyl (methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)-amino]carbonyl]- amino]sulfonyl]- 2-thiophenecar- boxylate (CAS No. 79277–27–3), tribenuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)- methylamino]-carbonyl]-amino]sulfonyl]- benzoate) (CAS No. 101200–48–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1129. MIXTURES OF THIFENSULFURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.30	Mixtures of thifensulfuron methyl (methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)-amino]carbonyl]- amino]sulfonyl]-2-thiophenecarboxylate) (CAS No. 79277–27–3) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1130. MIXTURES OF TRIBENURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.31	Mixtures of tribenuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)methylamino]- carbonyl]amino]-sulfonyl]ben-zoate) (CAS No. 101200–48–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1131. MIXTURES OF RIMSULFURON, THIFENSULFURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.32	Mixtures of rimsulfuron (N-[(4,6-dimethoxypyrimidin-2-yl)- aminocarbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide) (CAS No. 122931–48–0); thifensulfuron methyl (methyl 3-[[[[(4-methoxy-6-methyl-1,3,5- triazin-2-yl)- amino]carbonyl]- amino]sulfonyl]-2-thiophenecarboxylate) (CAS No. 79277–27–3); and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1132. VAT BLACK 25.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.33	Anthra[2,1,9-mna]naphth[2,3-h]acridine-5,10,15(16H)-trione, 3-[(9,10-dihydro-9,10-dioxo-1-anthracenyl)- amino]- (Vat black 25) (CAS No. 4395–53–3) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1133. CYCLOHEXANEPROPANOIC ACID, 2-PROPENYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.34	Cyclohexanepro-panoic acid, 2-propenyl ester (CAS No. 2705–87–5) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1134. NEOHELIOPAN HYDRO (2-PHENYLBENZIMIDAZOLE-5-SULFONIC ACID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.35	2-Phenylbenzimidazole-5-sulfonic acid) (CAS No. 27503–81–7) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1135. SODIUM METHYLATE POWDER (NA METHYLATE POWDER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.36	Methanol, sodium salt (CAS No. 124–41–4) (provided for in subheading 2905.19.00)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1136. GLOBANONE (CYCLOHEXADEC-8-EN-1-ONE) (CHD).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.37	Cyclohexadec-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1137. METHYL ACETOPHENONE-PARA (MELILOT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.38	p-Methyl acetophenone (CAS No. 122–00–9) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1138. MAJANTOL (2,2-DIMETHYL-3-(3-METHYLPHENYL)PROPANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.39	2,2-Dimethyl-3-(3-methylphenyl)- propanol (CAS No. 103694–68–4) (provided for in subheading 2906.29.20)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1139. NEOHELIOPAN MA (MENTHYL ANTHRANILATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.40	Menthyl anthranilate (CAS No. 134–09–8) (provided for in subheading 2922.49.37)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1140. ALLYL ISOSULFOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.41	Allyl isothiocyanate (CAS No. 57–06–7) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1141. FRESCOLAT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.42	5-Methyl-2-(1-methylethyl)-cyclohexyl-2-hydroxypropanoate (lactic acid, menthyl ester) (Frescolat) (CAS No. 59259–38–0) (provided for in subheading 2918.11.50)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1142. THYMOL (ALPHA-CYMOPHENOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.43	Thymol (CAS No. 89–83–8) (provided for in subheading 2907.19.40)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1143. BENZYL CARBAZATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.01.44	Benzyl carbazate (Hydrazine- carboxylic acid, phenylmethyl ester (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1144. ESFENVALERATE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.01.45	(S)-Cyano(3-phenoxyphenyl)- methyl (S)-4-chloro-α-(1-methylethyl- benzeneacetate (Esfenvalerate) (CAS No. 66230–04–4) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1145. AVAUNT AND STEWARD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.46	Mixtures of indoxacarb ((S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)-phenyl]amino]car- bonyl]indeno- [1,2-e][1,3,4]- oxadiazine-4a-(3H)carboxylate) (CAS No. 173584–44–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1146. HELIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.47	Helium (provided for in subheading 2804.29.00)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1147. ETHYL PYRUVATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.48	Ethyl pyruvate (CAS No. 617–35–6) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1148. DELTAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.49	(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclo- propanecarb-oxylate (Deltamethrin) (CAS No. 52918–63–5) in bulk or unmixed in forms or packings for retail sale (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1149. ASULAM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.50	Mixtures of methyl sulfanilycarbam- ate, sodium salt (Asulam sodium salt) (CAS No. 2302–17–2) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1150. TRALOMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.52	Tralomethrin (1R,3S)3[(1′RS)- (1′,2′,2′,2′-tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)-alpha-cyano-3-phenoxybenzyl ester (CAS No. 66841–25–6) in bulk or in forms or packages for retail sale (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1151. N-PHENYL-N′-(1,2,3-THIADIAZOL-5-YL)-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.53	N-Phenyl-N′-1,2,3-thiadiazol-5-ylurea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707–55–2) (provided for in subheading 2934.99.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1152. BENZENEPROPANOIC ACID, ALPHA-2-DICHLORO-5-[4 (DIFLUOROMETHYL)-4,5-DIHYDRO-3-METHYL-5-OXO-1H-1,2,4-TRIAZOL-1-YLγ-4-FLUORO-ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.54	alpha-2- Dichloro-5-[4- (difluoromethyl)- 4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzenepropanoic acid, ethyl ester (carfentazone-ethyl) (CAS No. 128639–02–1) (provided for in subheading 2933.99.22)	4.9%	No change	No change	On or before 12/31/2005	".

SEC. 1153. (Z)-(1RS, 3RS)-3-(2-CHLORO-3,3,3 TRIFLOURO-1-PROPENYL)-2,2-DIMETHYL-CYCLOPROPANE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.55	(Z)-(1RS,3RS)-3-(2-Chloro-3,3,3-trifluro-1-pro- penyl)-2,2-dimethyl-cyclopropanecarboxylic acid (CAS No. 68127–59–3) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1154. 2-CHLOROBENZYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.56	2-Chlorobenzyl chloride (CAS No. 611–19–8) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1155. (S)-ALPHA-HYDROXY-3-PHENOXYBENZENEACETONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.57	(S)-alpha-Hydroxy-3-phenoxybenzeneacetonitrile (CAS No. 61826–76–4) (provided for in subheading 2926.90.43)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1156. 4-PENTENOIC ACID, 3,3-DIMETHYL-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.58	4-Pentenoic acid, 3,3-dimethyl-, methyl ester (CAS No. 63721–05–1) (provided for in subheading 2916.19.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1157. TERRAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.59	Etridiazole [5-ethoxy-3- (trichloromethyl)-1,2,4-thiadiazole] (CAS No. 2593–15–9) (provided for in subheading 2934.99.90) and any mixtures (preparations) containing Etridiazole as the active ingredient (provided for in subheading 3808.20.50)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1158. 2-MERCAPTOETHANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.60	2-Mercaptoethanol (CAS No. 60–24–2) (provided for in subheading 2930.90.90)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1159. BIFENAZATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.61	Bifenazate (Hydrazinecarb- oxylic acid, 2-(4-methoxy-[1,1′- biphenyl]-3-yl)-1-methylethyl ester (CAS No. 149877–41–8) (provided for in subheading 2928.00.25)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1160. A CERTAIN POLYMER.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.62	Fluoropolymers containing 95 percent or more by weight of the monomer units tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1161. PARA ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.63	p-Ethylphenol (CAS No. 123–07–9) (provided for in subheading 2907.19.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1162. EZETIMIBE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.64	2-Azetidinone, 1-(4-fluorophenyl)-3-[(3S)-3-(4-fluorophenyl)-3-hydroxypropyl]-4-(4-hydroxyphenyl)-, (3R,4S)-(Ezetimibe) (CAS No. 163222–33–1) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1163. P-CRESIDINESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.65	p-Cresidinesulfonic acid (4-amino-5-methoxy-2-methylbenzene- sulfonic acid) (CAS No. 6471–78–9) (provided for in subheading 2922.29.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1164. 2,4 DISULFOBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.66	2,4- Disulfobenzaldehyde (CAS No. 88–39–1) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1165. M-HYDROXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.67	m-Hydroxybenzal- dehyde (CAS No. 100–83–4) (provided for in subheading 2912.49.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1166. N-ETHYL-N-(3-SULFOBENZYL)ANILINE, BENZENESULFONIC ACID, 3[(ETHYLPHENYLAMINO)METHYL].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.68	N-Ethyl-N-(3-sulfobenzyl)ani- line (benzenesulfonic acid, 3-[(ethyl- phenylamino)-methyl]-) (CAS No. 101–11–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1167. ACRYLIC FIBER TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.69	Acrylic fiber tow (polyacrylonitrile tow) consisting of 6 sub-bundles crimped together, each containing 45,000 filaments (plus or minus 0.06) and 2–8 percent water, such acrylic fiber containing by weight a minimum of 92 percent acrylonitrile, not more than 0.1 percent zinc and average filament denier of either 1.48 decitex (plus or minus 0.08) or 1.32 decitex (plus or minus 0.089) (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1168. YTTRIUM OXIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.21	Yttrium oxides having a purity of at least 99.9 percent (CAS No. 1314–36–9) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1169. EUROPIUM OXIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.22	Europium oxides having a purity of at least 99.99 percent (CAS No. 1308–96–7) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1170. HEXANEDIOIC ACID, POLYMER WITH 1,3-BENZENEDIMETHANAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.71	Hexanedioic acid, polymer with 1,3-benzene-dimethanamine (CAS No. 25718–70–1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1171. N1-[(6-CHLORO-3-PYRIDYL)METHYL]-N2-CYANO-N1-METHYLACETAMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.72	(E)-N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine (Acetamiprid) (CAS No. 135410–20–7) whether or not mixed with application adjuvants (provided for in subheading 2933.39.27 or 3808.10.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1172. ALUMINUM TRIS (O-ETHYL PHOSPHONATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.73	Aluminum tris- (O-ethylphosphon- ate) (CAS No. 39148–24–8) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1173. MIXTURE OF DISPERSE BLUE 77 AND DISPERSE BLUE 56.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.74	Mixtures of disperse blue 77 (9,10-anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-) (CAS No. 20241–76–3) and disperse blue 56 (9,10-anthracenedione, 1,5-diaminochloro-4,8-dihydroxy-) (CAS No. 12217–79–7) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1174. ACID BLACK 172.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.75	Acid black 172 (chromate(3-), bis[3-(hydroxy-.kappa.O)-4-[[2-(hydroxy.kappa.O)-1-naphthalenyl-azo- .kappa.N1]-7-nitro-1- naphthalenesulfonato(3-)]-, trisodium) (CAS No. 57693–14–8) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1175. MIXTURE OF 9,10-ANTHRACENEDIONE, 1,5-DIHYDROXY-4-NITRO-8-(PHENYLAMINO)-AND DISPERSE BLUE 77.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.76	Mixtures of 9,10-anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)- (CAS No. 3065–87–0) and 9,10-anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)- (Disperse blue 77) (CAS No. 20241–76–3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1176. CERTAIN CHILDREN’S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.79	Image projectors (provided for in subheading 9008.30.00) capable of projecting images from circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1177. CERTAIN OPTICAL INSTRUMENTS USED IN CHILDREN’S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.80	Optical instruments (provided for in subheading 9013.80.90) designed for the viewing of circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1178. CASES FOR CERTAIN CHILDREN’S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.81	Cases or containers (provided for in subheading 4202.92.90) specially designed or fitted for circular mounts for sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter the foregoing imported and sold with such articles therein	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1179. 2,4-DICHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.82	2,4-Dichloroaniline (CAS No. 554–00–7) (provided for in subheading 2921.42.18)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1180. ETHOPROP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.83	O-Ethyl S,S-dipropyl- phosphorodithioate (Ethoprop) (CAS No. 13194–48–4) (provided for in subheading 2930.90.44)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1181. FORAMSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.84	Mixtures of benzamide, 2-[[[[(4,6-dimethoxy-2-pyrimidinyl)- amino]carbonyl]- amino]sulfonyl]-4-(formylamino)- N,N-methyl- (foramsulfuron) (CAS No. 173159–57–4) and application adjuvants (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2005	”.

SEC. 1182. CERTAIN EPOXY MOLDING COMPOUNDS.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.85	Epoxy molding compounds, of a kind used for encapsulating integrated circuits (provided for in subheading 3907.30.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1183. DIMETHYLDICYANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.86	Dimethyldicyane (2,2′-dimethyl-4,4′-methylenebis- (cyclohexylamine)) (CAS No. 6864–37–5) (provided for in subheading 2921.30.30)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1184. TRIACETONE DIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.87	2,2,6,6-Tetra-methyl-4-pip-eridinamine (Triacetone diamine) (CAS No. 36768–62–4) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1185. TRIETHYLENE GLYCOL BIS[3-(3-TERT-BUTYL-4-HYDROXY-5-METHYLPHENYL) PROPIONATE].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.01.88	Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl)propionate] (CAS No. 36443–68–2) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1186. CERTAIN POWER WEAVING TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.89	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.21.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1187. CERTAIN FILAMENT YARNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.90	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, with a twist of 100 to 300 turns/m, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.51.00)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1188. CERTAIN OTHER FILAMENT YARNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.91	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, untwisted, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.41.90)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1189. CERTAIN INK-JET TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.92	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1190. CERTAIN OTHER TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.93	Textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1191. D-MANNOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.01.94	D-Mannose (CAS No. 3458–28–4) (provided for in subheading 2940.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1192. BENZAMIDE, N-METHYL-2-[[3-[(1E)-2-(2-PYRIDINYL)-ETHENYL]-1H-INDAZOL-6-YL)THIO]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.95	Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl)-ethenyl]-1H-indazol-6-yl)thio]- (CAS No. 319460–85–0) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1193. 1(2H)-QUINOLINECARBOXYLIC ACID, 4-[[[3,5-BIS-(TRIFLUOROMETHYL)PHENYL] METHYL](METHOXYCARBONYL)AMINO]-2-ETHYL- 3,4-DIHYDRO-6-(TRIFLUOROMETHYL)-, ETHYL ESTER, (2R,4S)-(9CI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.96	1(2H)-Quinolinecarboxylic acid, 4-[[[3,5-bis-(trifluoromethyl)- phenyl]methyl]- (methoxycarbonyl)amino]-2-ethyl-3,4-dihydro-6-(trifluoromethyl)- ethyl ester, (2R,4S)- (CAS No. 262352–17–0) (provided for in subheading 2933.49.26)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1194. DISULFIDE,BIS(3,5-DICHLOROPHENYL)(9C1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.97	Bis(3,5-dichlorophenyl) disulfide (CAS No. 137897–99–5) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1195. PYRIDINE,4-[[4-(1-METHYLETHYL)-2-[(PHENYLMETHOXY)METHYL]-1H- MIDAZOL-1-YL] METHYL]- ETHANEDIOATE (1:2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.98	Pyridine, 4-[[4-(1-methylethyl)-2-[(phenylmethoxy)- methyl]-1H-imidazol-1-yl]- methyl]-ethanedioate (1:2) (CAS No. 280129–82–0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1196. PACLOBUTRAZOLE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.99	(RS,3RS)-1-(4-Chlorophenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pentan-3-ol (paclobutrazol) (CAS No. 76738–62–0) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1197. PACLOBUTRAZOLE 2SC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.01	Mixtures of (RS,3RS)-1-(4-chlorophenyl)-4,4-dimethyl-2-(lH-1,2,4-triazol-1-yl)pentan-3-ol (paclobutrazol) (CAS No. 76738–62–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1198. METHIDATHION TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.02	S-[(5-Methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl)methyl] O,O-dimethyl phosphorodithioate (CAS No. 950–37–8) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1199. VANGUARD 75 WDG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.03	Mixtures of 2-pyrimidinamine, 4-cyclopropyl-6-methyl-N-phenyl- (cyprodinil) (CAS No. 121552–61–2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1200. WAKIL XL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.04	Mixtures of (R)-2-[(2,6-dimethylphenyl-methoxy)acetyl-amino]propionic acid, methyl ester (mefenoxam) (CAS No. 70630–17–0), 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (fludioxonil) (CAS No. 131341–86–1), and 2-cyano-2-methoxyimino-N-(ethylcarbam-oyl)acetamide (cymoxanil) (CAS No. 57966–95–7) with application adjuvants (the foregoing mixtures provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1201. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.05	2-Butenoic acid, 2,3-dichloro-4-oxo- (mucochloric acid) (CAS No. 87–56–9) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1202. AZOXYSTROBIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.06	Benzeneacetic acid, (E)-2-[[6-(2-cyanophenoxy)-4-pyrimidinyl]oxy]-alpha-(methoxymethyl-ene)-, methyl ester (pyroxystrobin) (CAS No. 131860–33–8) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1203. FLUMETRALIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.07	2-Chloro-N-[2,6-dinitro-4-(tri-fluoromethyl)-phenyl]-N-ethyl-6-fluorobenzene-methanamine (flumetralin) (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1204. CYPRODINIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.08	2-Pyrimidinamine, 4-cyclopropyl-6-methyl-N-phenyl- (cyprodinil) (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1205. MIXTURES OF LAMBDA-CYHALOTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.09	Mixtures of cyhalothrin (cyclopropanecarboxylic acid, 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-, cyano(3-phenoxyphenyl)-methyl ester, [1.alpha. (S*),3.alpha. (Z)]-(.+-.)-) (CAS No. 91465–08–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1206. PRIMISULFURON METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.10	Benzoic acid, 2-[[[[[4,6-bis- (difluoromethoxy)-2-pyrimidinyl]- amino]carbonyl]-amino]sulfonyl]-, methyl ester (primisulfuron methyl) (CAS No. 86209–51–0) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1207. 1,2-CYCLOHEXANEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.11	1,2- Cyclohexanedione (CAS No. 765–87–7) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1208. DIFENOCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.12	1H-1,2,4-Triazole, 1-[[2-[2-chloro-4-(4-chlorophenoxy)-phenyl]-4-methyl-1,3-dioxolan-2-yl]methyl]- (difenoconazole) (CAS No. 119446–68–3) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1209. CERTAIN REFRACTING AND REFLECTING TELESCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.13	Refracting telescopes with 50 mm or smaller lenses and reflecting telescopes with 76 mm or smaller lenses (provided for in subheading 9005.80.40)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1210. PHENYLISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.14	Phenylisocyanate (CAS No. 103–71–9) (provided for in subheading 2929.10.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1211. BAYOWET FT-248.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.15	Tetraethylammonium perfluoroctane- sulfonate (CAS No. 56773–42–3) (provided for in subheading 2923.90.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1212. P-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.16	p-Phenylphenol (CAS No. 92–69–3) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1213. CERTAIN RUBBER RIDING BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.17	Boots with outer soles and uppers of rubber, such boots 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 12/31/2005	".

SEC. 1214. CHEMICAL RH WATER-BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.18	Chemical RH water-based (iron toluene sulfonate) (comprising 75 percent water, 25 percent p-toluenesulfonic acid (CAS No. 6192–52–5) and 5 percent ferric oxide (CAS No. 1309–37–1)) (provided for in subheading 2904.10.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1215. CHEMICAL NR ETHANOL-BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.19	Chemical NR ethanol-based (iron toluene sulfonate) (comprising 60 percent ethanol (CAS No. 64–17–5), 33 percent p-toluenesulfonic acid (CAS No. 6192–52–5), and 7 percent ferric oxide (CAS No. 1309–37–1)) (provided for in subheading 2912.12.00 or 3824.90.28)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1216. TANTALUM CAPACITOR INK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.20	Tantalum capacitor ink: graphite ink P7300 of 85 percent butyl acetate, 8 percent graphite, and the remaining balance of non-hazardous resins; and graphite paste P5900 of 92-96 percent water, 1-3 percent graphite (CAS No. 7782–42–5), 0.5-2 percent ammonia (CAS No. 7664–41–7), and less than 1 percent acrylic resin (CAS No. 9003–32–1) (provided for in subheading 3207.30.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1217. CERTAIN SAWING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.91	Sawing machines, certified for use in production of radial tires designed for off-the-highway use and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or 8466.92.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1218. CERTAIN SECTOR MOLD PRESS MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.89	Sector mold press machines to be used in production of radial tires designed for off-the highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1219. CERTAIN MANUFACTURING EQUIPMENT USED FOR MOLDING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1220. CERTAIN EXTRUDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.85	Extruders to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1221. CERTAIN SHEARING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.81	Shearing machines used to cut metallic tissue certified for use in production of radial tires designed for off-the highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1222. THERMAL RELEASE PLASTIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.26	Thermal release plastic film (with a substrate of polyolefin-based PET/conductive acrylic polymer, release liner of polyethylene terephthalate PET/polysiloxane, pressure sensitive adhesive of acrylic ester-based copolymer, and core of acrylonitrile-butadiene-styrene copolymer) (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1223. CERTAIN SILVER PAINTS AND PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.27	Mixtures comprising 42 to 52 percent by weight of silver metal, 7.5 to 15 percent by weight of epoxy resin, and solvent (butyl 2-ethoxyethanol acetate); mixtures comprising 53 percent by weight of silver metal, 7 percent by weight of viton resin, and solvent (isoamyl acetate); and paste adhesive preparations comprising 62 percent by weight of silver metal, 8.4 percent by weight of viton resin, and solvent (composed of 1 part butyl 2-ethoxyethanol acetate and 9 parts isoamyl acetate); (all the foregoing provided for in subheading 7115.90.40)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1224. POLYMER MASKING MATERIAL FOR ALUMINUM CAPACITORS (UPICOAT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.28	Dispersions (60 percent) of polymide resins in 2,2′-oxydiethanol, dimethyl ether (provided for in subheading 3911.90.35 or 3911.90.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1225. OBPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.29	10,10′-Oxybisphenoxarsine (CAS No. 58–36–6) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1226. MACROPOROUS ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.30	Macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, thiol functionalized (CAS No. 113834–91–6) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1227. COPPER 8-QUINOLINOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.31	Copper 8-quinolinolate (oxine-copper) (CAS No. 10380–28–6) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1228. ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.32	Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, iminodiacetic acid, sodium form (CAS No. 244203–30–3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1229. ION-EXCHANGE RESIN CROSSLINKED WITH ETHENYLBENZENE, AMINOPHOSPONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.33	Ion-exchange resin comprising a copolymer of styrene crosslinked with ethenylbenzene, aminophosphonic acid, sodium form (CAS No. 125935–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1230. ION-EXCHANGE RESIN CROSSLINKED WITH DIVINYLBENZENE, SULPHONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.34	Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, sulfonic acid, sodium form (CAS No. 63182–08–1) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1231. 3-[(4 AMINO-3-METHOXYPHENYL) AZO]-BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.35	3-[(Amino-3-methoxyphenyl)-azo]-benzenesulfonic acid (CAS No. 138–28–3) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1232. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.36	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1233. 2-AMINO-6-NITRO-PHENOL-4-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.37	2-Amino-6-nitro- phenol-4-sulfonic acid (CAS No. 96–93–5) (provided for in subheading 2922.29.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1234. 2-AMINO-5-SULFOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.38	2-Amino-5- sulfobenzoic acid (CAS No. 3577–63–7) (provided for in subheading 2922.49.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1235. 2,5 BIS [(1,3 DIOXOBUTYL) AMINO] BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.39	2,5-Bis[(1,3- dioxobutyl)- amino]benzene- sulfonic acid (CAS No. 70185–87–4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1236. P-AMINOAZOBENZENE 4 SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.40	4-[(4-Amino- phenyl)azo]- benezenesulfonic acid, monosodium salt (CAS No. 2491–71–6) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1237. P-AMINOAZOBENZENE 4 SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.41	4-[(4-Amino- phenyl)azo]- benzenesulfonic acid (CAS No. 104–23–4) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1238. 3-[(4 AMINO-3-METHOXYPHENYL) AZO]-BENZENE SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.42	3-[(4-Amino-3- methoxyphenyl)- azo]benzenesul- fonic acid, monosodium salt (CAS No. 6300–07–8) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1239. ET-743 (ECTEINASCIDIN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.43	[6R-(6a,6ab,7b, 13b,14b,16a, 20R*)]-5- Acetyloxy-3′,4′, 6,6a,7,13,14,16-octahydro-6′,8,14-trihydroxy-7′,9-dimethoxy- 4,10,23-trimethylspiro[6, 16-b][3]benzazocine-20,1′(2H)-isoquinolin-19-one (ecteinascidin) (CAS No. 114899–77–3) (provided for in subheading 2934.99.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1240. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-CHLORO-6-[[2-[[4-FLUORO-6-[[5-HYDROXY-6-[(4-METHOXY-2-SULFOPHENYL)AZO]-7-SULFO-2-NAPHTHALENYL]AMINO]-1,3,5-TRIAZIN-2-YL] AMINO]-1-METHYLETHYL]AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-3-[[4-(ETHENYLSULFONYL)PHENYL]AZO]-4-HYDROX′-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.44	2,7-Naphthalene-disulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]-amino]-1,3,5-triazin- 2-yl]-amino]-1-methylethyl]-amino]-1,3,5-triazin-2-yl]-amino]-3-[[4-(ethenylsulfonyl)-phenyl]azo]-4-hydroxy, sodium salt (CAS No. 168113–78-8) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1241. 1,5-NAPHTHALENEDISULFONIC ACID, 3-[[2-(ACETYLAMINO)-4-[[4-[[2-[2- (ETHENYLSULFONYL) ETHOXY] ETHYL] AMINO]-6- FLUORO-1,3,5- TRIAZIN-2-YL]AMINO] PHENYL]AZO]-, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.45	1,5-Naphthalenedi- sulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2-(ethenylsulfonyl)- ethoxy]-ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]- amino]-phenyl]azo]-, disodium salt (CAS No. 98635–31–5) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1242. 7,7′-[1.3-PROPANEDIYLBIS[IMINO(6-FLUORO-1,3,5-TRIAZINE-4,2-DIYL)IMINO[2-[(AMINOCARBONYL)AMINO]-4,1-PHENYLENE]AZO]]BIS-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.46	7,7′-[1,3-Propanediylbis- [imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)-amino]-4,1-phenylene]azo]]bis-, sodium salt (CAS No. 143683–24–3) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1243. CUPRATE(3-), [2-[[[3-[[4-[[2-[2- (ETHENYLSULFONYL)ETHOXY] ETHYL]AMINO]-6-FLUORO-1,3,5- TRIAZIN-2-YL]AMINO]-2-(HYDROXY-.KAPPA.O)- 5-SULFOPHENYL]AZO-.KAPPA. N2]PHENYLMETHYL]AZO-. KAPPA.N1]-4-SULFOBENZOATO(5-)-.KAPPA.O], TRISODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.47	Cuprate(3-), [2-[[[[3-[[4-[[2-[2- (ethenylsulfonyl)-ethoxy]-ethyl]amino]- 6-fluoro-1,3,5-triazin-2-yl]-amino]-2-(hydroxy-.kappa.O)-5-sulfophenyl]azo-.kappa.N2]-phenylmethyl]azo-.kappa.N1]-4-sulfobenzoato(5-)-.kappa.O], trisodium (CAS No. 106404–06–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1244. 1,5-NAPHTHALENEDISULFONIC ACID, 2-[[8-[[4-[[3-[[[2-(ETHENYLSULFONYL) ETHYL]AMINO]CARBONYL] PHENYL]AMINO]-6-FLUORO-1,3,5- TRIAZIN-2-YL]AMINO]-1-HYDROSY-3, 6-DISULFO-2-NAPHTHALENYL]AZO]-, TETRASODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.48	1,5-Naphthalenedi- sulfonic acid, 2-[[8-[[4-[[3-[[[2- (ethenylsulfonyl)- ethyl]-amino]carbonyl]- phenyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydroxy-3,6-disulfo-2-naphthalenyl]-azo]-, tetrasodium salt (CAS No. 116912-36-8) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1245. PTFMBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.49	p-(Trifluoro-methyl)benzaldehyde (CAS No. 455–19–6) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1246. BENZOIC ACID, 2-AMINO-4-[[(2,5-DICHLOROPHENYL)AMINO CARBONYL]-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.51	Benzoic acid, 2-amino-4-[[(2,5- dichlorophenyl)- amino]carbonyl]-, methyl ester (CAS No. 59673–82–4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1247. IMIDACLOPRID PESTICIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.52	Mixtures of imidacloprid (1-[(6-Chloro-3-pyridinyl)-methyl]-N- nitro-2-imidazolidini- mine) (CAS No. 138261–41–3) with application adjuvants (provided for in subheading 3808.10.25)	5.7%	No change	No change	On or before 12/31/2005	”.

SEC. 1248. BETA-CYFLUTHRIN.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.54	beta-Cyfluthrin (CAS No. 68359–37–5) (provided for in subheading 2926.90.30)	4.3%	No change	No change	On or before 12/31/2005	”.

SEC. 1249. IMIDACLOPRID TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.55	Imidacloprid (1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidini- mine) (CAS No. 138261–41–3) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1250. BAYLETON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.56	Triadimefon (1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone) (CAS No. 43121–43–3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1251. PROPOXUR TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.57	Propoxur (2-(1-methylethoxy)-phenol methyl-carbamate) (CAS No. 114–26–1) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1252. MKH 6561 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.58	A mixture of 30 percent 2-(carbomethoxy)- benzenesulfonyl isocyanate (CAS No. 13330–20–7) and 70 percent xylenes (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1253. PROPOXY METHYL TRIAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.59	A mixture of 20 percent propoxy- methyltriazolone (3H-1,2,4-triazol-3-one, 2,4-dihydro-4-methyl-5-propoxy-) (CAS No. 1330–20–7) and triazolone (3H-1,2,4-triazol-3-one, 2,4- dihydro-4-methyl-5-propoxy-) (CAS No. 1330–2–7) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1254. NEMACUR VL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.60	Fenamiphos (ethyl 4-(methylthio)-m-tolyl- isospropylphos- phoramidate) (CAS No. 22224–92–6) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1255. METHOXY METHYL TRIAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.61	2,4-Dihydro-5-methoxy-4-methyl-3H-1,2,4-triazol-3-one (CAS No. 135302–13–5) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1256. LEVAFIX GOLDEN YELLOW E-G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.62	Reactive yellow 27 (1H-Pyrazole-3-carboxylic acid, 4-[[4-[[(2,3-dichloro-6-quinoxalinyl)car-bonyl]amino]-2- sulfophenyl]- azo]-4,5- dihydro-5-oxo-1- (4-sulfophenyl)-, trisodium salt) (CAS No. 75199–00–7) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1257. LEVAFIX BLUE CA/REMAZOL BLUE CA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.63	Cuprate(4-), [2-[[3-[[sub-stituted]-1,3,5-triazin-2-yl]amino]-2-hy-droxy-5-sulfophenyl]- (substituted)azo], sodium salt (CAS No. 156830–72–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1258. REMAZOL YELLOW RR GRAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.64	Benzenesulfonic- acid, 2-amino-4- (cyanoamino)-6-[(3-sulfo- phenyl)amino]- 1,3,5-triazin-2-yl]amino]-5-[[4-[[2-(sulfoxy)- ethyl]sulfonyl]- phenyl]azo]-, lithium/so-dium salt (CAS No. 189574–45–6) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1259. INDANTHREN BLUE CLF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.65	Vat blue 66 (9,10-Anthra- cenedione, 1,1′-[(6-phenyl-1,3,5- triazine-2,4-diyl)diimino]- bis[3-acetyl-4- amino-) (CAS No. 32220–82–9) (provided for in sub-heading 3204.15.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1260. INDANTHREN YELLOW F3GC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.66	Vat yellow 33 ([1,1′-Biphenyl]- 4-carboxamide, 4′,4‴-azobis[N- (9,10-dihydro- 9,10-dioxo-1- anthracenyl)-) (CAS No. 12227–50–8) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1261. ACETYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.67	Acetyl chloride (CAS No. 75–36–5) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1262. 4-METHOXY-PHENACYCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.68	4-Methoxyphena- cyl chloride (CAS No. 2196–99–8) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1263. 3-METHOXY-THIOPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.69	3-Methoxy-thiophenol (CAS No. 15570–12–4) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1264. LEVAFIX BRILLIANT RED E-6BA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.70	Reactive red 159 (2,7-naphthalenedisulfonic acid, 5-(benzoylamino)- 3-[[5-[[(5-chloro-2,6-difluoro-4-pyrimidinyl)- amino]methyl]- 1-sulfo-2- naphthalenyl]- azo]-4-hydroxy-, lithium sodium salt) (CAS No. 83400–12–8) (provided for in sub-heading 3204.16.20)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1265. REMAZOL BR. BLUE BB 133 PERCENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.71	Reactive blue 220 (cuprate(4-), [4,5-dihydro-4- [[8-hydroxy-7- [[2-hydroxy-5-methoxy-4-[[2- (sulfoxy)ethyl]- sulfonyl]- phenyl]azo]-6- sulfo-2-naphthal-enyl]azo]-5-oxo- 1-(4-sulfophenyl)-1H-pyrazole-3- carboxylato(6-)]-, sodium) (CAS No. 90341–71–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1266. FAST NAVY SALT RA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.72	Benzenediazonium, 4-[(2,6- dichloro-4- nitrophenyl)azo]- 2,5-dimethoxy-, (T-4)-tetra- chlorozincate(2-) (2:1) (CAS No. 63224–47–5) (provided for in subheading 2927.00.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1267. LEVAFIX ROYAL BLUE E-FR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.73	Reactive blue 224 (ethanol, 2,2′-[[6,13-dichloro-3,10- bis[[2-(sulfoxy)- ethyl]amino]-triphenodioxaz-inediyl]bis(sul- fonyl)]bis-, bis(hydrogen sulfate) ester, potassium sodium salt (CAS No. 108692–09–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1268. P-CHLORO ANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.74	p-Chloroaniline (CAS No. 106–47–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1269. ESTERS AND SODIUM ESTERS OF PARAHYDROXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.75	Methyl 4-hydroxybenzoate (CAS No. 99–76–3); propyl 4-hydroxybenzoate (CAS No. 94–13–3); ethyl 4-hydroxybenzoate (CAS No. 120–47–8); butyl 4-hydroxy-benzoate (CAS No. 94–26–8); benzyl 4-hydroxybenzoate (CAS No. 94–18–8); methyl 4-hydroxybenzoate, sodium salt (CAS No. 5026–62–0); propyl 4-hydroxybenzoate, sodium salt (CAS No. 35285–69–9); ethyl 4-hydroxybenzoate, sodium salt (CAS No. 35285–68–8); and butyl 4-hydroxybenzoate, sodium salt (CAS No. 36457–20–2) (all the foregoing provided for in subheading 2918.29.65 or 2918.29.75)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1270. SANTOLINK EP 560.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.76	Phenol-formaldehyde polymer, butylated (CAS No. 96446–41–2) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1271. PHENODUR VPW 1942.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.77	Phenol, 4,4′-(1-methylethyl-idene)bis-, polymer with (chloromethyl)-oxirane and phenol polymer with formaldehyde modified with chloroacetic acid (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1272. PHENODUR PR 612.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.78	Formaldehyde, polymer with 2-methylphenol, butylated (CAS No. 118685–25–9) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1273. PHENODUR PR 263.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.79	Phenol, polymer with formaldehyde (CAS No. 126191–57–9) and urea, polymer with formaldehyde (CAS No. 68002–18–6) dissolved in a mixture of isobutanol and n-butanol (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1274. MACRYNAL SM 510 AND 516.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.80	Neodecanoic acid, oxiranylmethyl ester, polymer with ethenylbenzene, 2-hy-droxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate and 2-propenoic acid (CAS No. 98613–27–5) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1275. ALFTALAT AN 725.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.81	1,3-Benzenedicarboxylic acid, polymer with 1,4-benzenedicarboxylic acid and 2,2-dimethyl-1,3-propanediol (CAS No. 25214–38–4) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1276. RWJ 241947.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.82	(+)-5-[[6-[(2-Fluorophenyl)- methoxy]-2-naphthalenyl]-methyl]-2,4-thiazolidinedione (CAS No. 161600–01–7) (provided for in subheading 2934.10.10) ..	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1277. RWJ 394718.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.83	1-Propanone, 3-(5-benzofuranyl)-1-[2-hydroxy-6-[[6-O-(methoxycarbonyl-beta-D-glucopyranosyl]-oxy]-4-methylphenyl- (CAS No. 209746–59–8) (provided for in sub-heading 2932.99.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1278. RWJ 394720.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.84	3-(5-Benzofuranyl)-1-[2-β-D-glucopyranosyloxy- 6-hydroxy-4-methylphenyl]-1-propanone (CAS No. 209746–56–5) (provided for in subheading 2932.99.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1279. 3,4-DCBN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.85	3,4-Dichlorobenzonitrile (CAS No. 6574–99–8) (provided for in subheading 2926.90.12)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1280. CYHALOFOP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.86	Propanoic acid, 2-[4-(cyano-2-fluorophenoxy)-phenoxy]butyl ester(2R) (CAS No. 122008–85–9) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1281. ASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.87	Methyl sulf-anilylcarbamate, sodium salt (asulam sodium salt) (CAS No. 2302–17–2) imported in bulk form (provided for in subheading 2935.00.75), or imported in forms or packings for retail sale or mixed with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1282. FLORASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.88	Mixtures of florasulam ([1,2,4]- triazolo[1,5-c]- pyrimidine-2-sulfonamide, N-(2,6-difluorophenyl)-8-fluoro-5-methoxy-) (CAS No. 145701–23–1) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1283. PROPANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.89	Propanamide, N-(3,4-dichlorophenyl)- (CAS No. 709–98–8) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1284. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.90	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl)- hydrazide (halofenozide) (CAS No. 112226–61–6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1285. ORTHO-PHTHALALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.92	1,2-Benzenedicarboxaldehyde (CAS No. 643–79–8) (provided for in subheading 2912.29.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1286. TRANS 1,3-DICHLOROPENTENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.02.93	Mixed cis and trans isomers of 1,3-dichloro-propene (CAS No. 10061–02–6) (provided for in subheading 2903.29.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1287. METHACRYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.94	Methacrylamide (CAS No. 79–39–0) (provided for in subheading 2924.19.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1288. CATION EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.95	2-Propenoic acid, polymer with diethenylbenzene (CAS No. 9052–45–3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1289. GALLERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.96	N-[3-(1-Ethyl-1-methylpropyl)-5-isoxazolyl]-2,6-dimethoxybenz-amide (isoxaben) (CAS No. 82558–50–7) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1290. NECKS USED IN CATHODE RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.97	Necks of a kind used in cathode ray tubes (provided for in subheading 7011.20.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1291. POLYTETRAMETHYLENE ETHER GLYCOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.02.98	Polytetramethylene ether glycol (tetrahydro-3-methylfuran, polymer with tetrahydrofuran) (CAS No. 38640–26–5) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1292. LEAF ALCOHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.02.99	cis-3-Hexen-1-ol (CAS No. 928–96–1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1293. COMBED CASHMERE AND CAMEL HAIR YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.01	Yarn of combed cashmere or yarn of camel hair (provided for in subheading 5108.20.60)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1294. CERTAIN CARDED CASHMERE YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.02	Yarn of carded cashmere of 6 run or finer (equivalent to 19.35 metric yarn system) (provided for in subheading 5108.10.60)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1295. SULFUR BLACK 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.03	Sulfur black 1 (CAS No. 1326–82–5) (provided for in subheading 3204.19.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1296. REDUCED VAT BLUE 43.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.04	Reduced vat blue 43 (CAS No. 85737–02–6) (provided for in subheading 3204.15.40)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1297. FLUOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.05	Fluorobenzene (CAS No. 462–06–6) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1298. CERTAIN RAYON FILAMENT YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.06	High tenacity multiple (folded) or cabled yarn of viscose rayon (provided for in subheading 5403.10.60)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1299. CERTAIN TIRE CORD FABRIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.07	Tire cord fabric of high tenacity yarn of viscose rayon (provided for in subheading 5902.90.00)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1300. DIRECT BLACK 184.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.08	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1301. BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.09	5-[4-(7-Amino-1-hydroxy-3-sulfo-naphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1302. MAGENTA 364.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.10	5-[4-(4,5-Dimethyl-2-sulfo-phenylamino)-6-hydroxy-[1,3,5]triazin-2-ylamino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naph- thalene-2,7-disulfonic acid, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1303. THIAMETHOXAM TECHNICAL.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.11	Thiamethoxam (3-[(2-chloro-5-thiazolyl)methyl)-tetrahydro-5-methyl-N-nitro-1,3,5-oxadiazin-4-imine) (CAS No. 153719–23–4) (provided for in subheading 2934.10.90)	2.6%	No change	No change	On or before 12/31/2004	’’.

(b) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.03.11, as added by subsection (a), is amended—

(A) by striking ‘‘2.6%’’ and inserting ‘‘2.54%’’; and

(B) by striking ‘‘On or before 12/31/2004’’ and inserting ‘‘On or before 12/31/2005’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

(c) CALENDAR YEAR 2006.—

(1) IN GENERAL.—Heading 9902.03.11, as added by subsection (a) and amended by this section, is further amended—

(A) by striking ‘‘2.54%’’ and inserting ‘‘3.2%’’; and

(B) by striking ‘‘On or before 12/31/2005’’ and inserting ‘‘On or before 12/31/2006’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2006.

SEC. 1304. CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.12	2-[(Hydroxyethyl- sulfamoyl)-sulfophthalo- cyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1305. DIRECT BLUE 307.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.14	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1306. DIRECT VIOLET 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.16	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1307. FAST BLACK 286 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.17	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2- naphthalenyl)-azo]-6-sulfo-1-naphthalenyl]-azo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1308. MIXTURES OF FLUAZINAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.18	Mixtures of fluazinam (3-chloro-N-(3-chloro-2,6- dinitro-4-(trifluoromethyl)-phenyl-5-(trifluoromethyl)-2-pyridinamine) (CAS No. 79622–59–6) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1309. PRODIAMINE TECHNICAL.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.19	Prodiamine (2,6-dinitro-N1,N1-dipropyl-4-(trifluoromethyl)-1,3-benzene-diamine (CAS No. 29091–21–2) (provided for in subheading 2921.59.80)	0.53%	No change	No change	On or before 12/31/2004	’’.

(b) CALENDAR YEARS 2005 AND 2006.—

(1) IN GENERAL.—Heading 9902.03.19, as added by subsection (a), is amended—

(A) by striking ‘‘0.53%’’ and inserting ‘‘Free’’; and

(B) by striking ‘‘On or before 12/31/2004’’ and inserting ‘‘On or before 12/31/2006’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1310. CARBON DIOXIDE CARTRIDGES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.20	Carbon dioxide in threaded 12-, 16-, or 25-gram non-refillable cartridges (provided for in subheading 2811.21.00)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1311. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH N,N-DIMETHYL, 1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.21	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl- 1,3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1312. 40 PERCENT POLYMER ACID SALT/POLYMER AMIDE, 60 PERCENT BUTYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.22	2-Oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester, 40 percent solution in N-butyl acetate (provided for in sub-heading 3208.90.00)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1313. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH N,N-DIMETHYL- 1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED, 60 PERCENT SOLUTION IN TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.23	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl- 1,3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2), 60 percent solution in toluene (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1314. POLYMER ACID SALT/POLYMER AMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.24	2-Oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1315. 50 PERCENT AMINE NEUTRALIZED PHOSPHATED POLYESTER POLYMER, 50 PERCENT SOLVESSO 100.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.25	50 Percent amine neutralized phosphated polyester polymer, 50 percent solvesso 100 (CAS Nos. P–99–1218, 64742–95–6, 95–63–6, 108–67–8, 98–82–8, and 1330–20–7) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1316. 1-OCTADECANAMINIUM, N,N-DI-METHYL-N-OCTADECYL-, (SP-4-2)-[29H,31H-PHTHA- LOCYANINE-2- SULFONATO(3-)-.KAPPA.N29,.KAPPA.N30,.KAPPA.N31,.KAPPA.N32]CUPRATE(1-).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.26	1-Octa- decanaminium, N,N-dimethyl-N-octadecyl-, (Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato(3-)-.kappa.N29, .kappa.N30, .kappa.N31, .kappa.N32] cuprate(1-) (CAS No. 70750-63-9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1317. CHROMATE(1-)-BIS[1-[(5-CHLORO–2-HYDROXYPHENYL)AZO)–2-NAPTHAL ENOLATO(2-))-,HYDROGEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.27	Chromate(1-)-bis[1-[(5-chloro-2-hydroxy-phenyl)azo]-2-naphthalenolato- (2-)]-, hydrogen (CAS No. 31714–55–3) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1318. BRONATE ADVANCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.29	Mixtures of bromoxynil octanoate (3,5-dibromo-4-hydroxybenzo-nitrile octanoate (CAS No. 1689–99–2) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1319. N-CYCLOHEXYLTHIOPHTHALIMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.30	N-Cyclohexylthiophthalimide (CAS No. 17796–82–6) (provided for in subheading 2930.90.24)	3%	No change	No change	On or before 12/31/2005	".

SEC. 1320. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2005	".

SEC. 1321. BIO-SET INJECTION RCC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.03.33	Polymeric apparatus, comprising a removable cap, an injection port attached to an air vent filter and a fixed needle of plastics and a base for attaching the whole to a vial with a 13 mm or 20 mm flange, of a kind used for transferring diluent from a prefilled syringe (without needle) to a vial containing a powdered or lyophilized medicament and, after mixing, transferring the medicament back to the syringe for subsequent administration to the patient (provided for in subheading 3923.50.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1322. PENTA AMINO ACETO NITRATE COBALT III (COFLAKE 2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.34	Mixtures of (acetato)pent-ammine cobalt dinitrate (CAS No. 14854–63–8) with a polymeric or paraffinic carrier (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1323. OXASULFURON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.35	Benzoic acid, 2-[[[[(4,6-dimethyl-2-pyrimidinyl)- amino]carbonyl]-amino]sulfonyl]-, 3-oxetanyl ester (CAS No. 144651–06–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1324. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.83	Machine tools for working wire of iron or steel, certified for use in production of radial tires designed for off-the-highway use and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1325. 4-AMINOBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.37	4-Aminobenzamide (CAS No. 2835–68–9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1326. FOE HYDROXY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.38	N-(4-Fluorophenyl)-2-hydroxy-N-(1-methylethyl)-acetamide (CAS No. 54041–17–7) (provided for in subheading 2924.29.71)	5.2%	No change	No change	On or before 12/31/2005	".

SEC. 1327. MAGENTA 364 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.39	5-[4-(4,5-Dimethyl-2-sulfo- phenylamino)-6-hydroxy-[1,3,5]triazin-2-ylamino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naph- thalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1328. TETRAKIS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.40	Tetrakis ((2,4-di-tert-butylphenyl)-4,4-biphenylene diphosphonite) (CAS No. 38613–77–3) (provided for in subheading 2835.29.50)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1329. PALMITIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.41	Palmitic acid, with a purity of 90 percent or more (CAS No. 57–10–3) (provided for in subheading 2915.70.00)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1330. PHYTOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.42	3,7,11,15-Tetramethylhexadec-2-en-1-ol (CAS No. 7541–49–3) (provided for in subheading 2905.22.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1331. CHLORIDAZON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.43	Chloridazon (5-Amino-4-chloro-2-phenyl-3(2H)-pyridazinone) (CAS No. 1698–60–8) put up in forms or packings for retail sale or mixed with application adjuvants (provided for in subheading 3808.30.15)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1332. DISPERSE ORANGE 30, DISPERSE BLUE 79:1, DISPERSE RED 167:1, DISPERSE YELLOW 64, DISPERSE RED 60, DISPERSE BLUE 60, DISPERSE BLUE 77, DISPERSE YELLOW 42, DISPERSE RED 86, AND DISPERSE RED 86:1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.45	Propanenitrile, 3-[[2-(acetyloxy)-ethyl]-[4-[(2,6-dichloro-4-nitro- phenyl)azo]-phenyl]amino]- (disperse orange 30) (CAS No. 5261–31–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.46	Acetamide, N-[5-[bis[2-(acetyloxy)-ethyl]amino]-2-[(2-bromo-4,6-dinitrophenyl)-azo]-4-methoxyphenyl]- (disperse blue 79:1) (CAS No. 3618–72–2) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.47	Acetamide, N-[5-[bis[2-(acetyloxy)- ethyl]amino]-2-[(2-chloro-4-nitrophenyl)-azo]phenyl]- (disperse red 167:1) (CAS No. 1533–78–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.48	1H-Indene-1,3(2H)-dione, 2-(4-bromo-3-hydroxy-2-quinol-inyl)- (disperse yellow 64) (CAS No. 10319–14–9) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.49	9,10-Anthra- cenedione, 1-amino-4-hydroxy-2-phenoxy- (disperse red 60) (CAS No. 17418–58–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.50	1H-Naphth[2,3-f]isoindole-1,3,5,10(2H)-tetrone, 4,11-diamino-2-(3-methoxypropyl)-(disperse blue 60) (CAS No. 12217–80–0) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.51	9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)- (disperse blue 77) (CAS No. 20241–76–3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.52	Benzenesulfonamide, 3-nitro-N-phenyl-4-(phenylamino)- (disperse yellow 42) (CAS No. 5124–25–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.53	Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl)-4-methyl- (disperse red 86) (CAS No. 81–68–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.54	Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl)- (disperse red 86:1) (CAS No. 69563–51–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1333. DISPERSE BLUE 321.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.55	1-Naphthalenamine, 4-[(2-bromo-4,6- dinitrophenyl)- azo]-N-(3-meth- oxypropyl)-(disperse blue 321) (CAS No. 70660–55–8) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1334. DIRECT BLACK 175.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.56	Cuprate(4-), [m-[5-[(4,5-dihydro-3-methyl-5-oxo- 1-phenyl-1H-pyrazol-4-yl)azo]-3-[[4′-[[3,6-disulfo-2-hydroxy.kappa.O-1-naphthal- enyl]azo-.kappa.N1]-3,3′-di(hydroxy-.kappa.O)[1,1′-biphenyl]-4-yl]azo-.kappa.N1]-4-(hydroxy-.kappa.O)-2,7-naphtha- lenedisulf-onato(8-)]]di-, tetrasodium (direct black 175) (CAS No. 66256–76–6) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1335. DISPERSE RED 73 AND DISPERSE BLUE 56.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.03.57	Benzonitrile, 2-[[4-[(2-cyanoethyl)- ethylamino]- phenyl]azo]-5-nitro- (disperse red 73) (CAS No. 16889–10–4) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2005	".
"	9902.03.58	9,10-Anthra- cenedione, 1,5-diaminochloro-4,8-dihydroxy- (disperse blue 56) (CAS No. 12217–79–7) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1336. ACID BLACK 132.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.59	[3-(Hydroxy-.kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N1]-1-naphthal-enesulfonato (3-)]-[1-[[2-(hydroxy-.kappa.O)-5-[(2-methoxyphenyl]-azophenyl]-azo-.kappa.N1]-2-naphthalenolato (2-).kappa.O]-, disodium (acid black 132) (CAS No. 27425–58–7) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1337. ACID BLACK 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.61	Chromate(2-), [1-[[2-(hydroxy.kappa.O)-3,5-dinitro- phenyl]azo-.kappa.N1]-2-naphthal- enolato(2-)-.kappa.O][3-(hydroxy-.kappa.O)4-[[2 (hydroxy-.kappa.O)-1-naphthalenyl]-azo.kappa.N1]-7- nitro-1-naphthalenesulfonato(3-)]-, sodium hydrogen (acid black 107) (CAS No. 12218–96–1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1338. ACID YELLOW 219, ACID ORANGE 152, ACID RED 278, ACID ORANGE 116, ACID ORANGE 156, AND ACID BLUE 113.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.03.62	Benzenesulfonic acid, 3-[[3-methoxy-4-[(4-methoxyphenyl)- azo]phenyl]azo]-, sodium salt (acid yellow 219) (CAS No. 71819–57–3) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	
	9902.03.63	Benzenesulfonic acid, 3-[[4-[[4-(2-hydroxybut-oxy)phenyl]azo]-5-methoxy-2-methyl- phenyl]azo]-, monolithium salt (acid orange 152) (CAS No. 71838–37–4) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	
	9902.03.64	Chromate(1-), bis[3-[4-[[5-chloro-2-(hydroxy.kappa.O)- phenyl]azo-.kappa.N1]-4,5-dihydro-3-methyl-5-(oxo-.kappa.O)-1H-pyrazol-1-yl]benzenesul- fonamidato(2-)]-, sodium (acid red 278) (CAS No. 71819–56–2) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	
	9902.03.65	Benzenesulfonic acid, 3-[[4-[(2-ethoxy-5-methylphenyl)- azo]-1-naphthalenyl]azo]-, sodium salt (acid orange 116) (CAS No. 12220–10–9) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	
	9902.03.66	Benzenesulfonic acid, 4-[[5-meth- oxy-4-[(4-methoxy- phenyl)azo]-2-methyl-phenyl]azo]-, sodium salt (acid orange 156) (CAS No. 68555–86–2) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	
	9902.03.67	1-Naphthalene- sulfonic acid, 8-(phenylamino)-5-[[4-[(3- sulfophenyl)- azo]-1-naphthalenyl]-azo]-, disodium salt (acid blue 113) (CAS No. 3351–05–1) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1339. LUGANIL BROWN NGT POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.76	Acid brown 290 (CAS No. 12234–74–1) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1340. THIOPHANATE-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.77	4,4′-o-Phenylenebis-(3-thioallophanic acid), dimethyl ester (thiophanate-methyl) (CAS No. 23564–05–8) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1341. MIXTURES OF THIOPHANATE-METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.03.79	Mixtures of 4,4′-o-Phenylenebis-(3-thioallophanic acid), dimethyl ester (Thiophanate-methyl) (CAS No. 23564–05–8) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1342. HYDRATED HYDROXYPROPYL METHYLCELLULOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.80	2-Hydroxypropyl methyl cellulose (CAS No. 9004–65–3)(provided for in subheading 3912.39.00)	0.4%	No change	No change	On or before 12/31/2005	".

SEC. 1343. C 12–18 ALKENES, POLYMERS WITH 4-METHYL-1-PENTENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.86	C 12–18 alkenes, polymers with 4-methyl-1-pentene (CAS No. 68413–03–6) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1344. CERTAIN 12-VOLT BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.87	12V Lead-acid storage batteries, of a kind used for the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1345. CERTAIN PREPARED OR PRESERVED ARTICHOKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.89	Artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.90.80)	13.8%	No change	No change	On or before 12/31/2005	".

SEC. 1346. CERTAIN OTHER PREPARED OR PRESERVED ARTICHOKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.90	Artichokes, prepared or preserved by vinegar or acetic acid (provided for in subheading 2001.90.25)	7.5%	No change	No change	On or before 12/31/2005	".

SEC. 1347. ETHYLENE/TETRAFLUOROETHYLENE COPOLYMER (ETFE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.91	Ethylene-tetra- fluoroethylene copolymers (ETFE) (provided for in subheading 3904.69.50)	4.9%	No change	No change	On or before 12/31/2005	".

SEC. 1348. ACETAMIPRID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.92	N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine (CAS No. 135410–20–7) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1349. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.84.94	Extruders, screw type, suitable for processing polyester thermoplastics in a cast film production line (provided for in subheading 8477.20.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.95	Casting machinery suitable for processing polyester thermoplastics into a sheet in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.96	Transverse direction orientation tenter machinery, suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.97	Winder machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.98	Slitting machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1350. TRITICONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.99	E-5-(4-Chlorobenzylidene)-2,2-dimethyl-1-(1H-1,2,4-triazol-1-ylmethyl)cyclopentanol. (CAS No.131983–72–7) (provided for in subheading 2933.99.12)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1351. CERTAIN TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.88	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.30.50)	2.7%	No change	No change	On or before 12/31/2005	".

SEC. 1352. 3-SULFINOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.01	3-Sulfinobenzoic acid (CAS No. 15451–00–0) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1353. POLYDIMETHYLSILOXANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.02	Polydimethylsiloxane (CAS No. 63148–62–9) (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1354. BAYSILONE FLUID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.03	An alkyl modified polydimethylsiloxane (CAS No. 102782–93–4) (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1355. ETHANEDIAMIDE, N- (2-ETHOXYPHENYL)-N′- (4-ISODECYLPHENYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.05	Preparations based on ethanediamide, N-(2-ethoxyphenyl)-N′-(4-isodecylphenyl)- (CAS No. 82493–14–9) (provided for in subheading 3812.30.60)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1356. 1-ACETYL-4-(3-DODECYL-2, 5-DIOXO-1-PYRROLIDINYL)-2,2,6,6-TETRAMETHYL-PIPERIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.06	1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethylpiperidine (CAS No. 106917–31–1) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1357. ARYL PHOSPHONITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.07	Reaction products of phosphorus trichloride with 1,1′-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol (CAS No. 119345–01–6) (provided for in subheading 3812.30.60)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1358. MONO OCTYL MALIONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.08	mono-2-Ethylhexyl maleate (CAS No. 7423–42–9) (provided for in subheading 2917.19.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1359. 3,6,9-TRIOXAUNDECANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.09	3,6,9-Trioxaundecanedioic acid (CAS No. 13887–98–4) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1360. CROTONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.10	(E)-2-Butenoic acid (Crotonic acid) (CAS No. 107–93–7) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1361. 1,3-BENZENEDICARBOXAMIDE, N, N′-BIS-(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.11	1,3-Benzenedicarboxamide, N,N′-bis-(2,2,6,6-tetramethyl-4-piperidinyl)- (CAS No. 42774–15–2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1362. 3-DODECYL-1-(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-2,5-PYRROLIDINEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.12	3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione (CAS No. 79720–19–7) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1363. OXALIC ANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.13	Ethanediamide, N-(2-ethoxyphenyl)-N′-(2-ethylphenyl)- (CAS No. 23949–66–8) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1364. N-METHYL DIISOPROPANOLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.14	1,1′-(Methylamino)dipropan-2-ol (CAS No. 4402–30–6) (provided for in subheading 2922.19.95)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1365. 50 PERCENT HOMOPOLYMER, 3-(DIMETHYLAMINO) PROPYL AMIDE, DIMETHYL SULFATE-QUATERNIZED 50 PERCENT POLYRICINOLEIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.15	Mixture (1:1) of polyricinoleic acid homopolymer, 3-(dimethylamino) propylamide, dimethyl sulfate, quaternized and polyricinoleic acid (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1366. BLACK CPW STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.16	2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4-[[-4-[(2- or 4-amino-4 or 2-hydroxyphenyl)azo]phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo), trisodium salt) (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1367. FAST BLACK 287 NA PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.17	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt, in paste form (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1368. FAST BLACK 287 NA LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.18	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt, in liquid form (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1369. FAST YELLOW 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.19	1,3-Benzenedicarboxylic acid, 5,5′- [[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt (direct yellow 173) (provided for in subheading 3204.14.30.)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1370. CYAN 1 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.21	Copper [29H,31H-phthalo- cyaninato(2-)-N29,N30,N31,N32]-, aminosulfonylsulfo derivatives, tetramethylammonium salts (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1371. YELLOW 1 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.24	1,5-Naphthalenedisulfonic acid, 3,3′- [[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt (CAS No. 50925–42–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1372. YELLOW 746 STAGE.

Subchapter II of chapter 99 of is amended by inserting in numerical sequence the following new heading:

"	9902.04.26	1,3-Bipyridirium, 3-carboxy-5′-[(2-carboxy-4-sulfophenyl)azo]-1′,2′-dihydro-6′-hydroxy-4′-methyl-2′-oxo-, inner salt, lithium/sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1373. BLACK SCR STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.27	2,7-Naphthalenedi- sulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxyphenyl)-azo]- phenyl]amino]-3-sulfophenyl]- azo]-5-hydroxy-6-(phenylazo)-, trisodium salt (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1374. MAGENTA 3B-OA STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.28	2-[[4-Chloro-6-[[8-hydroxy-3,6-disulfonate-7-[(1-sulpho-2-naphthalenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]-5-sulfobenzoic acid, sodium/lithium salts (CAS No. 12237–00–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1375. YELLOW 577 STAGE.

(a) Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.29	5-[4-[4-[4-(4,8-Disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-1,3,5-triazin-2-ylamino]-phenylazo]iso-phthalic acid, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1376. CYAN 485/4 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.30	Copper, [29H,31H-phthalo-cyaninato(2-)-xN29,xN30,xN31,xN32]-aminosulfonyl-[(2-hydroxy-ethyl)amino]-sulfonylsulfo derivatives, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1377. LOW EXPANSION LABORATORY GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.32	Laboratory, hygienic, or pharmaceutical glassware, whether or not graduated or calibrated, of low expansion borosilicate glass or alumino-borosilicate glass, having a linear coefficient of expansion not exceeding 3.3 x 10^{-7} per Kelvin within a temperature range of 0 to 300½C (provided for in subheadings 7017.20.00 and 7020.00.60).	Free	No change	No change	On or before 12/31/2005	".

SEC. 1378. STOPPERS, LIDS, AND OTHER CLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.33	Stoppers, lids, and other closures of low expansion borosilicate glass or alumino-borosilicate glass, having a linear coefficient of expansion not exceeding 3.3 x 10^{-7} per Kelvin within a temperature range of 0 to 300½C, produced by automatic machine (provided for in sub-heading 7010.20.20) or produced by hand (provided for in subheading 7010.20.30).	Free	No change	No change	On or before 12/31/2005	".

SEC. 1379. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

(a) CALENDAR YEARS 2004 AND 2005.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.01	Mixtures of methyl 2-[[[[[4-(dimethylamino)- 6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]-amino]carbonyl]- amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) and application adjuvants (provided for in subheading 3808.30.15)	1%	No change	No change	On or before 12/31/2005	".

(b) CALENDAR YEAR 2006.—

(1) IN GENERAL.—Heading 9902.05.01, as added by subsection (a), is amended—

(A) by striking "1%" and inserting "Free"; and

(B) by striking "On or before 12/31/2005" and inserting "On or before 12/31/2006".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2006.

SEC. 1380. AGRUMEX (O-T-BUTYL CYCLOHEXANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.02	o-tert-Butyl-cyclohexanol (CAS No. 13491–79–7) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1381. TRIMETHYL CYCLO HEXANOL (1-METHYL-3,3-DIMETHYLCYCLOHEXANOL-5).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.03	3,3,5-Trimethyl-cyclohexan-1-ol (CAS No. 116–02–9) (provided for in subheading 2906.19.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1382. MYCLOBUTANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.91	alpha-Butyl-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile (myclobutanil) (CAS No. 88671–89–0) (provided for in subheading 2933.99.06)	1.9%	No change	No change	On or before 12/31/2005	".

SEC. 1383. METHYL CINNAMATE (METHYL-3-PHENYLPROPENOATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.04	Methyl cinnamate (methyl-3-phenylpropenoate) (CAS No. 103–26–4) (provided for in subheading 2916.39.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1384. ACETANISOLE (ANISYL METHYL KETONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.05	p-Acetanisole (CAS No. 100–06–1) (provided for in subheading 2914.50.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1385. ALKYLKETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.53	1-(4-Chlorophenyl)- 4,4-dimethyl-3-pentanone (CAS No. 66346–01–8) (provided for in subheading 2914.70.40)	3.5%	No change	No change	On or before 12/31/2005	".

SEC. 1386. IPRODIONE 3-(3-5, DICHOLOROPHENYL)-N-(1-METHYLETHYL)-2,4-DIOXO-1-IMIDAZOLIDINECARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.51	Iprodione (3-(3,5-dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide) (CAS No. 36734–19–7) (provided for in subheading 2933.21.00)	4.1%	No change	No change	On or before 12/31/2005	".

SEC. 1387. DICHLOROBENZIDINE DIHYDROCHLORIDE.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.28	3,3′-Dichlorobenzi-dine dihydrochloride (CAS No. 612–83–9) (provided for in subheading 2921.59.80)	6.3% + 0.2 cents/kg	No change	No change	On or before 12/31/2004	".

(b) CALENDAR YEARS 2005 AND 2006.—

(1) IN GENERAL.—Heading 9902.03.28, as added by subsection (a), is amended—

(A) by striking "6.3% + 0.2 cents/kg" and inserting "5.1%"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2006".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1388. KRESOXIM-METHYL.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.78	Methyl (E)- methoxyimino- [alpha-(o-tolyloxy)-o-tolyl]- acetate (kresoxim methyl) (CAS No. 143390–89–0) (provided for in subheading 2925.20.60)	3.3%	No change	Free	On or before 12/31/2004	".

(b) CALENDAR YEARS 2005 AND 2006.—

(1) IN GENERAL.—Heading 9902.03.78, as added by subsection (a), is amended—

(A) by striking "3.3%" and inserting "2.4%"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2006".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1389. MKH 6562 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.06	2-(Trifluoro- methoxy)-benzenesulfonyl isocyanate (CAS No. 99722–81–3) (provided for in subheading 2930.90.29)	0.7%	No change	No change	On or before 12/31/2005	".

SEC. 1390. CERTAIN RAYON FILAMENT YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.07	High tenacity single yarn of viscose rayon (provided for in subheading 5403.10.30) with a decitex equal to or greater than 1,000	Free	No change	No change	On or before 12/31/2005	".

SEC. 1391. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.08	Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80–54–6) (provided for in subheading 2912.29.60)	2.3%	No change	Free	On or before 12/31/2004	".

(b) CALENDAR YEARS 2005 AND 2006.—

(1) IN GENERAL.—Heading 9902.05.08, as added by subsection (a), is amended—

(A) by striking "2.3%" and inserting "1.7%"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2006".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1392. 3,7-DICHLORO-8-QUINOLINE CARBOXYLIC ACID.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.09	3,7-Dichloro-8-quinolinecarb-oxylic acid (quinclorac) (CAS No. 84087–01–4) (provided for in subheading 2933.49.30)	3.9%	No change	Free	On or before 12/31/2004	".

(b) CALENDAR YEARS 2005 AND 2006.—

(1) IN GENERAL.—Heading 9902.05.09, as added by subsection (a), is amended—

(A) by striking "3.9%" and inserting "3.3%"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2006".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1393. 3-(1-METHYLETHYL)-1H-2,1,3-BENZOTHIADIAZIN-4(3H)-ONE 2,2 DIOXIDE, SODIUM SALT.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.10	3-(1-Methyl- ethyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide, sodium salt (bentazon, sodium salt) (CAS No. 50723–80–3) (provided for in subheading 2934.99.15)	1.8%	No change	Free	On or before 12/31/2004	’’.

(b) CALENDAR YEARS 2005 AND 2006.—

(1) IN GENERAL.—Heading 9902.05.10, as added by subsection (a), is amended—

(A) by striking ‘‘1.8%’’ and inserting ‘‘2.6%’’; and

(B) by striking ‘‘On or before 12/31/2004’’ and inserting ‘‘On or before 12/31/2006’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1394. 3,3′,4-4′-BIPHENYLTETRACARBOXYLIC DIANHYDRIDE, ODA, ODPA, PMDA, AND 1,3-BIS(4-AMINOPHENOXY)BENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

‘‘	9902.05.11	3,3′,4,4′-Biphenyltetracarboxylic dianhydride (CAS No. 2420–87–3) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005	
‘‘	9902.05.12	4,4′-Oxydianiline (CAS No. 101–80–4) (provided for in subheading 2922.29.80)	1.5%	No change	No change	On or before 12/31/2005	
‘‘	9902.05.13	4,4′-Oxydiphthalic anhydride (CAS No. 1823–59–2) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2005	
‘‘	9902.05.14	Pyromellitic dianhydride (CAS No. 89–32–7) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2005	
‘‘	9902.05.15	1,3-Bis(4-aminophenoxy)- benzene (CAS No. 2479–46–1) (provided for in subheading 2922.29.29 or 2922.29.60)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1395. ORYZALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.16	Oryzalin (benzenesulfonamide, 4-(dipropylamino)-3,5-dinitro-) (CAS No. 19044–88–3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1396. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.17	N-tert-Butyl-N′-(4-ethylbenzoyl)-3,5- dimethylbenzoylhydrazide (tebufenozide) (CAS No. 112410–23–8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1397. ENDOSULFAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.18	6,7,8,9,10,10-Hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide (thiosulfan) (CAS No. 115–29–7) (provided for in subheading 2920.90.10)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1398. ETHOFUMESATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.19	2-Ethoxy-2,3-dihydro-3,3-di-methyl-5-benzofuranyl-methanesulfonate (ethofumesate) (CAS No. 26225–79–6) in bulk or mixed with application adjuvants (provided for in subheading 2932.99.08 or 3808.30.15)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1399. RAILWAY CAR BODY SHELLS FOR EMU’S.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

‘‘	9902.86.09	Railway car body shells for electric multiple unit (EMU) commuter coaches of stainless steel, the foregoing which are designed for passenger coaches each having an aggregate passenger seating capacity up to 156 (including flip-up seating and wheelchair spaces) on two levels (provided for in subheading 8607.99.50)	Free	No change	No change	On or before 12/31/05	’’.

SEC. 1400. RAILWAY ELECTRIC MULTIPLE UNIT (EMU) GALLERY COMMUTER COACHES OF STAINLESS STEEL.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.86.11	Railway electric multiple unit (EMU) commuter coaches of stainless steel; the foregoing consisting of two finished EMU gallery-type coaches manufactured to contract specifications each, having an aggregate seating capacity of up to 156 seats (including flip-up seats and wheelchair spaces) on two levels. (provided for in subheading 8603.10.00)	Free	No change	No change	On or before 12/31/05	’’.

SEC. 1401. SNOWBOARD BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following subheading:

"	9902.64.04	Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90)	4%	No change	No change	On or before 12/31/05	".

SEC. 1402. HAND-HELD RADIO SCANNERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.23	Electrical radiobroadcast receivers, intended to be hand-held, valued over $40 each, the foregoing designed to receive and monitor publicly transmitted radio communications (provided for in subheading 8527.19.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1403. MOBILE AND BASE RADIO SCANNERS THAT ARE COMBINED WITH A CLOCK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.24	Electrical radiobroadcast receivers designed to receive and monitor publicly transmitted radio communications, valued at over $40 each, that are combined with a clock, and that are either mounted on a base or designed for use in an automobile or boat (provided for in subheading 8527.32.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1404. MOBILE AND BASE RADIO SCANNERS THAT ARE NOT COMBINED WITH A CLOCK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.25	Electrical radiobroadcast receivers designed to receive and monitor publicly transmitted radio communications, valued at over $40 each, that are not combined with a clock, and that are either mounted on a base or designed for use in an automobile or boat (provided for in subheading 8527.39.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1405. CERTAIN FINE ANIMAL HAIR OF KASHMIR (CASHMERE) GOATS NOT PROCESSED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.51.15	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 12/31/2005	".

SEC. 1406. CERTAIN FINE ANIMAL HAIR OF KASHMIR (CASHMERE) GOATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.51.16	Fine animal hair of Kashmir (cashmere) goats (provided for in subheading 5102.11.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1407. CERTAIN R-CORE TRANSFORMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.04	120 volt/60 Hz electrical transformers (the foregoing and parts thereof provided for in subheading 8504.31.40 or 8504.90.95), with dimensions not exceeding 88 mm by 88 mm by 72 mm but at least 82 mm by 69 mm by 43 mm and each containing a layered and uncut round core with two balanced bobbins, the foregoing rated as less than 40 VA but greater than 32.2 VA with a rating number of R25	Free	No change	No change	On or before 12/31/2005	".

SEC. 1408. DECORATIVE PLATES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.99	Decorative plates, whether or not with decorative rim or attached sculpture; decorative sculptures, each with plate or plaque attached; decorative plaques each not over 7.65 cm in thickness; architectural miniatures, whether or not put up in sets; all the foregoing of resin materials and containing agglomerated stone, put up for mail order retail sale, whether for wall or tabletop display and each weighing not over 1.36 kg together with their retail packaging (provided for in subheading 3926.40.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1409. BISPYRIBAC SODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.20	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 12/31/2005	".

SEC. 1410. FENPROPATHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.21	α-Cyano-3-phenoxybenzyl 2,2,3,3-tetra- methylcycloprop- anecarboxylate (fenpropathrin) (CAS No. 39515–41–8) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1411. PYRIPROXYFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.22	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 12/31/2005	".

SEC. 1412. UNICONAZOLE-P.

Subchapter II is amended by inserting in numerical sequence the following new heading:

"	9902.05.23	(E)-(+)-(S)-1-(4-Chlorophenyl)-4,4-dimethyl-2-(1,2,4-triazol-1-yl)-pent-1-ene-3-ol (Uniconazole) (CAS No. 83657–22–1), mixed with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1413. FLUMIOXAZIN.

Subchapter II is amended by inserting in numerical sequence the following new heading:

"	9902.05.24	2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynl)-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)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1414. NIGHT VISION MONOCULARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.25	Hand-held night vision monoculars, other than those containing a micro-channel plate to amplify electrons or having a photocathode containing gallium arsenide (provided for in subheading 9005.80.40)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1415. 2,4-XYLIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.26	2,4-Xylidine (CAS No. 95–68–1) (provided for in subheading 2921.49.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1416. R118118 SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.35	R118118 Salt - benzoic acid, 3-[2-chloro-4-(trifluoromethyl) phenoxy]-(CAS No. 63734–62–3) (provided in subheading 2918.90.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1417. NMSBA.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.82	4-(Methylsulfonyl)-2-nitrobenzoic acid (CAS No. 110964–79–9) (provided for in subheading 2916.39.45)	0.28%	No change	No change	On or before 12/31/2004	".

(b) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.29.82, as added by subsection (a), is amended—

(A) by striking "0.28%" and inserting "0.16%"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

(c) CALENDAR YEARS 2006 THROUGH 2008.—

(1) IN GENERAL.—Heading 9902.29.82, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking "0.16%" and inserting "1.1%"; and

(B) by striking "On or before 12/31/2005" and inserting "On or before 12/31/2008".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2006.

SEC. 1418. CERTAIN SATELLITE RADIO BROADCASTING APPARATUS.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.35	Reception apparatus for satellite radio broadcasting, other than satellite radio broadcast receivers described in subheading 8527.21.40 (provided in subheading 8527.90.95)	5.2%	No change	No change	On or before 12/31/2004	".

(b) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.04.35, as added by subsection (a), is amended—

(A) by striking "5.2%" and inserting "5.4%"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

(c) CALENDAR YEAR 2006.—

(1) IN GENERAL.—Heading 9902.04.35, as added by subsection (a) and amended by this section, is further amended—

(A) by striking "5.4%" and inserting "5.5%"; and

(B) by striking "On or before 12/31/2005" and inserting "On or before 12/31/2006".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2006.

SEC. 1419. ACEPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.60	O,S-Dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560–19–1) (provided for in subheading 2930.90.44)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1420. BAGS FOR CERTAIN TOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.78	Bags (provided for in subheading 4202.92.45) for transporting, storing, or protecting goods of headings 9502–9504, inclusive, imported and sold with such articles therein	Free	No change	No change	On or before 12/31/2005	".

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1501. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting ''12/31/2006'':

(1) Heading 9902.30.90 (relating to 3-amino-2′-(sulfato-ethyl sulfonyl) ethyl benzamide).

(2) Heading 9902.32.91 (relating to MUB 738 INT).

(3) Heading 9902.30.31 (relating to 5-amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide).

(4) Heading 9902.29.46 (relating to 2-amino-5-nitrothiazole).

(5) Heading 9902.32.14 (relating to 2-methyl-4,6-bis[(octylthio) methyl]phenol).

(6) Heading 9902.32.30 (relating to 4-[[4,6-bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol).

(7) Heading 9902.32.16 (relating to calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate]).

(8) Heading 9902.38.69 (relating to nicosulfuron formulated product (''Accent'')).

(9) Heading 9902.33.63 (relating to DPX–E9260).

(10) Heading 9902.33.59 (relating to DPX–E6758).

(11) Heading 9902.33.61 (relating to carbamic acid (U-9069)).

(12) Heading 9902.29.35 (relating to 1N–N5297).

(13) Heading 9902.28.19 (relating to an ultraviolet dye).

(14) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(15) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(16) Heading 9902.29.37 (relating to certain sensitizing dyes).

(17) Heading 9902.85.42 (relating to certain cathode-ray tubes).

(18) Heading 9902.30.14 (relating to a fluorinated compound).

(19) Heading 9902.29.55 (relating to a certain light absorbing photo dye).

(20) Heading 9902.32.55 (relating to methyl thioglycolate).

(21) Heading 9902.29.62 (relating to chloro amino toluene).

(22) Headings 9902.28.08, 9902.28.09, and 9902.28.10 (relating to bromine-containing compounds).

(23) Heading 9902.32.62 (relating to filter blue green photo dye).

(24) Heading 9902.32.99 (relating to 5-[(3,5-dichlorophenyl)-thio]-4-(1-methylethyl-1)-(4-pyridin lmethyl)-1H-imidazole-2-methanol carbamate).

(25) Heading 9902.32.97 (relating to (2E,4S)-4-(((2R,5S)-2-((4-fluorophenyl)-methyl)-6-methyl-5-((5-methyl-3-isoxazolyl)-carbonyl y)amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester).

(26) Heading 9902.29.87 (relating to Baytron M).

(27) Heading 9902.39.15 (relating to Baytron P).

(28) Heading 9902.39.30 (relating to certain ion-exchange resins).

(29) Heading 9902.28.01 (relating to thionyl chloride).

(30) Heading 9902.32.12 (relating to DEMT).

(31) Heading 9902.29.03 (relating to p-hydroxybenzoic acid).

(32) Headings 9902.29.83 and 9902.38.10 (relating to iminodisuccinate).

(33) Heading 9902.38.14 (relating to mesamoll).

(34) Heading 9902.38.15 (relating to Baytron C-R).

(35) Heading 9902.29.25 (relating to orthophenylphenol (OPP)).

(36) Heading 9902.38.31 (relating to Vulkalent E/C).

(37) Heading 9902.31.14 (relating to desmedipham).

(38) Heading 9902.31.13 (relating to phenmedipham).

(39) Heading 9902.30.16 (relating to diclofop methyl).

(40) Heading 9902.33.40 (relating to R115777).

(41) Heading 9902.29.10 (relating to imazalil).

(42) Heading 9902.29.22 (relating to Norbloc 7966).

(43) Heading 9902.38.09 (relating to Fungaflor 500 EC).

(44) Heading 9902.32.73 (relating to Solvent Blue 124).

(45) Heading 9902.29.73 (relating to 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide).

(46) Heading 9902.32.72 (relating to Solvent Blue 104).

(47) Heading 9902.34.01 (relating to sodium petroleum sulfonate).

(48) Heading 9902.29.71 (relating to isobornyl acetate).

(49) Heading 9902.29.70 (relating to certain TAED chemicals).

(50) Heading 9902.29.58 (relating to diethyl phosphorochidothioate).

(51) Heading 9902.29.17 (relating to 2,6-dichloroaniline).

(52) Heading 9902.29.59 (relating to benfluralin).

(53) Heading 9902.29.26 (relating to 1,3-diethyl-2-imidazolidinone).

(54) Heading 9902.29.06 (relating to diphenyl sulfide).

(55) Heading 9902.32.93 (relating to methoxyfenozide).

(56) Heading 9902.32.89 (relating to triazamate).

(57) Heading 9902.29.80 (relating to propiconazole).

(58) Heading 9902.32.92 (relating to β-Bromo-β-nitrostyrene).

(59) Heading 9902.29.61 (relating to quinoline).

(60) Heading 9902.29.25 (relating to 2-phenylphenol).

(61) Heading 9902.29.08 (relating to 3-amino-5-mercapto-1,2,4-triazole).

(62) Heading 9902.29.16 (relating to 4,4-dimethoxy-2-butanone).

(63) Heading 9902.32.87 (relating to fenbuconazole).

(64) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).

(65) Heading 9902.28.16 (relating to propiophenone).

(66) Heading 9902.28.17 (relating to meta-chlorobenzaldehyde).

(67) Heading 9902.28.15 (relating to 4-bromo-2-fluoroacetanilide).

(68) Heading 9902.32.82 (relating to 2,6, dichlorotoluene).

(69) Heading 9902.80.05 (relating to cobalt boron).

(70) Heading 9902.72.02 (relating to ferroboron).

(71) Heading 9902.32.85 (relating to 4,4′ difluorobenzophenone).

(72) Heading 9902.29.34 (relating to certain light absorbing photo dyes).

(73) Heading 9902.29.38 (relating to certain imaging chemicals).

(74) Heading 9902.28.18 (relating to 3,5-dibromo-4-hydoxybenzonitril).

(75) Heading 9902.29.64 (relating to cyclanilide technical).

(76) Heading 9902.29.98 (relating to fipronil technical).

(77) Heading 9902.38.04 (relating to 3,5-dibromo-4-hydoxybenzonitril ester and inerts).

(78) Heading 9902.29.23 (relating to P-nitro toluene-o-sulfonic acid).

(79) Heading 9902.28.20 (relating to ammonium bifluoride).

(80) Heading 9902.32.49 (relating to 11-aminoundecanoic acid).

(b) OTHER MODIFICATIONS.—

(1) CERTAIN CATHODE-RAY TUBES.—Heading 9902.85.41 is amended—

(A) by striking ''1%'' and inserting ''Free''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(2) ETHALFLURALIN.—Heading 9902.30.49 is amended—

(A) by striking ''3.5%'' and inserting ''Free''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(3) DMDS.—Heading 9902.33.92 is amended—

(A) by striking ''2933.59.80'' and inserting ''2933.59.95''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(4) CERTAIN POLYAMIDES.—Heading 9902.39.08 is amended—

(A) by striking ''forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS Nos. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)'' and inserting ''ORGASOL® polyamide powders (provided for in subheading 3908.10.00 or 3908.90.70)''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(5) BUTRALIN.—Heading 9902.38.00 is amended by striking ''3808.31.15'' and inserting ''3808.30.15''.

(6) PRO-JET CYAN 1 RO FEED; PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.—

(A) IN GENERAL.—Paragraph (2) in each of sections 1222(c) and 1223(c) of the Tariff Suspension and Trade Act of 2000 are amended by striking ''January 1, 2001'' and inserting ''January 1, 2002''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect as if such amendments had been enacted immediately after the enactment of the Tariff Suspension and Trade Act of 2000.

(7) 2-METHYL-4-CHLOROPHENOXYACETIC ACID.—Heading 9902.29.81 is amended—

(A) in the general rate of duty column, by striking ''2.6%'' and inserting ''1.8%''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(8) STARANE F.—Heading 9902.29.77 is amended—

(A) in the general rate of duty column, by striking ''Free'' and inserting ''1.5%''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(9) TRIFLURALIN.—Heading 9902.29.02 is amended—

(A) by striking ''3.3%'' and inserting ''Free''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(10) CERTAIN REDESIGNATIONS.—(A) The second heading 9902.29.02 (as added by section 1143 of the Tariff Suspension and Trade Act of 2000) is redesignated as heading 9902.05.30.

(B) The second heading 9902.39.07 (as added by section 1248 of the Tariff Suspension and Trade Act of 2000) is redesignated as heading 9902.05.31.

(11) CERTAIN RAILWAY CARS.—Heading 9902.86.07 is amended—

(A) in the article description, by striking ''138'' and inserting ''up to 150 passengers,''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(12) OTHER RAILWAY CARS.—Heading 9902.86.08 is amended—

(A) in the article description, by striking ''148'' and inserting ''140''; and

(B) in the effective period column, by striking the date and inserting ''12/31/2006''.

SEC. 1502. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to

goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2004.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1601. CERTAIN TRAMWAY CARS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of enactment of this Act, the Customs Service shall liquidate or reliquidate the entry described in subsection (c) as free of duty.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for a liquidation or reliquidation of the entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is the entry on July 5, 2002, of 2 tramway cars (provided for in subheading 8603.10.00) manufactured in Plzen, Czech Republic, for the use of the city of Portland, Oregon (Entry number 529–0032191–1).

SEC. 1602. LIBERTY BELL REPLICA.

The Secretary of the Treasury shall admit free of duty a replica of the Liberty Bell imported from the Whitechapel Bell Foundry of London, England, by the Liberty Memorial Association of Green Bay and Brown County, Wisconsin, for use by the city of Green Bay, Wisconsin and Brown County, Wisconsin.

SEC. 1603. CERTAIN ENTRIES OF COTTON GLOVES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 6116.92.64 or subheading 6116.92.74; and

(2) shall reliquidate such merchandise under subheading 6116.92.88 at the rate of duty then applicable under such subheading.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	*Date of entry*
0397329–2	*02/02/00*
0395844–2	*12/15/99*
0394509–2	*09/27/99*
0393293–4	*08/11/99*
0391942–8	*06/21/99*
0389842–4	*04/01/99*
0387094–4	*12/21/98*
0386845–0	*12/16/98*
0385488–0	*10/28/98*
0384053–3	*09/01/98*
0382090–7	*06/04/98*
0381125–5	*04/11/98*
0289673–4	*01/26/98*
0288778–2	*12/10/97*
0288085–2	*11/07/97*
0386624–0	*08/02/97*
0284468–4	*04/29/97*
0283060–0	*03/10/97*
0281394–5	*11/27/96*
0274823–2	*01/10/96*
0274523–8	*12/22/95*
0274113–8	*11/30/95*
0273038–8	*10/13/95*
0272524–8	*09/14/95*
0272128–8	*08/23/95*
0271540–5	*07/27/95*
0270995–2	*07/03/95*
0270695–8	*06/09/95*
0269959–1	*05/09/95*
0269276–0	*04/04/95*
0265832–4	*11/02/94*
0264841–6	*09/08/94*

SEC. 1604. CERTAIN ENTRIES OF POSTERS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	*Date of entry*
F1126496605	*09/24/00*
F1117735656	*10/18/00*
90100999235	*02/14/01*
90101010321	*04/23/01*
90101001700	*02/28/01*
28100674408	*04/25/01*
28100671081	*04/09/01*
28100670398	*04/06/01*
F1126187352	*06/19/00*
F1126530833	*10/05/00*
28100678433	*05/18/01*
90100999235	*04/14/01*
90101001700	*02/28/01*

SEC. 1605. CERTAIN ENTRIES OF POSTERS ENTERED IN 1999 AND 2000.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall—

(1) not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (c) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 on the date of entry; and

(2) within 90 days after such liquidation or reliquidation—

(A) refund any excess duties paid with respect to such entries, including interest from the date of entry; or

(B) relieve the importer of record of any excess duties, penalties, or fines associated with the excess duties.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to any entry described in subsection (c) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	*Date of entry*
582–0002495–7	*September 2, 1999*
582–00938479	*November 19, 1999*
582–8905213–4	*March 8, 1999*
582–2250697–3	*February 21, 2000*
582–0197509–0	*February 18, 2000*
582–1296965–2	*February 20, 2000*
582–0212609–9	*March 1, 2000*
582–0215607–0	*March 3, 2000*
582–0242091–4	*March 24, 2000*
582–0046610–9	*October 12, 1999*
582–0251198–5	*March 31, 2000*
582–0002495–7	*September 2, 1999*
528–0088559–7	*November 16, 1999*
582–0093847–9	*November 19, 1999*
582–0068164–0	*October 29, 1999*
582–0163876–3	*January 20, 2000*
582–0136646–4	*December 22, 1999*
582–0126598–9	*December 15, 1999*
582–0111417–9	*December 3, 1999*
445–2163068–9	*November 14, 1999*
445–2161190–3	*September 6, 1999*
445–2163176–0	*November 18, 1999*
445–2164563–8	*January 13, 2000*
445–2166869–7	*April 12, 2000*
445–2162118–3	*October 10, 1999*
U16–0101858–7	*May 2, 2000*
182–0167758–2	*November 1, 2000*
445–21574465	*April 8, 1999*
445–21576098	*April 19, 1999*
445–21570216	*March 22, 1999*
445–21612422	*September 7, 1999*
445–21622611	*October 17, 1999*
445–21637700	*December 12, 1999*
445–21687804	*June 22, 2000*
445–21596443	*July 6, 1999*
ma704011174	*February 21, 2001*
ma704011232	*February 20, 2001*
ma704014616	*March 13, 2001*
ma704025497	*May 11, 2001*
445–03667865	*June 23, 2000*
445–03668798	*June 28, 2000*

SEC. 1606. CERTAIN ENTRIES OF 13-INCH TELEVISIONS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under the following subheadings with respect to which there would have been no duty or a lesser duty if the amendments made by section 1003 of the Miscellaneous Trade and Technical Corrections Act of 1999 had applied to such entry or withdrawal:

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act, and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), are as follows:

Entry number	Date of entry	Date of liquidation
110–17072538	11/03/98	09/17/99
110–17091314	11/23/98	10/08/99
110–17091322	11/23/98	10/08/99

Entry number	Date of entry	Date of liquidation
110–17216804	12/31/98	11/12/99
110–20748215	04/20/99	03/03/00
110–20762802	04/28/99	03/10/00
110–20848544	05/12/99	03/31/00
110–20848569	05/18/99	03/31/00
110–20988456	06/22/99	05/04/00
110–20993563	06/22/99	05/15/00
110–20997705	06/22/99	05/05/00
110–63822017	06/09/97	05/05/00
110–63822041	06/09/97	
110–63822082	06/09/97	
110–68575370	07/11/97	05/22/98
110–68575610	07/11/97	05/22/98
110–15093163	10/05/98	08/20/99
110–15173551	11/02/98	09/17/99
110–17091132	11/07/98	09/24/99
110–17217265	12/05/98	10/15/99
110–20762364	04/12/99	02/18/00
110–63822025	06/09/97	
110–75485118	02/12/98	12/28/98
110–75492643	02/12/98	12/28/98
110–75793447	07/07/98	05/21/99
110–20993704	06/20/99	05/05/00
110–66600972	06/07/97	04/17/98
110–66603414	06/14/97	
110–66603448	06/07/97	04/17/98
110–66617810	06/21/97	05/01/98
110–66618099	06/23/97	05/08/98
110–68156429	07/12/97	05/22/98
110–68165818	07/19/97	05/29/98
110–68165826	07/19/97	05/29/98
110–68171576	07/26/97	06/05/98
110–68175767	08/02/97	06/12/98
110–68177029	08/02/97	06/12/98
110–68217833	08/16/97	06/26/98
110–68220167	08/16/97	07/06/98
110–68220183	08/19/97	07/06/98
110–68233418	08/24/97	07/10/98
110–68234424	08/25/97	07/10/98
110–70008550	09/20/97	07/31/98
110–70014707	09/20/97	07/31/98
110–70014723	09/20/97	07/31/98
110–70014731	09/30/97	07/31/98
110–70014756	09/20/97	07/31/98
110–70014798	09/20/97	07/31/98
110–70100464	10/11/97	08/21/98
110–70106651	10/19/97	09/04/98
110–70106669	10/19/97	09/04/98
110–70112584	10/25/97	09/04/98
110–70113970	10/25/97	09/04/98
110–70113996	10/25/97	09/04/98
110–70115199	10/25/97	09/04/98
110–70190978	11/08/97	09/18/98
110–70192990	11/08/97	09/18/98
110–70198906	11/15/97	09/25/98
110–70198914	11/15/97	09/25/98
110–70204233	11/29/97	10/09/98
110–70204266	11/22/97	10/02/98
110–75399046	12/19/97	10/30/98
110–75399103	01/04/98	11/20/98
110–75481455	01/24/98	12/04/98
110–75485563	01/24/98	12/04/98
110–75494953	02/07/98	12/18/98
110–04901383	07/11/97	05/22/98
110–33326985	07/07/97	05/22/98
110–63019333	07/11/97	05/22/98
110–63821993	06/07/97	04/17/98
110–66600378	06/20/97	05/01/98
110–66601004	06/20/97	05/01/98
110–66603380	06/20/97	05/01/98
110–66625441	07/07/97	05/22/98
110–66626951	07/07/97	05/22/98
110–68175825	08/04/97	06/19/98
110–68182938	08/11/97	06/26/98
110–68184140	08/11/97	06/26/98
110–68184918	08/11/97	06/26/98
110–68184926	08/11/97	06/26/98
110–68184934	08/11/97	06/26/98
110–68184942	08/11/97	06/26/98
110–68229994	09/08/97	07/24/98
110–68230000	09/08/97	07/24/98
110–68230232	09/03/97	07/17/98
110–70009715	09/22/97	08/07/98
110–70024698	10/07/98	08/21/98
110–70028764	10/13/97	08/28/98
110–70028772	10/13/97	08/28/98
110–70103625	10/30/98	09/11/98
110–70186810	11/13/97	09/25/98
110–70190937	11/26/97	10/09/98
110–70192362	11/19/97	10/02/98
110–70199151	11/26/97	10/09/98
110–70204555	12/04/97	10/16/98
110–70204563	12/04/97	10/16/98
110–70206360	12/06/97	10/23/98
110–75399079	01/07/98	11/20/98
110–75492627	02/11/98	12/28/98
110–75492635	02/11/98	12/28/98
110–14975204	09/15/98	07/30/99
110–20848643	05/19/99	05/31/00
110–20988472	06/20/99	05/05/00
110–20993589	06/20/99	05/05/00
110–75485126	02/11/98	12/28/98
110–75793405	07/16/98	05/28/99
110–75793611	08/04/98	06/18/99
110–75931278	08/16/98	07/02/99
110–75938893	08/16/98	07/23/99

SEC. 1607. RELIQUIDATION OF CERTAIN ENTRIES OF VANADIUM CARBIDES AND VANADIUM CARBONITRIDE.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service, shall, not later than 180 days after receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of its entry or release from warehouse for consumption, was classified under subheading 2849.90.50 of the Harmonized Tariff Schedule of the United States, at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated at the Special rate of duty for such subheading 2849.90.50 on the date of entry without regard to the country of origin of such merchandise.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of any entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Baltimore, are as follows:

Entry date	Entry number	Estimated liquidation date
08/07/98	788–3827590–3	06/20/99
08/07/98	788–3827650–5	06/20/99
08/21/98	788–3830120–4	07/01/99
09/18/98	788–3838000–0	07/25/99
09/26/98	788–3842300–8	08/08/99
10/02/98	788–3842310–7	08/16/99
09/26/98	788–3842320–6	08/08/99
10/08/98	788–3844370–9	08/16/99
10/22/98	788–3850440–1	09/01/99
10/22/98	788–3850450–0	09/01/99
11/06/98	788–3853680–9	09/22/99
11/06/98	788–3853690–8	09/22/99
11/13/98	788–3853730–2	10/02/99
11/12/98	788–3855290–5	09/22/99
11/19/98	788–3855300–2	09/27/99
12/27/98	788–3868050–8	11/09/99
02/09/99	788–3877120–8	11/09/99
02/09/99	788–3877130–7	11/09/99
03/05/99	788–3883260–4	12/09/99
03/02/99	788–3883270–3	11/22/99
03/26/99	788–3888540–4	11/26/99
04/01/99	788–3888550–3	12/06/99
04/11/99	788–3889130–3	12/16/99
04/16/99	788–3896360–7	12/26/99
04/30/99	788–3897150–1	01/10/00
04/30/99	788–3897160–0	01/10/00
04/25/99	788–3897170–9	01/18/00
06/11/99	788–3913450–5	02/20/00
06/18/99	788–3915060–0	02/22/00
07/09/99	788–3921190–7	03/08/00
07/12/99	788–3923420–6	03/08/00
07/23/99	788–3925480–8	03/18/00
07/30/99	788–3929180–0	03/28/00
07/30/99	788–3929190–9	03/28/00
08/06/99	788–3929200–6	04/10/00
08/06/99	788–3929210–5	04/10/00
08/13/99	788–3931300–0	04/20/00
08/13/99	788–3931310–9	04/20/00
08/28/99	788–3936980–4	04/28/00
08/20/99	788–3936990–3	04/28/00
09/10/99	788–3938010–5	05/06/00
10/08/99	788–3948100–5	05/22/00
10/08/99	788–3948110–4	05/22/00
10/08/99	788–3948120–3	05/22/00
10/15/99	788–3951910–1	05/28/00
10/15/99	788–3951920–0	05/28/00
10/15/99	788–3951930–9	05/28/00
10/29/99	788–3957960–1	06/01/00
10/29/99	788–3957950–0	06/01/00
11/10/99	788–3959830–3	06/15/00
11/13/99	788–3961730–1	06/18/00
11/13/99	788–3961740–0	06/18/00
12/02/99	788–3966670–4	07/05/00
12/02/99	788–3966680–3	07/05/00
12/13/99	788–3971200–3	07/12/00
12/13/99	788–3971210–2	07/12/00

SEC. 1608. RELIQUIDATION OF CERTAIN ENTRIES OF TELEVISIONS SUBJECT TO DUMPING.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) at the rate of duty that would have been applicable to such merchandise on the date of entry and the amount of the antidumping duty described in such subsection.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) ENTRIES DESCRIBED.—

(1) ANTIDUMPING DUTY OF 2.2 PERCENT.—The entries described in this paragraph shall be reliquidated at an antidumping rate of duty of 2.2 percent:

Entry number	Port of entry	Date of entry
8390 41175	2704	09/23/83
8343 01399	2704	08/17/83
8412 70594	2704	10/05/83
8412 76857	2704	10/18/83
8412 80568	2704	10/20/83
8412 82016	2704	10/25/83
8412 85084	2704	11/02/83
8412 90765	2704	11/18/83
8413 01832	2704	12/09/83
8413 01858	2704	12/13/83
8413 01861	2704	12/11/83
8413 03924	2704	12/21/83
8413 03937	2704	12/21/83
8413 06853	2704	12/27/83
8413 07742	2704	01/02/84
8413 09944	2704	01/07/84
8413 13642	2704	01/20/84
8413 15802	2704	01/27/84
8413 24071	2704	01/31/84
8413 27201	2704	02/08/84
8413 35028	2704	02/27/84
8413 35031	2704	02/27/84
8413 37343	2704	03/06/84
8365 73387	3901	05/23/83
8365 74250	3901	06/02/83
8365 75437	3901	06/14/83
8365 77118	3901	07/01/83
8365 78120	3901	07/13/83
8365 79080	3901	07/27/83
8365 81094	3901	08/17/83
8365 83144	3901	09/08/83
8365 83429	3901	09/09/83
8365 84839	3901	10/05/83
8413 01845	2704	12/09/83

Entry number	Port of entry	Date of entry
8413 09863	2704	01/06/84
8467 42386	3901	10/05/83
8467 51843	3901	12/30/83

(2) ANTIDUMPING DUTY OF 1.75 PERCENT.—The entries described in this paragraph shall be reliquidated at an antidumping rate of duty of 1.75 percent:

Entry number	Port of entry	Date of entry
8413 58513	2704	05/09/84
8413 58526	2704	05/09/84
8413 58539	2704	05/14/84
8413 58542	2704	05/14/84
8413 58555	2704	05/11/84
8413 58568	2704	05/09/84
8413 64031	2704	05/23/84
8413 65797	2704	06/06/84
8413 65852	2704	06/06/84
8413 66152	2704	06/11/84
8413 66181	2704	06/13/84
8413 66194	2704	06/07/84
8413 66482	2704	06/26/84
8467 67772	3901	08/01/84
8467 69026	3901	06/13/84
8479 77684	3901	09/25/84
8491 45401	2704	06/21/84
8491 45414	2704	06/21/84
8491 45427	2704	06/25/84
8491 45430	2704	06/25/84
8491 50580	2704	07/12/84
8491 50593	2704	07/13/84
8491 52795	2704	07/12/84
8491 54298	2704	07/17/84
8491 57350	2704	07/24/84
8491 57389	2704	07/21/84
8491 57392	2704	07/26/84
8491 68750	2704	08/06/84
8491 70544	2704	08/07/84
8491 70748	2704	08/14/84
8491 74414	2704	08/23/84
8491 75633	2704	08/17/84
8491 75659	2704	08/15/84
8491 75662	2704	08/15/84
8491 77903	2704	08/21/84
8491 77916	2704	08/23/84
8491 77929	2704	09/11/84
8491 78504	2704	08/28/84
8491 79383	2704	09/02/84
8491 79930	2704	09/02/84
8491 84954	2704	09/21/84
8491 84967	2704	09/21/84
8491 87197	2704	09/29/84
8538 51914	2704	11/13/84
8538 55224	2704	11/08/84
8538 58836	2704	11/05/84
8538 60060	2704	10/29/84
8538 60073	2704	10/29/84
8538 60086	2704	10/26/84
8538 64655	2704	11/27/84
8538 65939	2704	11/19/84
8538 68965	2704	10/17/84
8538 68978	2704	10/17/84
8538 70047	2704	10/08/84
8538 71347	2704	10/11/84
8538 71486	2704	10/14/84
8538 73989	2704	10/04/84
8538 76290	2704	12/03/84
8538 78337	2704	12/14/84
8538 79954	2704	12/17/84
8538 80697	2704	12/18/84
8538 82789	2704	12/26/84
8538 84279	2704	01/09/85
8538 85809	2704	01/08/85
8538 85812	2704	01/14/85
8538 85825	2704	01/08/85
8538 93406	2704	01/29/85
8538 94337	2704	02/04/85
8538 96270	2704	02/19/85
8538 96283	2704	02/21/85
8538 97266	2704	02/27/85

(3) ANTIDUMPING DUTY OF 2.55 PERCENT.—The entry described in this paragraph shall be reliquidated at an antidumping rate of duty of 2.55 percent:

Entry number	Port of entry	Date of entry
8641 98116	2704	02/13/86

SEC. 1609. LIQUIDATION OF CERTAIN ENTRIES OF ROLLER CHAIN.

(a) LIQUIDATION OR 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 United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate the entries listed in subsection (b) without assessment of antidumping duties or interest and shall refund any antidumping duties or interest which were previously paid.

(b) AFFECTED ENTRIES.—The entries referred to in subsections (a) and (b) are the following:

Entry number	Date of entry	Port
12606577	05/04/89	Columbia-Snake River (Portland, Oregon)
12606593	05/08/89	Columbia-Snake River (Portland, Oregon)
12607492	05/30/89	Columbia-Snake River (Portland, Oregon)
12608680	06/09/89	Columbia-Snake River (Portland, Oregon)
00054863	07/28/89	Columbia-Snake River (Portland, Oregon)
00056181	08/21/89	Columbia-Snake River (Portland, Oregon)
00057973	09/25/89	Columbia-Snake River (Portland, Oregon)
25761120	11/20/89	Columbia-Snake River (Portland, Oregon)
25767150	03/12/90	Columbia-Snake River (Portland, Oregon)
25767762	03/22/90	Columbia-Snake River (Portland, Oregon)
85–4232312	04/09/85	Columbia-Snake River (Portland, Oregon)
85–4237582	07/18/85	Columbia-Snake River (Portland, Oregon)
85–4238086	07/25/85	Columbia-Snake River (Portland, Oregon)
85–4238976	08/19/85	Columbia-Snake River (Portland, Oregon)
85–4464818	09/11/85	Columbia-Snake River (Portland, Oregon)
85–4466722	09/27/85	Columbia-Snake River (Portland, Oregon)
86–4307787	10/30/85	Columbia-Snake River (Portland, Oregon)
86–4310389	11/21/85	Columbia-Snake River (Portland, Oregon)
86–4311715	12/31/85	Columbia-Snake River (Portland, Oregon)
86–4312109	01/10/86	Columbia-Snake River (Portland, Oregon)
86–4317078	02/28/86	Columbia-Snake River (Portland, Oregon)
86–4318349	03/17/86	Columbia-Snake River (Portland, Oregon)
85–4235937	06/15/85	Columbia-Snake River (Portland, Oregon)
36074057	09/12/96	Columbia-Snake River (Portland, Oregon)
36071137	05/08/96	Columbia-Snake River (Portland, Oregon)
36078074	03/26/97	Columbia-Snake River (Portland, Oregon)
85–4464177	08/26/85	Columbia-Snake River (Portland, Oregon)
36077688	03/11/97	Columbia-Snake River (Portland, Oregon)
36072788	07/18/96	Columbia-Snake River (Portland, Oregon)
36074990	11/06/96	Columbia-Snake River (Portland, Oregon)
81–4139170	06/30/81	Columbia-Snake River (Portland, Oregon)
81–4139992	07/23/81	Columbia-Snake River (Portland, Oregon)
81–4140868	08/06/81	Columbia-Snake River (Portland, Oregon)
81–4140871	08/07/81	Columbia-Snake River (Portland, Oregon)
81–4141469	08/28/81	Columbia-Snake River (Portland, Oregon)
81–4142219	09/23/81	Columbia-Snake River (Portland, Oregon)
82–4139364	11/03/81	Columbia-Snake River (Portland, Oregon)
82–4140939	12/02/81	Columbia-Snake River (Portland, Oregon)
82–4141598	12/15/81	Columbia-Snake River (Portland, Oregon)
82–4142571	01/14/82	Columbia-Snake River (Portland, Oregon)
82–4143499	03/02/82	Columbia-Snake River (Portland, Oregon)
82–4145390	04/01/82	Columbia-Snake River (Portland, Oregon)
82–4146179	04/22/82	Columbia-Snake River (Portland, Oregon)
82–4147932	06/02/82	Columbia-Snake River (Portland, Oregon)
82–4148601	06/22/82	Columbia-Snake River (Portland, Oregon)
82–4149626	07/29/82	Columbia-Snake River (Portland, Oregon)
82–4150291	08/10/82	Columbia-Snake River (Portland, Oregon)
82–4151203	09/14/82	Columbia-Snake River (Portland, Oregon)
83–4124149	10/07/82	Columbia-Snake River (Portland, Oregon)
83–4124547	10/14/82	Columbia-Snake River (Portland, Oregon)
83–4125342	11/08/82	Columbia-Snake River (Portland, Oregon)
83–4125407	11/15/82	Columbia-Snake River (Portland, Oregon)
83–4126011	12/08/82	Columbia-Snake River (Portland, Oregon)
83–4126448	12/21/82	Columbia-Snake River (Portland, Oregon)
83–4126927	12/29/82	Columbia-Snake River (Portland, Oregon)
83–4127191	01/10/83	Columbia-Snake River (Portland, Oregon)
83–4129050	02/28/83	Columbia-Snake River (Portland, Oregon)
83–4129678	03/17/83	Columbia-Snake River (Portland, Oregon)
83–4129937	03/30/83	Columbia-Snake River (Portland, Oregon)
83–4131491	04/29/83	Columbia-Snake River (Portland, Oregon)
83–4133460	06/15/83	Columbia-Snake River (Portland, Oregon)
84–4154743	11/29/83	Columbia-Snake River (Portland, Oregon)
84–4161972	04/18/84	Columbia-Snake River (Portland, Oregon)
84–4163543	05/22/84	Columbia-Snake River (Portland, Oregon)
84–4164568	06/13/84	Columbia-Snake River (Portland, Oregon)
84–4161972	06/18/84	Columbia-Snake River (Portland, Oregon)
84–4165758	07/06/84	Columbia-Snake River (Portland, Oregon)
84–4421214	07/30/84	Columbia-Snake River (Portland, Oregon)
84–4421366	08/06/84	Columbia-Snake River (Portland, Oregon)
84–4421418	08/22/84	Columbia-Snake River (Portland, Oregon)
84–4424389	09/21/84	Columbia-Snake River (Portland, Oregon)
85–4220094	10/03/84	Columbia-Snake River (Portland, Oregon)
85–4220816	10/11/84	Columbia-Snake River (Portland, Oregon)
85–4221527	10/25/84	Columbia-Snake River (Portland, Oregon)
85–4222199	11/07/84	Columbia-Snake River (Portland, Oregon)
85–4222856	11/15/84	Columbia-Snake River (Portland, Oregon)
85–4224126	12/10/84	Columbia-Snake River (Portland, Oregon)
85–4225413	01/15/85	Columbia-Snake River (Portland, Oregon)
85–4230071	02/28/85	Columbia-Snake River (Portland, Oregon)
85–4231070	03/18/85	Columbia-Snake River (Portland, Oregon)
85–4234828	05/21/85	Columbia-Snake River (Portland, Oregon)
85–4237524	07/15/85	Columbia-Snake River (Portland, Oregon)
12561053	05/13/87	Columbia-Snake River (Portland, Oregon)
12563349	06/20/87	Columbia-Snake River (Portland, Oregon)
12564826	07/19/87	Columbia-Snake River (Portland, Oregon)
12567126	08/20/87	Columbia-Snake River (Portland, Oregon)
12568835	09/18/87	Columbia-Snake River (Portland, Oregon)
12570963	10/21/87	Columbia-Snake River (Portland, Oregon)

Entry number	Date of entry	Port
12574346	12/15/87	Columbia-Snake River (Portland, Oregon)
12574619	12/23/87	Columbia-Snake River (Portland, Oregon)
12577752	02/03/88	Columbia-Snake River (Portland, Oregon)
25768422	04/09/90	Columbia-Snake River (Portland, Oregon)
25768752	04/16/90	Columbia-Snake River (Portland, Oregon)
25770750	05/15/90	Columbia-Snake River (Portland, Oregon)
25770758	05/22/90	Columbia-Snake River (Portland, Oregon)
25772333	06/26/90	Columbia-Snake River (Portland, Oregon)
25773828	07/25/90	Columbia-Snake River (Portland, Oregon)
20281783	08/22/90	Columbia-Snake River (Portland, Oregon)
20281809	08/24/90	Columbia-Snake River (Portland, Oregon)
20288762	10/08/90	Columbia-Snake River (Portland, Oregon)
20291360	11/01/90	Columbia-Snake River (Portland, Oregon)
20296245	11/29/90	Columbia-Snake River (Portland, Oregon)
20300369	01/04/91	Columbia-Snake River (Portland, Oregon)
20305772	02/19/91	Columbia-Snake River (Portland, Oregon)
83–4130751	04/18/83	Columbia-Snake River (Portland, Oregon)
83–4131365	05/04/83	Columbia-Snake River (Portland, Oregon)
83–4132649	06/02/83	Columbia-Snake River (Portland, Oregon)
83–4133486	06/23/83	Columbia-Snake River (Portland, Oregon)
83–4134935	07/27/83	Columbia-Snake River (Portland, Oregon)
83–4135617	08/15/83	Columbia-Snake River (Portland, Oregon)
83–4136056	08/30/83	Columbia-Snake River (Portland, Oregon)
83–4137178	09/23/83	Columbia-Snake River (Portland, Oregon)
84–4152253	10/12/83	Columbia-Snake River (Portland, Oregon)
84–4153689	11/04/83	Columbia-Snake River (Portland, Oregon)
84–4154662	11/29/83	Columbia-Snake River (Portland, Oregon)
84–4156110	12/29/83	Columbia-Snake River (Portland, Oregon)
84–4156709	01/13/84	Columbia-Snake River (Portland, Oregon)
84–4157245	01/25/84	Columbia-Snake River (Portland, Oregon)
84–4158419	02/13/84	Columbia-Snake River (Portland, Oregon)
84–4158956	02/27/84	Columbia-Snake River (Portland, Oregon)
84–4160672	03/29/84	Columbia-Snake River (Portland, Oregon)
85–4236596	06/28/85	Columbia-Snake River (Portland, Oregon)
12581978	04/06/88	Columbia-Snake River (Portland, Oregon)
12586944	06/22/88	Columbia-Snake River (Portland, Oregon)
12588411	07/14/88	Columbia-Snake River (Portland, Oregon)
12590052	08/10/88	Columbia-Snake River (Portland, Oregon)
12591464	08/31/88	Columbia-Snake River (Portland, Oregon)
12592843	09/21/88	Columbia-Snake River (Portland, Oregon)
12594153	10/06/88	Columbia-Snake River (Portland, Oregon)
12594526	10/12/88	Columbia-Snake River (Portland, Oregon)
12595051	10/21/88	Columbia-Snake River (Portland, Oregon)
12600166	01/11/89	Columbia-Snake River (Portland, Oregon)
12604259	03/25/89	Columbia-Snake River (Portland, Oregon)
85–4221705	10/29/84	Columbia-Snake River (Portland, Oregon)
85–4422876	05/25/85	Los Angeles, California
81–1328861	09/28/81	Honolulu, Hawaii
85–1340139	11/19/84	Honolulu, Hawaii
83–1310040	10/21/82	Honolulu, Hawaii
84–1326082	11/16/83	Honolulu, Hawaii
86–1129340	10/17/85	Honolulu, Hawaii
86–1135525	03/11/86	Honolulu, Hawaii
85–2326987	04/22/85	San Francisco, California
31585289	04/02/96	San Francisco, California
31594950	12/02/96	San Francisco, California
82–1627918	04/27/82	San Francisco, California
83–1668145	10/19/82	San Francisco, California
83–1671640	11/05/82	San Francisco, California
83–1689496	12/23/82	San Francisco, California
07202257	05/23/90	San Francisco, California
07204287	09/05/90	San Francisco, California
84–2390622	07/12/84	Seattle, Washington

SEC. 1610. RELIQUIDATION OF DRAWBACK CLAIM RELATING TO JUICES ENTERED IN APRIL 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate the entry described in subsection (c) at the full amount claimed in such entry.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the reliquidation under subsection (a) shall be paid by the Customs Service within 90 days after such reliquidation.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is as follows:

Entry Number	Date of Entry	Date of Liquidation
032–0001141–3	04/28/93	06/25/99

SEC. 1611. RELIQUIDATION OF DRAWBACK CLAIM RELATING TO JUICES ENTERED IN MARCH 1994.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate the entry described in subsection (c) at the full amount claimed in such entry.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the reliquidation under subsection (a) shall be paid by the Customs Service within 90 days after such reliquidation.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is as follows:

Entry Number	Date of Entry	Date of Liquidation
032–0001138–9	03/30/94	06/25/99

SEC. 1612. STEEL WIRE ROPE ENTRIES.

(a) IN GENERAL.—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 United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entries made at various ports, which are listed in subsection (c) in accordance with the final results of the administrative reviews covering the period from March 1, 1996, through February 29, 1997, undertaken by the International Trade Administration of the Department of Commerce with respect to such entries (Case Number A–580–811).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of the entries, shall be paid by the Customs Service not later than 90 days after such liquidation or reliquidation.

(c) ENTRIES.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
FB30161863–0	08/04/98
FB30162418–2	08/24/98
FB30163470–2	09/15/98
AK50021515–2	11/09/98
GL50600293–7	11/19/98
K800849688–8	09/18/98
AK50022148–1	01/25/99
AK50022311–5	02/08/99

SEC. 1613. LIQUIDATION OR RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED IN APRIL 10, 1989, THROUGH AUGUST 20, 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
084–0520091–9	04–10–89
084–0520094–3	04–10–89
084–052031–2	11–27–89
084–0520681–7	05–25–89
084–0520983–7	06–12–89
084–0520984–5	06–12–89
084–0521156–9	07–04–89
084–0521157–7	07–04–89
084–0521401–9	07–31–89
084–0521935–6	09–29–89
084–0521937–2	09–12–89
084–0521938–0	10–05–89
084–0522166–7	10–17–89
084–0522167–5	10–17–89
084–0522169–1	10–17–89
084–0522292–1	10–25–89
084–0522293–9	10–25–89
084–0522405–9	11–08–89
084–0522406–7	11–08–89
084–0522407–5	11–08–89
084–0522456–2	11–08–89
084–0522457–0	11–16–89
084–0522458–8	11–16–89
084–0522567–6	11–13–89
084–0522568–4	11–13–89
084–0522644–3	11–16–89
084–0523018–9	11–16–89
084–0523029–6	11–27–89
084–0523030–4	11–27–89
084–0523031–2	11–27–89
084–0522931–4	12–07–89
084–0522932–2	12–07–89
084–0522933–0	12–07–89
614–2718812–5	01–10–90
614–2718814–1	01–16–90
614–2119422–2	01–18–90
614–2718813–3	01–22–90
614–2718811–7	01–23–90
614–2719578–1	01–29–90
614–2719579–9	03–01–90
602–0147021–2	03–02–90
602–0147023–8	03–02–90

Entry number	Date of entry
602–0147277–0	03–12–90
602–0147116–0	03–20–90
084–0524420–6	03–21–90
084–0524687–0	04–19–90
084–0524689–6	04–19–90
084–0524690–4	04–10–90
084–0528252–9	04–05–91
084–0521688–8	04–19–90
084–0532277–0	04–15–92
084–0532278–8	04–15–92
084–0532279–6	04–15–92
084–0532280–4	04–15–92
084–0532281–2	04–15–92
084–0528346–9	04–18–91
084–0537712–1	08–20–93
084–0537713–9	08–20–93
084–0537714–7	08–20–93

SEC. 1614. LIQUIDATION OR RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED IN APRIL 5, 1991, THROUGH MAY 9, 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
084–0528252–9	04–05–91
084–0528511–8	05–03–91
084–0528512–6	05–03–91
084–0528682–7	05–22–91
084–0528767–6	05–22–91
084–0528906–0	06–05–91
084–0529135–5	07–05–91
084–0529343–5	07–21–91
084–0529344–3	07–21–91
084–0529345–0	07–21–91
084–0529490–4	08–08–91
084–0529491–2	08–08–91
084–0529694–1	08–29–91
084–0529724–6	08–23–91
084–0529725–3	08–23–91
084–0529894–7	09–24–91
084–0529939–0	09–24–91
084–0529940–8	09–24–91
084–0530235–0	10–15–91
084–0530236–8	10–15–91
084–0530380–4	10–29–91
084–0530381–2	10–29–91
084–0530525–4	11–08–91
084–0530526–2	11–08–91
084–0530642–7	11–15–91
084–0530643–5	11–15–91
084–0531008–0	12–10–91
084–0531009–8	12–10–91
084–0531193–0	12–30–91
084–0531194–8	12–30–91
084–0531570–9	02–06–92
084–0531571–7	02–06–92
084–0531696–2	02–12–92
084–0531697–0	02–12–92
084–0531698–8	02–12–92
084–0531699–6	02–12–92
084–0531781–2	02–22–92
084–0531782–0	02–22–92
084–0531927–1	03–11–92
084–0531928–9	03–11–92
084–0531961–0	03–11–92
084–0531962–8	03–11–92
084–0532034–5	03–18–92
084–0532035–2	03–18–92
084–0532036–0	03–18–92
084–0532037–8	03–18–92
084–0532211–9	04–04–92
084–0532212–7	04–04–92
084–0532213–5	04–04–92
084–0532215–0	04–04–92
084–0537004–3	06–18–93
084–0537413–6	07–17–93
084–0537414–4	07–17–93
084–0532432–1	05–02–92
084–0532433–9	05–02–92
084–0532434–7	05–02–92
084–0532435–4	05–02–92
084–0532436–2	05–02–92
084–0532526–0	05–09–92

SEC. 1615. LIQUIDATION OR RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED IN MAY 9, 1992, THROUGH SEPTEMBER 18, 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
084–0532527–8	05–09–92
084–0532938–7	06–13–92
084–0532939–5	06–13–92
084–0533381–9	07–29–92
084–0533382–7	07–29–92
084–0533383–5	07–29–92
084–0533384–3	07–29–92
084–0533732–3	09–01–92
084–0533823–0	09–01–92
084–0533824–8	09–01–92
084–0534010–3	09–19–92
084–0534052–5	09–26–92
084–0534199–4	10–06–92
084–0534205–9	10–14–92
084–0534206–7	10–14–92
084–0534207–5	10–14–92
084–0534669–6	11–18–92
084–0534670–4	11–18–92
084–0534930–2	11–28–92
084–0535157–1	12–23–92
084–0535311–4	01–09–93
084–0535312–2	01–02–93
084–0535441–9	01–09–93
084–0535578–8	01–27–93
084–0535694–3	02–07–93
084–0535695–0	02–07–93
084–0535854–3	02–24–93
084–0535855–0	02–24–93
084–0535857–6	02–24–93
084–0535858–4	02–24–93
084–0535859–2	02–24–93
084–0536160–4	03–28–93
084–0536291–7	04–07–93
084–0536292–5	04–07–93
084–0536357–6	04–11–93
084–0536361–8	04–11–93
084–0536362–6	04–11–93
084–0536424–4	05–02–93
084–0536518–3	05–02–93
084–0536519–1	05–02–93
084–0536727–0	05–23–93
084–0536839–3	05–29–93
084–0536840–1	05–29–93
084–0536841–9	05–29–93
084–0536842–7	05–29–93
084–0537443–3	07–31–93
084–0537444–1	07–31–93
084–0538038–0	09–18–93
084–0538039–8	09–18–93
084–0538040–6	09–18–93

SEC. 1616. LIQUIDATION OR RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED IN SEPTEMBER 18, 1993, THROUGH JULY 25, 1994.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
084–0538041–4	09–18–93
084–0538311–1	10–17–93
084–0538312–9	10–17–93
084–0538314–5	10–17–93
084–0538345–9	10–23–93
084–0538346–7	10–23–93
084–0538347–5	10–23–93
084–0538628–8	11–06–93
084–0538797–1	11–27–93
084–0538798–9	11–27–93
084–0538800–3	12–05–93
084–0538801–1	11–27–93
084–0538818–5	12–05–93
084–0538979–5	12–11–93
084–0539185–8	01–02–94

Entry number	Date of entry
084–0539310–2	01–16–94
084–0539554–5	02–06–94
084–0539555–2	02–06–94
084–0539556–0	02–06–94
084–0539557–8	02–06–94
084–0539599–0	02–11–94
084–0539600–6	02–11–94
084–0539664–2	02–22–94
084–0539665–9	02–22–94
084–0539666–7	02–22–94
084–0539791–3	03–06–94
084–0539793–9	03–06–94
084–0539794–7	03–06–94
084–0539876–2	03–13–94
084–0540033–7	03–27–94
084–0540034–5	03–28–94
084–0540142–6	04–11–94
084–0540143–4	04–11–94
084–0540144–2	04–11–94
084–0540145–9	04–11–94
084–0540224–2	04–17–94
084–0540368–7	05–01–94
084–0540369–5	05–01–94
084–0540370–3	05–01–94
084–0540372–9	05–01–94
084–0540737–3	06–05–94
084–0540966–8	06–26–94
084–0541257–1	07–25–94
084–0541258–9	07–25–94

SEC. 1617. CERTAIN ENTRIES PREMATURELY LIQUIDATED IN ERROR.

(a) IN GENERAL.—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 United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate those entries described in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce, and the final results of the administrative reviews, for entries made on or after December 1, 1993 and before April 1, 2001.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a), are as follows:

Entry number	Date of entry	Date of liquidation
669–26046013	02/09/94	07/12/96
112–62707166	02/12/94	05/14/99
669–26046716	03/05/94	07/12/96
669–26046997	03/16/94	07/12/96
669–26047094	03/22/94	07/12/96
669–26047508	04/03/94	07/12/96
225–41000430	04/11/94	07/29/94
669–26047862	04/19/94	07/12/96
669–26048027	04/22/94	07/12/96
669–26048050	04/22/94	07/12/96
669–26048068	04/22/94	07/12/96
669–26049199	06/05/94	07/12/96
051–01380045	06/14/94	06/21/96
225–21019541	07/02/94	Unknown
669–26050742	07/20/94	07/12/96
669–26051294	08/16/94	07/19/96
669–26051377	08/17/94	07/12/96
669–26051401	08/23/94	07/19/96
051–01378452	09/01/94	08/16/96
669–26051906	09/06/94	07/19/96
669–26052714	10/05/94	07/19/96
669–26054629	01/02/95	07/12/96
669–26054918	01/21/95	07/12/96
669–00985582	02/17/95	09/17/99
225–41030148	05/01/95	01/20/95
112–85106669	06/07/95	02/25/00
112–80968196	08/03/95	11/17/95
669–26059347	09/02/95	07/12/96
112–79650961	09/27/95	12/29/95
669–28017335	10/06/95	06/14/96
112–05038720	05/01/96	08/02/96
112–17629326	01/06/97	04/18/97
112–17629326	03/12/97	04/18/97
669–01225053	06/12/97	10/15/99
669–01223637	06/25/97	10/08/99
669–01225418	06/25/97	10/08/99
669–01225913	06/27/97	10/08/99
669–01227380	07/03/97	10/08/99
669–01232166	07/07/97	10/08/99
669–01230533	07/09/97	10/08/99
669–01236357	07/30/97	10/08/99
100–47966294	08/08/97	08/26/99
669–01241811	08/13/97	10/08/99
669–01245838	08/27/97	10/08/99
669–01247933	09/04/97	10/15/99
669–01251448	09/21/97	10/08/99
669–01254020	09/24/97	10/08/99
669–01256801	10/01/97	10/08/99
669–01259466	10/15/97	10/08/99
669–01260753	10/15/97	10/08/99
669–01261363	10/16/97	10/08/99
669–01262650	10/22/97	10/08/99
669–01263856	10/24/97	10/08/99
669–01267337	11/06/97	10/08/99
669–01269200	11/12/97	10/08/99
669–01271784	11/20/97	10/08/99
669–01271800	11/23/97	10/08/99
669–01272907	11/30/97	10/08/99
669–01273673	11/30/97	10/08/99
669–01274119	11/30/97	10/08/99
669–01276585	12/04/97	10/08/99
669–01278763	12/14/97	10/15/99
669–01283441	12/30/97	10/08/99
669–01296948	01/09/98	10/08/99
669–01292186	01/22/98	10/08/99
669–04201964	01/23/98	10/08/99
112–14206987	01/23/98	02/22/99
669–01295130	02/01/98	10/08/99
669–01296955	02/05/98	10/08/99
669–01297649	02/12/98	10/08/99
669–01298530	02/12/98	10/08/99
669–01302126	02/21/98	10/08/99
669–01302134	02/21/98	10/08/99
669–01302530	02/21/98	10/08/99
669–01303546	02/21/98	10/08/99
669–01304569	02/27/98	10/08/99
669–01305947	03/05/98	10/08/99
669–01306978	03/07/98	10/08/99
669–01306986	03/07/98	10/08/99
669–01307554	03/12/98	10/08/99
669–01312711	03/14/98	10/08/99
669–28050047	03/20/98	04/02/99
669–01312703	03/21/98	10/08/99
669–01318072	04/07/98	10/08/99
669–01324781	04/24/98	10/08/99
669–01325218	04/25/98	10/08/99
669–01327586	04/30/98	10/08/99
669–01330283	May–98	10/08/99
669–01332081	May–98	10/08/99
112–35098876	05/08/98	04/02/99
669–01332081	05/16/98	10/08/99
669–01335357	05/26/98	10/08/99
700–07050910	05/30/98	03/24/00
110–54366892	06/03/98	04/16/99
112–38590861	09/09/98	07/23/99
112–01742119	04/20/99	08/09/96
110–64694523	10/07/99	10/01/99

SEC. 1618. CERTAIN POSTERS ENTERED DURING 2000 AND 2001.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 of the Harmonized Tariff Schedule of the United States at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 of the Harmonized Tariff Schedule of the United States on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
F1126496605	09–24–00
F1117735656	10–18–00
90100999235	02–14–01
90101010321	04–23–01
90101001700	02–28–01
28100674408	04–25–01
28100671081	04–09–01
28100670398	04–06–01
F1126187352	06–19–00
F1126530833	10–05–00
28100678433	05–18–01
90100999235	04–14–01
90101001700	02–28–01

SEC. 1619. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, and subject to subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) by applying the column 1 general rate of duty of the Harmonized Tariff Schedule of the United States to each entry that is liquidated or reliquidated, regardless of whether the entry was made under the column 1 special rate of duty of such schedule.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only upon a request therefor is filed with the Customs Service.

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due to the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the ports of Laredo, Texas (designated as port of entry 2304), Hidalgo, Texas (designated as port of entry 2305), and Wilmington, Delaware (designated as port of entry 1103), are as follows:

Entry number	Port of Entry	Date of Entry
95300618568	2305	02/22/95
95300618576	2305	02/22/95
95300619236	2305	02/27/95
95300619277	2305	02/27/95
95300619806	2305	03/02/95
95300619871	2305	03/02/95
95300620142	2305	03/07/95
95300620176	2305	03/03/95
95300620184	2305	03/03/95
95300620911	2305	03/07/95
95300635133	2305	04/07/95
95300635141	2305	04/07/95
95300635950	2305	04/12/95
95300635968	2305	04/12/95
95300636370	2305	04/14/95
95300636388	2305	04/14/95
95300640554	2305	05/09/95
95300640653	2305	05/10/95
95300656592	2304	11/05/95
95300657665	2304	11/29/95
95300657756	2304	12/02/95
95300658358	2304	12/16/95
95300658408	2304	12/17/95
95300658572	2304	12/19/95
95300658648	2304	12/22/95
95300658754	2304	12/22/95
95300658945	2304	12/27/95
95300659018	2304	12/28/95
95300659117	2304	12/29/95
95300659208	2304	01/02/96
95300659398	2304	01/05/96
95300659513	2304	01/08/96
95300659547	2304	01/09/96
95300659679	2304	01/11/96
95300659737	2304	01/14/96
95300659794	2304	01/13/96
95300659810	2304	01/14/96
95300659844	2304	01/15/96
95300659851	2304	01/15/96
95300659901	2304	01/16/96
95300659919	2304	01/16/96
95300659935	2304	01/17/96
95300660065	2304	01/18/96
95300660107	2304	01/19/96

Entry number	Port of Entry	Date of Entry
95300660172	2304	01/22/96
95300660180	2304	01/22/96
95300660248	2304	01/22/96
95300660362	2304	01/23/96
95300660388	2304	01/24/96
95300660560	2304	01/25/96
95300660743	2304	01/27/96
95300660818	2304	01/29/96
95300660826	2304	01/29/96
95300704053	2305	05/16/95
95300704061	2305	05/16/95
95300704889	2305	05/22/95
95300704897	2305	05/22/95
95300705886	2305	05/31/95
95300705969	2305	05/30/95
95300706900	2305	06/09/95
95300706926	2305	06/09/95
95300752656	2305	02/02/96
95300752698	2305	02/04/96
95300752805	2305	02/05/96
95300752813	2305	02/05/96
95300752870	2305	02/06/96
95300752904	2305	02/06/96
95300753001	2305	02/07/96
95300753076	2305	02/09/96
R7410350736	1103	11/29/95
R7410350769	1103	11/29/95
R7410350801	1103	11/29/95
R7410350835	1103	11/29/95
T8500081575	2305	06/16/95
T8500081591	2305	06/16/95
T8500081716	2305	06/20/95
T8500081724	2305	06/20/95
T8500081815	2305	06/27/95
T8500081823	2305	06/28/95
T8500081922	2305	06/27/95
T8500081930	2305	06/27/95
T8500082052	2305	07/01/95
T8500082060	2305	07/01/95
T8500082326	2305	07/14/95
T8500082342	2305	07/14/95
T8500082458	2305	07/22/95
T8500082482	2305	07/22/95
T8500082508	2305	07/24/95
T8500082516	2305	07/24/95
T8500082581	2305	07/30/95
T8500082599	2305	07/30/95
T8500082656	2305	08/03/95
T8500082664	2305	08/03/95
T8500082748	2305	08/09/95
T8500082797	2305	08/10/95
T8500082839	2305	08/14/95
T8500082847	2305	08/14/95
T8500084462	2305	10/22/95

SEC. 1620. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN NOVEMBER 22, 1989, AND MARCH 7, 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
01401–788–1003829–5	11/22/89
01401–788–1004108–3	02/01/90
01401–788–1004162–0	02/15/90
01401–788–1004246–1	03/07/90

SEC. 1621. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN MARCH 14, 1990, AND SEPTEMBER 29, 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
01401–788–1004263–6	3/14/90
01401–788–1004300–6	3/19/90
24601–237–0043486–5	9/04/90
24601–237–0043490–7	9/06/90
24601–237–0043489–9	9/06/90
24601–237–0043532–6	9/09/90
24601–237–0043533–4	9/09/90
24601–237–0043534–2	9/09/90
24601–237–0043535–9	9/09/90
24601–237–0043536–7	9/09/90
24601–237–0043537–5	9/09/90
24601–237–0043538–3	9/09/90
24601–237–0043539–1	9/09/90
24601–237–0043531–8	9/10/90
24601–237–0043557–3	9/13/90
24601–237–0043558–1	9/13/90
24601–237–0043559–9	9/13/90
24601–237–0043562–3	9/13/90
24601–237–0043563–1	9/13/90
24601–237–0043565–6	9/13/90
24601–237–0043566–4	9/13/90
24601–237–0043567–2	9/13/90
24601–237–0043564–9	9/13/90
24601–237–0043573–0	9/18/90
24601–237–0043581–3	9/18/90
24601–237–0043582–1	9/18/90
24601–237–0043583–9	9/18/90
24601–237–0043584–7	9/18/90
24601–237–0043585–4	9/18/90
24601–237–0043629–0	9/27/90
24601–237–0043630–8	9/27/90
24601–237–0043631–6	9/27/90
24601–237–0043632–4	9/27/90
24601–237–0043633–2	9/27/90
24601–237–0043634–0	9/27/90
24601–237–0043635–7	9/27/90
24601–237–0043636–5	9/27/90
24601–237–0043637–3	9/27/90
24601–237–0043638–1	9/29/90
24601–237–0043639–9	9/29/90
24601–237–0043640–7	9/29/90
24601–237–0043648–0	9/29/90
24601–237–0043641–5	9/29/90

SEC. 1622. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN OCTOBER 6, 1990, AND NOVEMBER 1, 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0043690–2	10/06/90
24601–237–0043691–0	10/06/90
24601–237–0043692–8	10/06/90
24601–237–0043693–6	10/06/90
24601–237–0043694–4	10/06/90
24601–237–0043695–1	10/06/90
24601–237–0043696–9	10/06/90
24601–237–0043698–5	10/06/90
72809–442–0321942–1	10/10/90
72809–442–0322201–1	10/12/90
24601–237–0043751–2	10/13/90
24601–237–0043756–1	10/13/90
24601–237–0043772–8	10/13/90
24601–237–0043754–6	10/13/90
24601–237–0043762–9	10/13/90
24601–237–0043755–3	10/13/90
24601–237–0043709–0	10/14/90
24601–237–0043710–8	10/14/90
24601–237–0043711–6	10/14/90
24601–237–0043712–4	10/14/90
24601–237–0043713–2	10/14/90
45201–815–0141984–0	10/18/90
24601–237–0043796–7	10/19/90
24601–237–0043798–3	10/19/90
24601–237–0043800–7	10/19/90
24601–237–0043801–5	10/19/90
24601–237–0043802–3	10/19/90
24601–237–0043797–5	10/19/90
24601–237–0043799–1	10/19/90
72704–442–1163101–3	10/22/90
24601–237–0043818–9	10/24/90
24601–237–0043834–6	10/25/90
24601–237–0043835–3	10/25/90
24601–237–0043836–1	10/25/90
24601–237–0043841–1	10/25/90
24601–237–0043842–9	10/25/90
24601–237–0043843–7	10/25/90
24601–237–0043838–7	10/25/90
24601–237–0043839–5	10/25/90
24601–237–0043837–9	10/25/90
24601–237–0043840–3	10/25/90
72704–442–1164274–7	11/01/90

SEC. 1623. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN NOVEMBER 3, 1990, AND DECEMBER 15, 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United

States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0043907–0	11/03/90
24601–237–0043914–6	11/03/90
24601–237–0043916–1	11/03/90
24601–237–0043917–9	11/03/90
24601–237–0043918–7	11/03/90
24601–237–0043905–4	11/03/90
24601–237–0043906–2	11/03/90
24601–237–0043915–3	11/03/90
24601–237–0043950–0	11/11/90
24601–237–0043951–8	11/11/90
24601–237–0043957–5	11/11/90
24601–237–0043952–6	11/11/90
72704–442–1166912–0	11/11/90
72704–442–1166913–8	11/14/90
24601–237–0044003–7	11/17/90
24601–237–0044005–2	11/17/90
24601–237–0044007–8	11/17/90
24601–237–0044002–9	11/17/90
24601–237–0044006–0	11/17/90
24601–237–0043991–4	11/18/90
24601–237–0043993–0	11/18/90
24601–237–0043995–5	11/18/90
24601–237–0043994–8	11/18/90
72809–442–0322517–0	11/19/90
24601–237–0043992–2	11/27/90
24601–237–0044119–1	11/29/90
24601–237–0044145–6	12/02/90
24601–237–0044144–9	12/02/90
24601–237–0044146–4	12/02/90
24601–237–0044147–2	12/02/90
24601–237–0044170–4	12/04/90
24601–237–0044171–2	12/04/90
24601–237–0044172–0	12/04/90
24601–237–0044173–8	12/04/90
24601–237–0044169–6	12/04/90
24601–237–0044168–8	12/04/90
24601–237–0044221–5	12/08/90
24601–237–0044222–3	12/08/90
24601–237–0044223–1	12/08/90
24601–237–0044224–9	12/08/90
24601–237–0044220–7	12/08/90
24601–237–0044205–8	12/09/90
24601–237–0044207–4	12/09/90
24601–237–0044206–6	12/09/90
41703–815–0044549–9	12/13/90
24601–237–0044256–1	12/15/90
24601–237–0044260–3	12/15/90
24601–237–0044261–1	12/15/90
24601–237–0044262–9	12/15/90
24601–237–0044257–9	12/15/90

SEC. 1624. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN DECEMBER 28, 1990, AND FEBRUARY 9, 1991.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0044368–4	12/28/90
24601–237–0044367–6	12/28/90
24601–237–0044369–2	12/29/90
24601–237–0044370–0	12/29/90
24601–237–0044371–8	12/29/90
24601–237–0044372–6	12/29/90
24601–237–0044373–4	12/29/90
24601–237–0044374–2	12/29/90
24601–237–0044375–9	12/29/90
24601–237–0044366–8	12/29/90
24601–237–0044411–2	01/03/91
24601–237–0044412–0	01/03/91
24601–237–0044414–6	01/03/91
24601–237–0044415–3	01/03/91
24601–237–0044416–1	01/03/91
24601–237–0044417–9	01/03/91
24601–237–0044413–8	01/03/91
24601–237–0044410–4	01/03/91
72704–442–1173199–5	01/15/91
24601–237–0044513–5	01/18/91
24601–237–0044512–7	01/18/91
24601–237–0044514–3	01/19/91
24601–237–0044515–0	01/19/91
24601–237–0044518–4	01/19/91
24601–237–0044519–2	01/19/91
24601–237–0044524–2	01/19/91
24601–237–0044533–3	01/19/91
24601–237–0044523–4	01/19/91
24601–237–0044522–6	01/19/91
24601–237–0044516–8	01/19/91
24601–237–0044520–0	01/19/91
24601–237–0044521–8	01/19/91
24601–237–0044517–6	01/19/91
24601–237–0044525–9	01/19/91
24601–237–0044564–8	02/01/91
24601–237–0044665–3	02/08/91
24601–237–0044672–9	02/08/91
24601–237–0044673–7	02/08/91
24601–237–0044674–5	02/08/91
24601–237–0044677–8	02/08/91
24601–237–0044660–4	02/08/91
24601–237–0044682–8	02/08/91
24601–237–0044669–5	02/09/91
24601–237–0044676–0	02/09/91
24601–237–0044678–6	02/09/91
24601–237–0044681–0	02/09/91
24601–237–0044683–6	02/09/91
24601–237–0044668–7	02/09/91
24601–237–0044680–2	02/09/91

SEC. 1625. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN FEBRUARY 14, 1991, AND APRIL 24, 1991.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0044710–7	02/14/91
24601–237–0044715–6	02/14/91
24601–237–0044780–0	02/25/91
24601–237–0044775–0	02/25/91
24601–237–0044776–8	02/25/91
24601–237–0044778–4	02/25/91
24601–237–0044779–2	02/25/91
24601–237–0044777–6	02/25/91
24601–237–0044774–3	02/25/91
45201–815–1070377–0	02/27/91
72704–442–1177395–5	03/03/91
24601–237–0044818–8	03/08/91
24601–237–0044852–7	03/09/91
24601–237–0044853–5	03/09/91
24601–237–0044879–0	03/12/91
24601–237–0044880–8	03/12/91
72704–442–1178551–2	03/12/91
24601–237–0044892–3	03/12/91
24601–237–0044958–2	03/23/91
24601–237–0044993–9	03/23/91
24601–237–0044981–4	03/23/91
24601–237–0044982–2	03/23/91
24601–237–0044983–0	03/23/91
24601–237–0044957–4	03/23/91
24601–237–0044992–1	03/23/91
24601–237–0044959–0	03/23/91
24601–237–0045073–9	04/01/91
24601–237–0045095–2	04/03/91
24601–237–0045094–5	04/03/91
24601–237–0045108–3	04/06/91
24601–237–0045109–1	04/06/91
24601–237–0045111–7	04/06/91
24601–237–0045110–9	04/06/91
24601–237–0045107–5	04/06/91
45201–815–1070614–6	04/08/91
24601–237–0045176–0	04/16/91
24601–237–0045177–8	04/16/91
24601–237–0045175–2	04/16/91
24601–237–0045178–6	04/18/91
24601–237–0045181–0	04/18/91
24601–237–0045179–4	04/18/91
24601–237–0045180–2	04/18/91
24601–237–0045250–3	04/22/91
24601–237–0045252–9	04/22/91
24601–237–0045253–7	04/22/91
24601–237–0045255–2	04/22/91
24601–237–0045260–2	04/23/91
24601–237–0045285–9	04/24/91

SEC. 1626. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN APRIL 26, 1991, AND JUNE 16, 1991.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0045286–7	04/26/91
24601–237–0045340–2	05/02/91
24601–237–0045342–8	05/02/91
24601–237–0045344–4	05/02/91
24601–237–0045343–6	05/02/91
24601–237–0045345–1	05/02/91
24601–237–0045341–0	05/02/91
24601–237–0045305–5	05/02/91
24601–237–0045357–6	05/04/91
24601–237–0045358–4	05/04/91
24601–237–0045354–3	05/04/91
24601–237–0045356–8	05/04/91
24601–237–0045359–2	05/04/91
24601–237–0045353–5	05/04/91
24601–237–0045355–0	05/08/91
24601–237–0045352–7	05/09/91
24601–237–0045384–0	05/10/91
24601–237–0045385–7	05/10/91
72809–442–0326878–2	05/11/91
24601–237–0045462–4	05/18/91
24601–237–0045464–0	05/18/91
24601–237–0045465–7	05/18/91
24601–237–0045466–5	05/18/91
24601–237–0045467–3	05/18/91
24601–237–0045468–1	05/18/91
24601–237–0045469–9	05/18/91
24601–237–0045463–2	05/18/91
24601–237–0045459–0	05/22/91
24601–237–0045479–8	05/22/91
24601–237–0045480–6	05/22/91
24601–237–0045555–5	05/30/91
24601–237–0045556–3	05/30/91
24601–237–0045558–9	05/30/91
24601–237–0045559–7	05/30/91
24601–237–0045561–3	05/30/91
24601–237–0045557–1	05/30/91
24601–237–0045610–8	06/01/91
24601–237–0045611–6	06/01/91
24601–237–0045612–4	06/01/91
24601–237–0045613–2	06/01/91
24601–237–0045615–7	06/01/91
24601–237–0045616–5	06/01/91
24601–237–0045617–3	06/01/91
24601–237–0045618–1	06/01/91
24601–237–0045614–0	06/01/91
24601–237–0045562–1	06/04/91
24601–237–0045580–3	06/04/91
24601–237–0045581–1	06/04/91
24601–237–0045662–9	06/08/91
24601–237–0045675–1	06/08/91
45201–815–1071138–5	06/12/91
24601–237–0045703–1	06/15/91
24601–237–0045702–3	06/15/91
24601–237–0045704–9	06/15/91
24601–237–0045705–6	06/15/91
24601–237–0045701–5	06/15/91
24601–237–0045706–4	06/16/91
24601–237–0045732–0	06/16/91

SEC. 1627. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN OCTOBER 7, 1991, AND NOVEMBER 24, 1991.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
10901–551–2400823–0	10/07/91
10901–551–2400824–8	10/07/91
10901–551–2400825–5	10/07/91
10901–551–2400827–1	10/07/91
10901–551–2401490–7	10/07/91
33802–551–1986406–8	10/08/91
33802–551–1986407–6	10/08/91
10901–551–2400867–7	10/10/91
10901–551–2400871–9	10/10/91
10901–551–2400875–0	10/10/91
10901–551–2401642–3	10/10/91
10901–551–2400869–3	10/10/91
10901–551–2400872–7	10/10/91
10901–551–2400873–5	10/10/91
10901–551–2400870–1	10/10/91
10901–551–2400874–3	10/10/91
10901–551–2401609–2	10/10/91
10901–551–2401623–3	10/10/91
10901–551–2401639–9	10/10/91
10901–551–2401640–7	10/10/91
10901–551–2401641–5	10/10/91
10901–551–2400896–6	10/15/91
10901–551–2400915–4	10/15/91
24601–237–0046718–8	10/16/91
24601–237–0046719–6	10/16/91
24601–237–0046720–4	10/16/91
24601–237–0046722–0	10/16/91
24601–237–0046723–8	10/16/91
24601–237–0046724–6	10/16/91
24601–237–0046721–2	10/16/91
24601–237–0046752–7	10/18/91
24601–237–0046754–3	10/18/91
24601–237–0046755–0	10/18/91
24601–237–0046756–8	10/18/91
24601–237–0046757–6	10/18/91
24601–237–0046758–4	10/18/91
24601–237–0046759–2	10/18/91
24601–237–0046760–0	10/18/91
24601–237–0046775–8	10/22/91
24601–237–0046776–6	10/22/91
24601–237–0046745–1	10/22/91
10901–551–2400895–8	10/22/91
10901–551–2400958–4	10/22/91
10901–551–2400959–2	10/22/91
24601–237–0046791–5	10/23/91
24601–237–0046813–7	11/02/91
24601–237–0046814–5	11/02/91
24601–237–0046815–2	11/02/91
24601–237–0046817–8	11/02/91
24601–237–0046818–6	11/02/91
24601–237–0046819–4	11/02/91
24601–237–0046816–0	11/02/91
24601–237–0046860–8	11/04/91
24601–237–0046862–4	11/04/91
24601–237–0046922–6	11/11/91
24601–237–0046923–4	11/11/91
24601–237–0046924–2	11/11/91
24601–237–0046925–9	11/11/91
24601–237–0046960–6	11/16/91
24601–237–0046961–4	11/16/91
24601–237–0046962–2	11/16/91
24601–237–0046965–5	11/16/91
24601–237–0046966–3	11/16/91
24601–237–0046967–1	11/16/91
24601–237–0046968–9	11/16/91
24601–237–0046969–7	11/16/91
24601–237–0046970–5	11/16/91
41803–922–0022870–5	11/18/91
24601–237–0046964–8	11/19/91
24601–237–0047038–0	11/22/91
24601–237–0047039–8	11/22/91
24601–237–0047040–6	11/22/91
24601–237–0047013–3	11/24/91
24601–237–0047014–1	11/24/91
24601–237–0047015–8	11/24/91
24601–237–0047016–6	11/24/91
24601–237–0047017–4	11/24/91
24601–237–0047018–2	11/24/91
24601–237–0047020–8	11/24/91
24601–237–0047021–6	11/24/91
24601–237–0047022–4	11/24/91

SEC. 1628. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN NOVEMBER 30, 1991, AND NOVEMBER 26, 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0047081–0	11/30/91
24601–237–0047083–6	11/30/91
24601–237–0047084–4	11/30/91
24601–237–0047085–1	11/30/91
24601–237–0047086–9	11/30/91
24601–237–0047087–7	11/30/91
24601–237–0047088–5	11/30/91
24601–237–0047089–3	11/30/91
24601–237–0047090–1	11/30/91
24601–237–0047091–9	11/30/91
24601–237–0047092–7	11/30/91
24601–237–0047093–5	11/30/91
24601–237–0047094–3	11/30/91
24601–237–0047095–0	11/30/91
24601–237–0047082–8	11/30/91
24601–237–0047131–3	12/04/91
24601–237–0047133–9	12/04/91
24601–237–0047135–4	12/04/91
24601–237–0047143–8	12/05/91
24601–237–0047142–0	12/06/91
24601–237–0047198–2	12/11/91
24601–237–0047200–6	12/11/91
24601–237–0047201–4	12/11/91
24601–237–0047202–2	12/11/91
24601–237–0047199–0	12/11/91
24601–237–0047209–7	12/13/91
24601–237–0047210–5	12/13/91
24601–237–0047211–3	12/13/91
24601–237–0047213–9	12/13/91
24601–237–0047215–4	12/13/91
24601–237–0047216–2	12/13/91
24601–237–0047217–0	12/13/91
24601–237–0047218–8	12/13/91
24601–237–0047219–6	12/13/91
24601–237–0047220–4	12/13/91

24601–237–0047221–2	12/13/91
24601–237–0047222–0	12/13/91
24601–237–0047224–6	12/13/91
24601–237–0047225–3	12/13/91
24601–237–0047226–1	12/13/91
24601–237–0047227–9	12/13/91
24601–237–0047228–7	12/13/91
24601–237–0047229–5	12/13/91
24601–237–0047214–7	12/13/91
24601–237–0047212–1	12/13/91
45201–57–0017369–2	12/26/91
24601–237–0047258–4	01/22/92
24601–237–0047259–2	01/22/92
24601–237–0047260–0	01/22/92
24601–237–0047261–8	01/22/92
24601–237–0047262–6	01/22/92
24601–237–0047263–4	01/22/92
24601–237–0047264–2	01/22/92
24601–237–0047265–9	01/22/92
24601–237–0047266–7	01/22/92
24601–237–0049136–0	08/14/92
24601–237–0049137–8	08/14/92
24601–237–0049226–9	08/22/92
24601–237–0049329–1	09/22/92
24601–237–0049330–9	09/22/92
24601–237–0049443–0	10/05/92
24601–938–0009748–2	10/26/92
24601–938–0009749–0	10/26/92
24601–938–0009750–8	10/26/92
24601–938–0009813–4	11/08/92
24601–938–0009815–9	11/08/92
24601–938–0009816–7	11/08/92
24601–938–0009838–1	11/14/92
24601–938–0009839–9	11/14/92
24601–938–0009868–8	11/21/92
24601–938–0009869–6	11/21/92
24601–938–0009870–4	11/21/92
24601–938–0009871–2	11/26/92
24601–938–0009872–0	11/26/92
24601–938–0009873–8	11/26/92
24601–938–0009874–6	11/26/92
24601–938–0009875–3	11/26/92

SEC. 1629. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN DECEMBER 9, 1992, AND MAY 9, 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	***Entry Date***
24601–938–0009935–5	12/09/92
24601–938–0009936–3	12/09/92
24601–938–0009937–1	12/09/92
24601–938–0009938–9	12/09/92
24601–938–0009939–7	12/09/92
24601–938–0009940–5	12/09/92
24601–938–0009989–2	12/20/92
24601–938–0009992–6	12/20/92
24601–938–0009995–9	12/20/92
24601–938–0009991–8	12/20/92
24601–938–0009993–4	12/20/92
24601–938–0009994–2	12/20/92
24601–938–0009990–0	12/20/92
24601–938–0010002–1	12/21/92
24601–938–0010003–9	12/21/92
24601–938–0010004–7	12/21/92
24601–938–0010005–4	12/21/92
24601–938–0010006–2	12/21/92
24601–938–0010007–0	12/21/92
24601–938–0010029–4	12/29/92
24601–938–0010030–2	12/29/92
24601–938–0010031–0	12/29/92
24601–938–0010098–9	01/22/93
24601–938–0010099–7	01/22/93
24601–938–0010100–3	01/22/93
24601–938–0010101–1	01/22/93
24601–938–0010102–9	01/22/93
24601–938–0010103–7	01/22/93
24601–938–0010105–2	01/24/93
24601–938–0010129–2	01/29/93
24601–938–0010130–0	01/29/93
24601–938–0010131–8	01/29/93
24601–938–0010132–6	01/29/93
24601–938–0010133–4	01/29/93
24601–938–0010134–2	01/29/93
24601–938–0010135–9	01/29/93
24601–938–0010136–7	01/29/93
24601–938–0010137–5	01/29/93
24601–938–0010138–3	01/29/93
24601–938–0010159–9	02/05/93
24601–938–0010160–7	02/05/93
24601–938–0010162–3	02/05/93
24601–938–0010163–1	02/05/93
24601–938–0010164–9	02/05/93
24601–938–0010165–6	02/05/93
24601–938–0010166–4	02/05/93
24601–938–0010167–2	02/05/93
24601–938–0010161–5	02/05/93
24601–938–0010179–7	02/06/93
24601–938–0010180–5	02/06/93
24601–938–0010181–3	02/06/93
24601–938–0010182–1	02/06/93
24601–938–0010183–9	02/06/93
24601–938–0010184–7	02/06/93
24601–938–0010185–4	02/06/93
24601–938–0010186–2	02/06/93
24601–938–0010235–7	02/22/93
24601–938–0010236–5	02/22/93
24601–938–0010237–3	02/22/93
24601–938–0010238–1	02/22/93
24601–938–0010252–2	02/24/93
24601–938–0010253–0	02/24/93
24601–938–0010254–8	02/24/93
24601–938–0010255–5	02/24/93
24601–938–0010256–3	02/24/93
24601–938–0010257–1	02/24/93
24601–938–0010258–9	02/24/93
24601–938–0010260–5	02/24/93
24601–938–0010261–3	02/24/93
24601–938–0010262–1	02/24/93
24601–938–0010259–7	02/24/93
24601–938–0010316–5	03/05/93
24601–938–0010318–1	03/05/93
24601–938–0010316–5	03/05/93
24601–938–0010317–3	03/05/93
24601–938–0010317–3	03/05/93
24601–938–0010332–2	03/13/93
24601–938–0010333–0	03/13/93
24601–938–0010334–8	03/13/93
24601–938–0010373–6	03/20/93
24601–938–0010374–4	03/20/93
24601–938–0010375–1	03/20/93
24601–938–0010376–9	03/20/93
24601–938–0010377–7	03/20/93
24601–938–0010378–5	03/20/93
24601–938–0010422–1	03/30/93
24601–938–0010450–2	04/02/93
24601–938–0010451–0	04/02/93
24601–938–0010452–8	04/02/93
24601–938–0010453–6	04/02/93
24601–938–0010454–4	04/02/93
24601–938–0010455–1	04/02/93
24601–938–0010517–8	04/17/93
24601–938–0010518–6	04/17/93
24601–938–0010519–4	04/17/93
24601–938–0010520–2	04/17/93
24601–938–0010549–1	04/24/93
24601–938–0010550–9	04/24/93
24601–938–0010619–2	05/09/93

SEC. 1630. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN MAY 14, 1993, AND OCTOBER 23, 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	***Entry Date***
24601–938–0010645–7	05/14/93
24601–938–0010646–5	05/14/93
24601–938–0010647–3	05/14/93
24601–938–0010648–1	05/14/93
24601–938–0010649–9	05/14/93
24601–938–0010605–1	05/21/93
24601–938–0010604–4	05/24/93
24601–938–0010720–8	06/07/93
24601–938–0010735–6	06/11/93
24601–938–0010772–9	06/17/93
24601–938–0010800–8	06/25/93
24601–938–0010801–6	06/25/93
24601–938–0010802–4	06/25/93
45201–438–0919317–0	06/28/93
45201–438–0919412–9	09/05/93
24601–938–0011256–2	10/23/93

SEC. 1631. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN MAY 16, 1990, AND APRIL 20, 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
4601–237–0042701–8	05/16/90
4601–237–0042702–6	05/16/90
4601–237–0042730–7	05/17/90
4601–237–0042731–5	05/17/90
4601–237–0042863–6	06/01/90
4601–237–0042877–6	06/15/90
4601–237–0043039–2	06/20/90
4601–237–0043195–2	07/18/90
4601–237–0043253–9	07/27/90
4601–237–0045041–6	03/27/91
4601–237–0045288–3	04/30/91
4601–237–0045648–8	06/08/91
4601–237–0045814–6	06/29/91
4601–237–0045956–5	07/15/91
4601–241–3054400–0	10/22/92
4601–241–3063782–0	09/24/93
4601–241–3065196–1	11/10/93
4601–241–3066943–5	01/25/94
4601–241–3069703–0	04/20/94
4601–241–3073069–0	08/04/94
4601–241–3073130–0	08/05/94
4601–241–3073131–8	08/05/94
4601–241–3073478–3	08/17/94
4601–241–3074656–3	09/21/94
4601–241–3076657–9	11/21/94
4601–241–3076659–5	11/21/94
4601–241–3076660–3	11/21/94
4601–241–3076675–1	11/24/94
4601–241–3076736–1	11/25/94
4601–241–3078296–4	01/12/95
4601–241–3078297–2	01/12/95
0901–112–7829964–6	01/24/95
0901–112–7829965–3	01/25/95
0901–112–7831096–3	01/30/95
4601–241–3078964–7	02/07/95
4601–241–3079146–0	02/14/95
4601–241–3079621–2	03/04/95
4601–241–3080014–7	03/15/95
4601–241–3080151–7	03/23/95
4601–241–3080153–3	03/23/95
4601–241–3080310–9	03/23/95
4601–241–3080798–5	04/05/95
4601–241–3080937–9	04/07/95
4601–241–3080957–7	04/10/95
4601–241–3080963–5	04/10/95
4601–241–3080863–7	04/13/95
4601–241–3081214–2	04/18/95
4601–241–3081215–9	04/18/95
4601–241–3082436–0	05/30/95
4601–241–3082437–8	05/31/95
4601–241–3083317–1	06/27/95
4601–241–3083318–9	06/27/95
4601–241–3083320–5	06/27/95
4601–241–3083321–3	06/27/95
4601–241–3084427–7	07/29/95
4601–241–3084428–5	07/29/95
4601–241–3084429–3	07/29/95
4601–241–3084430–1	07/29/95
4601–241–3084431–9	07/29/95
4601–241–3084432–7	07/29/95
4601–241–3085734–5	09/08/95
4601–241–3085735–2	09/08/95
4601–241–3085736–0	09/08/95
4601–241–3085737–8	09/08/95
4601–241–3085738–6	09/08/95
4601–241–3085739–4	09/08/95
4601–241–3085740–2	09/08/95
4601–241–3086662–7	10/05/95
4601–241–3086663–5	10/05/95
4601–241–3087492–8	11/02/95
4601–241–3087499–3	11/02/95
4601–241–3087500–8	11/02/95
4601–241–3087501–6	11/02/95
4601–241–3088399–4	12/01/95
4601–241–3088400–0	12/01/95
4601–241–3088398–6	12/02/95
4601–241–3088770–6	12/15/95
4601–241–3088771–4	12/15/95
4601–241–3088772–2	12/15/95
4601–241–3088773–0	12/15/95
4601–241–1189193–3	12/29/95
4601–241–1189194–1	12/29/95
4601–241–1189195–8	12/29/95
4601–241–1190103–9	01/31/96
4601–241–1190242–5	02/17/96
4601–241–1190741–6	03/07/96
4601–241–1191920–5	04/20/96
4601–241–1191921–3	04/20/96
4601–241–1191922–1	04/20/96
4601–241–1191923–9	04/20/96

SEC. 1632. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN AUGUST 28, 1991, AND JULY 8, 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
4601–241–3043101–8	08/28/91
4601–237–0046898–8	11/12/91
4601–237–0046899–6	11/12/91
4601–237–0047037–2	11/22/91
4601–237–0047080–2	11/30/91
4601–241–3045837–5	12/03/91
4601–241–3046070–2	12/11/91
4601–241–3046234–4	12/18/91
4601–241–3046903–4	01/17/92
4601–241–1192827–1	05/30/96
4601–241–1192828–9	05/30/96
4601–241–1192829–7	05/30/96
4601–241–1192826–3	05/30/96
4601–241–1193242–2	06/11/96
4601–241–1193243–0	06/11/96
4601–241–1193244–8	06/11/96
4601–241–1193245–5	06/11/96
4601–241–1193246–3	06/11/96
4601–241–1193939–3	07/08/96
4601–241–1193940–1	07/08/96
4601–241–1193942–7	07/08/96
4601–241–1193943–5	07/08/96

SEC. 1633. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED IN APRIL 4, 1995, AND JULY 22, 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
4601–076–0264618–9	04/04/95
5201–406–0209309–4	04/04/95
4601–076–0143541–0	04/07/95
4601–076–0143550–1	04/10/95
5201–406–0210067–5	04/13/95
4601–076–0143671–5	04/24/95
4601–076–0143667–3	04/25/95
4601–076–0143668–1	04/25/95
4601–076–0143669–9	04/25/95
4601–076–0143670–7	04/25/95
4601–076–0143688–9	04/26/95
4601–076–0143689–7	04/26/95
4601–076–0143737–4	05/01/95
4601–076–0143746–5	05/02/95
4601–076–0143747–3	05/02/95
4601–076–0143748–1	05/02/95
4601–076–0143751–5	05/02/95
4601–076–0143759–8	05/03/95
4601–076–0143791–1	05/08/95
4601–076–0143796–0	05/08/95
4601–076–0143815–8	05/10/95
4601–076–0143819–0	05/10/95
4601–076–0143821–6	05/10/95
4601–076–0143862–0	05/15/95
4601–076–0144059–2	06/06/95
4601–076–0144060–0	06/06/95
4601–076–0144061–8	06/06/95
4601–076–0143916–4	06/19/95
4601–076–0144194–7	06/21/95
4601–076–0144298–6	06/29/95
4601–076–0144366–1	07/07/95
4601–076–0144367–9	07/07/95
4601–076–0144612–8	07/31/95
4601–076–0144626–8	07/31/95
4601–076–0144628–4	07/31/95
4601–076–0144629–2	08/01/95
4601–076–0144681–3	08/04/95
3901–551–3493444–1	08/09/95
4601–076–0144968–4	09/06/95
4601–076–0144969–2	09/06/95
4601–076–0145018–7	09/11/95
4601–076–0145027–8	09/12/95
4601–076–0145023–7	09/13/95
4601–076–0145074–0	09/15/95
4601–076–0145075–7	09/15/95
5201–406–0215201–5	09/15/95
4601–076–0145113–6	09/21/95
4601–076–0145213–4	10/02/95
4601–076–0145215–9	10/03/95
4601–076–0145310–8	10/17/95
4601–076–0145336–3	10/19/95
4601–076–0145370–2	10/24/95
4601–076–0145403–1	10/27/95
4601–076–0145451–0	11/03/95
4601–076–0145487–4	11/07/95
4601–076–0145521–0	11/09/95
4601–076–0145612–7	11/21/95
4601–076–0145711–7	12/01/95
4601–076–0145734–9	12/06/95
4601–076–0145737–2	12/06/95
4601–076–0145763–8	12/07/95
4601–076–0145764–6	12/07/95
4601–076–0146032–7	01/10/96
4601–076–0146033–5	01/10/96
4601–076–0146217–4	02/05/96
4601–076–0146367–7	02/27/96
4601–076–0146464–2	03/11/96
4601–076–0146469–1	03/12/96
4601–076–0146520–1	03/20/96
4601–076–0146562–3	03/26/96
4601–076–0146612–6	04/04/96
4601–076–0146614–2	04/08/96
4601–076–0146683–7	04/15/96

4601–076–0146722–3	04/22/96
4601–076–0146766–0	04/25/96
4601–076–0147059–9	06/04/96
4601–076–0147248–8	07/01/96
4601–076–0147377–5	07/22/96

SEC. 1634. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN OCTOBER 11, 1994, AND MAY 16, 1995.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
0712–112–6947293–9	10/11/94
0712–112–6947294–7	10/14/94
0712–112–6947295–4	10/14/94
0712–112–7277897–5	10/14/94
0712–112–7278028–6	10/14/94
0712–112–7279272–9	11/07/94
0712–112–7292558–4	11/22/94
0712–112–7292647–5	11/22/94
0712–112–7292648–3	11/28/94
0712–112–7293042–8	11/28/94
0712–112–7293140–0	12/06/94
0712–112–7293435–4	12/07/94
0712–112–7293436–2	12/07/94
0712–112–7293515–3	12/07/94
0712–112–7293619–3	12/07/94
0712–112–7293620–1	12/07/94
0712–112–7293521–1	12/13/94
0712–112–7294412–2	12/21/94
0712–112–7294142–5	12/22/94
0712–112–7294143–3	12/22/94
0712–112–7294144–1	12/22/94
0712–112–7295546–6	01/18/95
0712–112–7295994–8	01/27/95
0712–112–7295998–9	01/27/95
0712–112–7296581–2	01/27/95
0712–112–7296677–8	02/01/95
0712–112–7298503–4	03/06/95
0712–112–7324623–8	05/08/95
0712–112–7325069–3	05/16/95

SEC. 1635. RELIQUIDATION OF CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN JUNE 17, 1991, AND OCTOBER 3, 1991.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
72704–442–1186614–8	06/17/91
72704–442–1186615–5	06/17/91
24601–237–0045741–1	06/25/91
24601–237–0045787–4	06/25/91
24601–237–0045740–3	06/25/91
24601–237–0045791–6	06/29/91
24601–237–0045850–0	06/29/91
24601–237–0045852–6	06/29/91
24601–237–0045853–4	06/29/91
24601–237–0045855–9	06/29/91
24601–237–0045856–7	06/29/91
24601–237–0045857–5	06/29/91
24601–237–0045858–3	06/29/91
24601–237–0045851–8	07/01/91
24601–237–0045854–2	07/02/91
24601–237–0045888–0	07/05/91
24601–237–0045945–8	07/13/91
24601–237–0045955–7	07/13/91
24601–237–0045953–2	07/15/91
24601–237–0045954–0	07/15/91
24601–237–0045952–4	07/15/91
24601–237–0046033–2	07/27/91
24601–237–0046055–5	07/27/91
24601–237–0046056–3	07/27/91
24601–237–0046059–7	07/27/91
24601–237–0046061–3	07/27/91
24601–237–0046060–5	07/27/91
24601–237–0046058–9	07/27/91
24601–237–0046054–8	07/27/91
24601–237–0046057–1	07/27/91
24601–237–0046062–1	07/27/91
24601–237–0046196–7	08/10/91
24601–237–0046197–5	08/10/91
24601–237–0046198–3	08/12/91
24601–237–0046194–2	08/12/91
24601–237–0046195–9	08/12/91
24601–237–0046369–0	08/27/91
24601–237–0046420–1	09/07/91
24601–237–0046421–9	09/07/91
24601–237–0046423–5	09/07/91
24601–237–0046424–3	09/07/91
24601–237–0046425–0	09/07/91
24601–237–0046426–8	09/07/91
24601–237–0046427–6	09/07/91
24601–237–0046429–2	09/07/91
10901–551–2401127–5	09/19/91
10901–551–2401128–3	09/19/91
24601–237–0046467–2	09/21/91
10901–551–2401210–9	09/25/91
10901–551–2401400–6	09/30/91
10901–551–2400795–0	10/02/91
10901–551–2400796–8	10/02/91
10901–551–2400797–6	10/02/91
10901–551–2400800–8	10/02/91
10901–551–2400809–9	10/02/91
10901–551–2400810–7	10/02/91
10901–551–2400811–5	10/02/91
10901–551–2401366–9	10/02/91
10901–551–2401364–4	10/02/91
10901–551–1819256–0	10/03/91

SEC. 1636. CERTAIN RAILWAY PASSENGER COACHES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of enactment of this Act, the Customs Service shall liquidate or reliquidate the entry described in subsection (c) as free of duty.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for a liquidation or reliquidation of the entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is the entry on July 12, 2002, of railway passenger coaches (provided for in subheading 8605.00.00) (Entry number 2210888343–4).

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 1701. HAIR CLIPPERS.

(a) IN GENERAL.—Heading 8510 of chapter 85 is amended—

(1) by striking subheading 8510.20.00 and inserting the following, with the article description for subheading 8510.20 having the same degree of indentation as the article description for subheading 8510.10.00, and with the article descriptions for subheadings 8510.20.10 and 8510.20.90 having the same degree of indentation as the article description for subheading 8510.90.55:

"	8510.20	Hair clippers:				
	8510.20.10	Hair clippers for use on a farm	4%	Free (A, CA, E, IL, J, MX)	45%	
	8510.20.90	Other	4%	Free (A, CA, E, IL, J, MX)	45%	";

and

(2) by striking subheading 8510.90.30 and inserting the following subheadings and superior text thereto, with such superior text having the same degree of indentation as the article description for subheading 8510.90.55:

"		Parts of hair clippers:				
	8510.90.30	Parts of hair clippers to be used for agricultural or horticultural purposes	4%	Free (A,CA,E, IL,J,MX)	45%	
	8510.90.40	Other parts of hair clippers	4%	Free (A,CA,E, IL,J,MX)	45%	".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

SEC. 1702. TRACTOR BODY PARTS.

(a) CERTAIN TRACTOR PARTS.—Heading 8708 is amended by striking subheading 8708.29.20 and inserting the following new subheadings in numerical sequence, with the superior text for subheadings 8708.29.21 and 8708.29.25 having the same degree of indentation as the article description for subheading 8708.29.15:

"		Body stampings:				
	8708.29.21	For tractors suitable for agricultural use	Free		Free	
	8708.29.25	Other	2.5%	Free (A, B, CA, E, IL, J, JO, MX)	25%	"

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment; and

(2) would, but for the amendment made by subsection (a), apply to subheading 8708.29.20 of the Harmonized Tariff Schedule of the United States, applies to the corresponding rate of duty set forth in subheading 8708.29.25 of such Schedule (as added by subsection (a)).

SEC. 1703. FLEXIBLE MAGNETS AND COMPOSITE GOODS CONTAINING FLEXIBLE MAGNETS.

Heading 8505 of chapter 85 is amended by striking subheading 8505.19.00 and inserting the following new subheadings, with the article description for subheadings 8505.19.10, 8505.19.20, and 8505.19.30 having the same degree of indentation as the article description for subheading 8505.11.00:

"	8505.19.10	Flexible magnets	4.9%	Free (A,CA,E,-IL,J,MX)	45%	
	8505.19.30	Other	4.9%	Free (A,CA,E,-IL,J,MX)	45%	"

SEC. 1704. VESSEL REPAIR DUTIES.

(a) EXEMPTION.—Section 466(h) of the Tariff Act of 1930 (19 U.S.C. 1466(h)) is amended—

(1) in paragraph (1), by striking the comma at the end and inserting a semicolon;

(2) in paragraph (2), by striking '', or'' at the end and inserting a semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(4) the cost of equipment, repair parts, and materials that are installed on a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas.

Declaration and entry shall not be required with respect to the installation, equipment, parts, and materials described in paragraph (4).''.

(b) AMENDMENT TO HTS.—Subchapter XVIII of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by striking ''U.S. Note'' and inserting ''U.S. Notes'' and by adding after U.S. note 1, the following new note:

''2. Notwithstanding the provisions of subheadings 9818.00.03 through 9818.00.07, no duty shall apply to the cost of equipment, repair parts, and materials that are installed in a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas, and declaration and entry shall not be required with respect to such installation, equipment, parts, and materials.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to vessel equipment, repair parts, and materials installed on or after April 25, 2001.

SEC. 1705. DUTY-FREE TREATMENT FOR HAND-KNOTTED OR HAND-WOVEN CARPETS.

(a) AMENDMENT OF THE TRADE ACT OF 1974.—Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended by adding at the end the following new paragraph:

''(4) CERTAIN HAND-KNOTTED OR HAND-WOVEN CARPETS.—Notwithstanding paragraph (1)(A), the President may designate as an eligible article or articles under subsection (a) carpets or rugs which are hand-loomed, hand-woven, hand-hooked, hand-tufted, or hand-knotted, and classifiable under subheadings 5701.10.16, 5701.10.40, 5701.90.10, 5701.90.20, 5702.10.90, 5702.42.20, 5702.49.10, 5702.51.20, 5702.91.30, 5702.92.00, 5702.99.10, 5703.10.00, 5703.20.10, or 5703.30.00 of the Harmonized Tariff Schedule of the United States.''.

(b) CONFORMING AMENDMENT.—Section 503(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2463(b)(1)(A)) is amended by striking ''Textile'' and inserting ''Except as provided in paragraph (4), textile''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any article entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

SEC. 1706. DUTY DRAWBACK FOR CERTAIN ARTICLES.

Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

''(y) ARTICLES SHIPPED TO THE UNITED STATES INSULAR POSSESSIONS.—For purposes of subsection (j)(1), an article, other than an article classified in chapters 50 through 63 of the Harmonized Tariff Schedule of the United States, shall be eligible for drawback under this section if duty was paid on the article upon importation into the United States and the person claiming drawback demonstrates that the article has entered the customs territory of the United States Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Guam, Canton Island, Enderbury Island, Johnston Island, or Palmyra Island.''.

SEC. 1707. MODIFICATION OF PROVISIONS RELATING TO DRAWBACK CLAIMS.

(a) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)), is amended to read as follows:

''(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—

''(1) CONDITIONS FOR DRAWBACK.—Upon the exportation or destruction under the supervision of the Customs Service of articles or merchandise—

''(A) upon which the duties have been paid,

''(B) which has been entered or withdrawn for consumption,

''(C) which is—

''(i) not conforming to sample or specifications, shipped without the consent of the consignee, or determined to be defective as of the time of importation, or

''(ii) ultimately sold at retail by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and for any reason returned to and accepted by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and

''(D) which, within 3 years after the date of importation or withdrawal, as applicable, has been exported or destroyed under the supervision of the Customs Service,

the full amount of the duties paid upon such merchandise, less 1 percent, shall be refunded as drawback.

''(2) DESIGNATION OF IMPORT ENTRIES.—For purposes of paragraph (1)(C)(ii), drawback may be claimed by designating an entry of merchandise that was imported within 1 year before the date of exportation or destruction of the merchandise described in paragraph (1) (A) and (B) under the supervision of the Customs Service. The merchandise designated for drawback must be identified in the import documentation with the same eight-digit classification number and specific product identifier (such as part number, SKU, or product code) as the returned merchandise.

''(3) WHEN DRAWBACK CERTIFICATES NOT REQUIRED.—For purposes of this subsection, drawback certificates are not required if the drawback claimant and the importer are the same party, or if the drawback claimant is a drawback successor to the importer as defined in subsection (s)(3).''.

(b) TIME LIMITATION ON EXPORTATION OR DESTRUCTION.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)), is amended—

(1) by striking ''No'' and inserting ''Unless otherwise provided for in this section, no''; and

(2) by inserting '', or destroyed under the supervision of the Customs Service,'' after ''exported''.

(c) USE OF DOMESTIC MERCHANDISE ACQUIRED IN EXCHANGE FOR IMPORTED MERCHANDISE OF SAME KIND AND QUALITY.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)), is amended—

(1) by striking ''(k)'' and inserting ''(k)(1)''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of subsections (a) and (b), the use of any domestic merchandise acquired in exchange for a drawback product of the same kind and quality shall be treated as the use of such drawback product if no certificate of delivery or certificate of manufacture and delivery pertaining to such drawback product is issued, other than that which documents the product's manufacture and delivery. As used in this paragraph, the term 'drawback product' means any domestically produced product, manufactured with imported merchandise or any other merchandise (whether imported or domestic) of the same kind and quality, that is subject to drawback.''.

(d) PACKAGING MATERIAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)), is amended to read as follows:

''(q) PACKAGING MATERIAL.—

''(1) PACKAGING MATERIAL UNDER SUBSECTIONS (c) AND (j).—Packaging material, whether imported and duty paid, and claimed for drawback under either subsection (c) or (j)(1), or imported and duty paid, or substituted, and claimed for drawback under subsection (j)(2), shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material.

''(2) PACKAGING MATERIAL UNDER SUBSECTIONS (a) AND (b).—Packaging material that is manufactured or produced under subsection (a) or (b) shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material.

''(3) CONTENTS.—Packaging material described in paragraphs (1) and (2) shall be eligible for drawback whether or not it contains articles or merchandise, and whether or not any articles or merchandise it contains are eligible for drawback.

''(4) EMPLOYING PACKAGING MATERIAL FOR ITS INTENDED PURPOSE PRIOR TO EXPORTATION.—The use of any packaging material for its intended purpose prior to exportation shall not be treated as a use of such material prior to exportation for purposes of applying subsection (a), (b), or (c), or paragraph (1)(B) or (2)(C)(i) of subsection (j).

''(5) APPORTIONMENT.—When imported packaging material is classifiable along with its contents, the duty on the packaging material eligible for drawback shall be apportioned in accordance with regulations issued by the Secretary of the Treasury.''.

(e) LIMITATION ON LIQUIDATION.—Section 504 of the Tariff Act of 1930 (19 U.S.C. 1504) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) LIQUIDATION.—

''(1) ENTRIES FOR CONSUMPTION.—Unless an entry of merchandise for consumption is extended under subsection (b) of this section or suspended as required by statute or court order, except as provided in section 751(a)(3), an entry of merchandise for consumption not liquidated within 1 year from—

''(A) the date of entry of such merchandise,

''(B) the date of the final withdrawal of all such merchandise covered by a warehouse entry,

''(C) the date of withdrawal from warehouse of such merchandise for consumption if, pursuant to regulations issued under section 505(a), duties may be deposited after the filing of an entry or withdrawal from warehouse, or

''(D) if a reconciliation is filed, or should have been filed, the date of the filing under section 484 or the date the reconciliation should have been filed, shall be deemed liquidated at the rate of duty, value, quantity, and amount of duties asserted at the time of entry by the importer of record.

Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

''(2) ENTRIES OR CLAIMS FOR DRAWBACK.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or (C), unless an entry or claim for drawback is extended under subsection (b) or suspended as required by statute or court order, an entry or claim for drawback not liquidated within 1 year from the date of entry or claim shall be deemed liquidated at the drawback amount asserted by the claimant at the time of entry or claim. Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

''(B) UNLIQUIDATED IMPORTS.—An entry or claim for drawback whose designated or identified import entries have not been liquidated and become final within the 1-year period described in subparagraph (A), or within the 1-year period described in subparagraph (C), shall be deemed liquidated upon the deposit of estimated duties on the unliquidated imported merchandise, and upon the filing with the Customs Service of a written request for the liquidation of the drawback entry or claim. Such a request must include a waiver of any right to payment or refund under other provisions of law. The Secretary of the Treasury shall prescribe any necessary regulations for the purpose of administering this provision.

''(C) EXCEPTION.—An entry or claim for drawback filed before the date of the enactment of this paragraph, the liquidation of which is not final as of the date of the enactment of this paragraph, shall be deemed liquidated on the date that is 1 year after the date of the enactment of this paragraph at the drawback amount asserted by the claimant at the time of the entry or claim.

''(3) PAYMENTS OR REFUNDS.—Payment or refund of duties owed pursuant to paragraph (1) or (2) shall be made to the importer of record or drawback claimant, as the case may be, not later than 90 days after liquidation.

''(b) EXTENSION.—The Secretary may extend the period in which to liquidate an entry if—

''(1) the information needed for the proper appraisement or classification of the imported or withdrawn merchandise, or for determining the correct drawback amount, or for ensuring compliance with applicable law, is not available to the Customs Service; or

''(2) the importer of record or drawback claimant, as the case may be, requests such extension and shows good cause therefor.

The Secretary shall give notice of an extension under this subsection to the importer of record or drawback claimant, as the case may be, and the surety of such importer of record or drawback claimant. Notice shall be in such form and manner (which may include electronic transmittal) as the Secretary shall by regulation prescribe. An entry the liquidation of which is extended under this subsection shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record, or the drawback amount asserted at the time of entry by the drawback claimant, at the expiration of 4 years from the applicable date specified in subsection (a).'';

(2) in subsection (c)—

(A) by inserting ''or drawback claimant, as the case may be,'' after ''to the importer of record''; and

(B) by inserting ''or drawback claimant'' after ''of such importer of record''; and

(3) in subsection (d), by striking the period at the end and inserting ''or (in the case of a drawback entry or claim) at the drawback amount asserted at the time of entry by the drawback claimant.''.

(f) PENALTIES FOR FALSE DRAWBACK CLAIMS.—Section 593A(h) of the Tariff Act of 1930 (19 U.S.C. 1593a(h)) is amended by striking ''subsection (g)'' and inserting ''subsections (c) and (g)''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), (d), and (f) shall take effect on the date of enactment of this Act, and shall apply to—

(A) any drawback entry filed on and after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(2) SUBSECTION (e).—The amendments made by subsection (e) shall take effect on the date of enactment of this Act, and shall apply to—

(A) any entry of merchandise for consumption or entry or claim for drawback filed on and after such date of enactment; and

(B) any entry or claim for drawback filed before such date of enactment if the liquidation of the entry or claim is not final on such date of enactment.

SEC. 1708. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) in paragraph (1), by striking ''because of its'' and inserting ''upon entry or''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''because of its'' and inserting ''upon entry or''; and

(B) in subparagraph (C)(ii)(II)—

(i) by striking ''then upon'' and inserting ''then, notwithstanding any other provision of law, upon''; and

(ii) by striking ''shall be refunded as drawback'' and inserting ''shall be refunded as drawback hereunder''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply to any drawback claim filed on or after that date and to any drawback entry filed before that date if the liquidation of the entry is not final on that date.

SEC. 1709. TREATMENT OF CERTAIN FOOTWEAR UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended as follows:

(1) In paragraph (1)(B), to read as follows:

''(B) footwear provided for in any subheadings 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.80, 6402.99.90, 6403.59.60, 6403.91.30, 6403.99.60, 6403.99.90, 6404.11.90, and 6404.19.20 of the HTS of the United States that was not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;''.

(2) In paragraph (3)(A)—

(A) in clause (i), by striking ''Subject to clause (ii)'' and inserting ''Subject to clauses (ii) and (iii)''; and

(B) by adding at the end the following:

''(iii) CERTAIN FOOTWEAR.—Notwithstanding paragraph (1)(B) and clause (i) of this subparagraph, footwear provided for in subheadings 6403.59.60, 6403.91.30, 6403.99.60, and 6403.99.90 of the HTS shall be eligible for the duty-free treatment provided for under this title if—

''(I) the article of footwear is the growth, product, or manufacture of a CBTPA beneficiary country; and

''(II) the article otherwise meets the requirements of subsection (a), except that in applying such subsection, 'CBTPA beneficiary country' shall be substituted for 'beneficiary country' each place it appears.''.

SEC. 1710. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) IN GENERAL.—Section 1453(a) of the Tariff Suspension and Trade Act of 2000 is amended by striking ''2-year period'' and inserting ''4-year period''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 9, 2002.

SEC. 1711. CERTAIN FOOTWEAR.

(a) IN GENERAL.—Chapter 64 is amended by striking subheadings 6401.99.30 and 6401.99.60 and inserting in numerical sequence the following new subheadings, with the article description for subheading 6401.99.15 having the same degree of indentation as the article description for subheading 6401.92.90:

"	6401.99.15	Footwear consisting of an outer sole affixed to an incomplete or unfinished upper to which additional upper parts or material must be affixed to permit the footwear to be held to the foot, such footwear having a bottom of vulcanized rubber and produced by the hand-laid assembly process or hand made, the foregoing footwear of a type that is not designed to be worn over other footwear	Free		75%	
		Other:				
	6401.99.30	Designed for use without closures	25%	Free (CA,D,IL) 10% (MX,R) 20% (JO)	50%	
	6401.99.65	Other	37.5%	Free (CA,D,IL) 15% (MX,R) 30% (JO)	75%	".

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment; and

(2) would, but for the amendment made by subsection (a), apply to subheading 6401.99.60 of the Harmonized Tariff Schedule of the United States,

applies to the corresponding rate of duty set forth in subheading 6401.99.65 of such Schedule (as added by subsection (a)).

Subtitle C—Effective Date

SEC. 1801. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. EXTENSION OF NONDISCRIMINATORY TREATMENT TO SERBIA AND MONTENEGRO.

Notwithstanding Public Law 102–420 (19 U.S.C. 2434 note), the President may proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia).

SEC. 2002. ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE ANDEAN TRADE PREFERENCE ACT.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to subsection (c)—

(1) the entry of any article described in section 204(b)(1)(D) of the Andean Trade Preference Act (as amended by section 3103(a)(2) of the Trade Act of 2002) for which the President proclaims duty free treatment pursuant to section 204(b)(1) of such Act shall be subject to the rate of duty applicable on August 5, 2002, until such time as the President proclaims duty free treatment for such article; and

(2) such entries shall be liquidated or reliquidated as if the reduced duty preferential treatment applied, and the Secretary of the Treasury shall refund any excess duties paid with respect to such entry.

(b) ENTRY.—As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(c) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefore is filed with the Customs Service, within 180 days after the date of enactment of this Act, and such request contains sufficient information to enable the Customs Service—

(1) to locate the entry; or

(2) to reconstruct the entry if it cannot be located.

SEC. 2003. AMENDMENTS TO UNITED STATES INSULAR POSSESSION PROGRAM.

(a) PRODUCTION CERTIFICATES.—Additional U.S. note 5(h) to chapter 91 of the Harmonized Tariff Schedule of the United States is amended—

(1) by amending subparagraphs (i) and (ii) to read as follows:

"(i) In the case of each of calendar years 2002 through 2015, the Secretaries jointly, shall—

"(A) verify—

"(1) the wages paid by each producer to permanent residents of the insular possessions during the preceding calendar year (including the value of usual and customary health insurance, life insurance, and pension benefits); and

"(2) the total quantity and value of watches and watch movements produced in the insular possessions by that producer and imported free of duty into the customs territory of the United States; and

"(B) issue to each producer (not later than 60 days after the end of the preceding calendar year) a certificate for the applicable amount.

"(ii) For purposes of subparagraph (i), except as provided in subparagraphs (iii) and (iv), the term 'applicable amount' means an amount equal to the sum of—

"(A) 90 percent of the producer's creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of the first 300,000 units; plus

"(B) the applicable graduated declining percentage (determined each year by the Secretaries) of the producer's creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of units in excess of 300,000 but not in excess of 750,000; plus

"(C) the difference between the duties that would have been due on each producer's watches and watch movements (excluding digital watches and excluding units in excess of the 750,000 limitation of this subparagraph) imported into the customs territory of the United States free of duty during the preceding calendar year if the watches and watch movements had been subject to duty at the rates set forth in column 1 under this chapter that were in effect on January 1, 2001, and the duties that would have been due on the watches and watch movements if the watches and watch movements had been subject to duty at the rates set forth in column 1 under this chapter that were in effect for such preceding calendar year."; and

(2) by amending subparagraph (v) to read as follows:

"(v) Any certificate issued under subparagraph (i) shall entitle the certificate holder to secure a refund of duties equal to the face value of the certificate on any articles that are imported into the customs territory of the United States by the certificate holder. Such refunds shall be made under regulations issued by the Treasury Department. Not more than 5 percent of such refunds may be retained as a reimbursement to the Customs Service for the administrative costs of making the refunds."

(b) JEWELRY.—Additional U.S note 3 to chapter 71 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating paragraphs (b), (c), (d), and (e) as paragraphs (c), (d), (e), and (f), respectively;

(2) by inserting after paragraph (a) the following new paragraph:

"(b) Notwithstanding additional U.S. note 5(h)(ii)(B) to chapter 91, articles of jewelry subject to this note shall be subject to a limitation of 10,000,000 units;"; and

(3) by striking paragraph (f), as redesignated, and inserting the following:

"(f) Notwithstanding any other provision of law, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa by a jewelry manufacturer or jewelry assembler that commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa after August 9, 2001, shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule if such article is entered no later than 18 months after such jewelry manufacturer or jewelry assembler commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods imported into the customs territory of the United States on or after January 1, 2003.

SEC. 2004. TECHNICAL AMENDMENTS.

(a) TRADE ACT of 2002.—(1) Section 2(a)(4) of the Trade Act of 2002 is amended by striking "and Other Provisions".

(2) The table of contents of the Trade Act of 2002 is amended—

(A) in the item relating to section 342, by striking "customs service" and inserting "Customs Service"; and

(B) by amending the item relating to section 3107 to read as follows:

"3107. Trade benefits under the Caribbean Basin Economic Recovery Act."

(3) The amendment made by section 111(b) of the Trade Act of 2002 shall be deemed never to have been enacted.

(4) Section 221(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(2)(A)) is amended by striking "assistance, and appropriate" and inserting "assistance and appropriate".

(5) Section 222(b) of the Trade Act of 1974 (19 U.S.C. 2272(b)) is amended—

(A) by striking the subsection heading and inserting the following: "ADVERSELY AFFECTED SECONDARY WORKERS"; and

(B) in the matter preceding paragraph (1), by inserting "pursuant to a petition filed under section 221" after "under this chapter".

(6) Section 238(b)(1) of the Trade Act of 1974 is amended by striking "Secretary," and inserting "Secretary)".

(7) Section 246 of the Trade Act of 1974 is amended—

(A) in subsection (a)(3)(B)(iii), by striking "and" after the semicolon;

(B) in subsection (a)(5), by striking "section 238(a)(2)(B)" and inserting "paragraph (2)(B)"; and

(C) in subsection (b)(2), by striking "provided that" and inserting "if".

(8) Section 124(b) of the Trade Act of 2002 is amended by striking "by inserting after the item relating to section 245 the following new item" and inserting "by amending the item relating to section 246 to read as follows".

(9) Section 296 of the Trade Act of 1974 is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "trade adjustment allowance" and inserting "adjustment assistance under this chapter"; and

(II) by striking "such allowance" and inserting "such assistance"; and

(ii) in subparagraph (A), by striking ''subsection (a)'' and inserting ''this subsection''; and

(B) in subsection (b)(2), by striking ''paragraph (1) except'' and inserting ''paragraph (1), except''.

(10) Section 141(b) of the Trade Act of 2002 is amended by striking ''title'' and inserting ''subtitle''.

(11) Section 142 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)—

(i) by striking ''284(a)'' and ''2395(a)'' and inserting ''284'' and ''2395'', respectively; and

(ii) in subparagraph (A), by inserting ''in subsection (a),'' after ''(A)''; and

(B) in subsection (b), by striking '', as amended by subparagraph (A),''.

(12) Section 583(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1583(c)(1)) is amended by moving the matter preceding subparagraph (A) and subparagraphs (A) through (K) 2 ems to the right.

(13) Section 371(b) of the Trade Act of 2002 is amended by striking ''1330(e)(2)'' and inserting ''1330(e)''.

(14) Section 336 of the Trade Act of 2002 is amended to read as follows:

"SEC. 336. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

''(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) approximates the cost of services provided by the Customs Service relating to the fee so imposed.

''(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing—

''(1) the results of the study conducted under subsection (a); and

''(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

Notwithstanding any other provision of law, the report or its contents may only be disclosed by the Comptroller General to the committees or Members of Congress and the Customs Service and shall not be disclosed to the public.''.

(15) Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended by moving the paragraph 2 ems to the left.

(16) Section 2102(c) of the Trade Act of 2002 is amended—

(A) in paragraph (8), by striking ''this Act'' and inserting ''this title''; and

(B) in paragraph (12), by striking ''government engaged'' and inserting ''government is engaged''.

(17) Section 2103 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)(A), by striking ''June 1'' each place it appears and inserting ''July 1'';

(B) in subsection (b)(1)(C), by striking ''June 1'' each place it appears and inserting ''July 1'' and

(C) in subsection (c)—

(i) in paragraph (1)(B)(ii), by striking ''June 1'' and inserting ''July 1'';

(ii) in paragraph (2), by striking ''March 1'' and inserting ''April 1''; and

(iii) in paragraph (3), by striking ''May 1'' each place it appears and inserting ''June 1''.

(18) Section 2105(c) of the Trade Act of 2002 is amended by striking ''aand'' and inserting ''and''.

(19) Section 2113 of the Trade Act of 2002 is amended—

(A) in the first paragraph designated ''(2)'', by striking ''101(d)(12)'' and ''3511(d)(12)'' and inserting ''101(d)(13)'' and ''3511(d)(13)'', respectively; and

(B) in the second paragraph designated ''(2)''—

(i) by redesignating such paragraph as paragraph (3); and

(ii) by striking ''101(d)(13)'' and ''3511(d)(13)'' and inserting ''101(d)(12)'' and ''3511(d)(12)'', respectively.

(20) Section 4101(b)(1) of the Trade Act of 2002 is amended—

(A) in the matter preceding subparagraph (A), by striking ''entry—'' and inserting ''entry of any article—''; and

(B) in subparagraph (A), by striking ''of any article''.

(21) U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking the comma after ''9902.51.11''.

(22) U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking the comma after ''9902.51.12''.

(23) Section 151(a) of the Trade Act of 2002 is amended by striking ''and 141(b)'' and inserting '', 141(b), 201(d), and 202(e)''.

(24) Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking ''or (17)'' after ''any other person described in subsection (l)(16)'' each place it appears and inserting ''or (18)''.

(b) APPAREL ARTICLES UNDER AFRICAN GROWTH AND OPPORTUNITY ACT.—(1) Section 112(b)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(1)) is amended by striking ''(including'' and inserting ''or both (including''.

(2) Section 112(b)(3) of the African Growth and Opportunity Act (19 United States Code 3721(b)(3)) is amended in the matter preceding subparagraph (A), by striking ''subject to the following:'' and inserting ''whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2) (unless the apparel articles are made exclusively from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2)), subject to the following:''.

(3) Section 112(b)(5)(A) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(5)(A)) is amended to read as follows:

''(A) IN GENERAL.—Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 to the NAFTA.''

(c) APPAREL ARTICLES UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—(1) Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended—

(A) in clause (i), by striking ''(including'' and inserting ''or both (including''; and

(B) in clause (v), by striking '', from fabrics or yarn that is not formed in the United States or in one or more CBTPA beneficiary countries''.

(2) Section 3107(a)(1)(B) of the Trade Act of 2002 is amended by striking ''(B) by adding at the end the following:'' and inserting ''(B) by amending the last two sentences to read as follows:''.

(d) TARIFF ACT OF 1930.—Section 505(a) of the Tariff Act of 1930 is amended—

(1) in the first sentence—

(A) by inserting ''referred to in this subsection'' after ''periodic payment''; and

(B) by striking ''10 working days'' and inserting ''12 working days''; and

(2) in the second sentence, by striking ''a participating'' and all that follows through the end of the sentence and inserting the following: ''the Secretary shall promulgate regulations permitting a participating importer of record to deposit estimated duties and fees for entries of merchandise, other than merchandise entered for warehouse, transportation, or under bond, no later than the 15 working days following the month in which the merchandise is entered or released, whichever comes first.''.

(e) ADDITIONAL TECHNICAL AMENDMENTS.—(1) The second and third U.S. notes 6 to subchapter XVII 14 of chapter 98 (as added by sections 1433(b) and 1456(b) of the Tariff Suspension and Trade Act of 2000, respectively) are redesignated as U.S. notes 7 and 8 to subchapter XVII of chapter 98, respectively.

(2) U.S. notes 4 and 12 to subchapter II of chapter 99 are hereby repealed.

(f) UNITED STATES VESSELS.—Section 204(b)(4)(B)(i) of the Andean Trade Preference Act is amended to read as follows:

''(i) UNITED STATES VESSEL.—A 'United States vessel' is—

''(I) a vessel that has a certificate of documentation with a fishery endorsement under chapter 121 of title 46, United States Code; or

''(II) in the case of a vessel without a fishery endorsement, a vessel that is documented under the laws of the United States and for which a license has been issued pursuant to section 9 of the South Pacific Tuna Act of 1988 (16 U.S.C. 973g).''.

(g) LIMITATION ON CUSTOMS USER FEES.

(1) Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended by striking ''less than $2,000'' and inserting ''$2,000 or less''.

(2) Section 13031(b)(9)(A)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)(ii)) is amended to read as follows:

''(ii) Notwithstanding subsection (e)(6) and subject to the provisions of subparagraph (B), in the case of an express consignment carrier facility or centralized hub facility—

''(I) $.66 per individual airway bill or bill of lading; and

''(II) if the merchandise is formally entered, the fee provided for in subsection (a)(9), if applicable.''.

(3) Section 13031(b)(9)(B)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(ii)) is amended by striking ''subparagraph (A)(ii)'' and inserting ''subparagraph (A)(ii) (I) or (II)''.

(h) DEFINITION OF FABRIC.—Section 112(e) of the African Growth and Opportunity Act (19 U.S.C. 3721(e)) is amended by adding at the end the following:

''(4) FABRIC.—The term 'fabric' includes knit fabric components formed as components other than components considered as major parts.''.

(i) LABELING REQUIREMENTS.—

(1) IN GENERAL.—Section 4(b) of the Textile Fiber Identification Act (15 U.S.C. 70b) is amended by adding at the end the following new subsection:

''(k) MARKING OF CERTAIN SOCK PRODUCTS.—

''(1) Notwithstanding any other provision of law, socks provided for in subheading 6115.92.90, 6115.93.90, 6115.99.18, 6111.20.60, 6111.30.50, or 6111.90.50 of the Harmonized Tariff Schedule of the United States, as in effect on September 1, 2003, shall be marked as legibly, indelibly, and permanently as the nature of the article or package will permit in such a manner as to indicate to the ultimate consumer in the United States the English name of the country of origin of the article. The marking required by this subsection shall be on the front of the package, adjacent to the size designation of the product, and shall be set forth in such a manner as to be clearly legible, conspicuous, and readily accessible to the ultimate consumer.

''(2) EXCEPTIONS.—Any package that contains several different types of goods and includes socks classified under subheading 6115.92.90, 6115.93.90, 6115.99.18, 6111.20.60, 6111.30.50, or 6111.90.50 of the Harmonized Tariff Schedule of the United States, as in effect on September 1,

2003, shall not be subject to the requirements of paragraph (1).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 15 months after the date of enactment of this Act, and on and after the date that is 15 months after such date of enactment, any provision of part 303 of title 16 of the Code of Federal Regulation that is inconsistent with such amendment shall not apply.

(j) ENTRIES OF CERTAIN APPAREL ARTICLES PURSUANT TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT OR THE AFRICAN GROWTH AND OPPORTUNITY ACT.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Customs Service shall liquidate or reliquidate as free of duty and free of any quantitative restrictions, limitations, or consultation levels entries of articles described in paragraph (4) made on or after October 1, 2000.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry described in paragraph (4) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(3) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of any entry under paragraph (1) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(4) ENTRIES.—The entries referred to in paragraph (1) are—

(A) entries of apparel articles (other than socks classifiable under heading 6111 or 6115 of the Harmonized Tariff Schedule of the United States) that meet the requirements of section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (as amended by section 3107(a) of the Trade Act of 2002 and section 2004(c) of this Act); and

(B) entries of apparel articles that meet the requirements of section 112(b) of the African Growth and Opportunity Act (as amended by section 3108 of the Trade Act of 2002 and section 2004(b) of this Act).

(k) EXTENSION OF INDUSTRY TRADE ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 135(f)(2) of the Trade Act of 1974 (19 U.S.C. 2155(f)(2)) is amended to read as follows:

''(2) to all other advisory committees which may be established under subsection (c) of this section, except that—

''(A) the meetings of advisory committees established under subsections (b) and (c) of this section shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the President's designee that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives, or bargaining positions with respect to matters referred to in subsection (a) of this section, and that meetings may be called of such special task forces, plenary meetings of chairmen, or other such groups made up of members of the committees established under subsections (b) and (c) of this section; and

''(B) notwithstanding subsection (a)(2) of section 14 of the Federal Advisory Committee Act, any committee established under subsection (b) or (c) may, in the discretion of the President or the President's designee, terminate not later than the expiration of the 4-year period beginning on the date of their establishment.''.

(2) CONFORMING AMENDMENT.—Section 135(b)(1) of the Trade Act of 1974 (19 U.S.C. 2155(b)(1)) is amended by striking ''2 years'' and inserting ''4 years or until the committee is scheduled to expire''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on February 1, 2006.

SEC. 2005. WOOL TRUST FUND.

Section 5102 of the Trade Act of 2002 is amended by inserting at the end, the following:

''(e) WORSTED WOOL FABRIC MANUFACTURER TRUST FUND.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the 'Worsted Wool Fabric Manufacturer Trust Fund' (in this subsection referred to as the 'Wool Fabric Trust Fund'), consisting of amounts authorized to be transferred from funds in general fund of the Treasury not to exceed $32,000,000.

''(2) GRANTS.—

''(A) GENERAL PURPOSE.—From amounts authorized to the Wool Fabric Trust Fund, the Secretary of Commerce is authorized to provide grants to manufacturers of worsted wool fabric to assist such manufacturers in maximizing United States employment in the production of textile products, and meeting the manufacturers' obligations to their United States workers, former workers, and retirees in the textile sector.

''(B) APPLICATION FOR GRANTS.—The Secretary shall promptly establish guidelines for the application and awarding of such grants, and shall award such grants to qualified applicants no later than 90 days after the date of enactment of the approproations authorized under this section.

''(3) DISTRIBUTION OF FUNDS.—Of the amounts in the Wool Fabric Trust Fund—

''(A) an amount not to exceed $16,000,000 shall be made available to manufacturers of worsted wool fabric of the kind described in heading 9902.51.12 of the Harmonized Tariff Schedule of the United States during calendar years 1999, 2000, and 2001, and shall be allocated based on the percentage of each manufacturer's production of the fabric described in such heading for such 3 years compared to the production of such fabric for all such applicants who qualify under this subparagraph; and

''(B) an amount not to exceed $16,000,000 shall be made available to manufacturers of worsted wool fabric of the kind described in heading 9902.51.11 of the Harmonized Tariff Schedule of the United States during calendar years 1999, 2000, and 2001, and shall be allocated based on the percentage of each manufacturer's production of the fabric described in such heading for such 3 years compared to the production of such fabric for all such applicants who qualify under this subparagraph.

''(4) NO APPEAL.—Any grant awarded by the Secretary under this subsection shall be final and not subject to appeal or protest.

''(5) AUTHORIZATION.—There is authorized to be appropriated such sums as are necessary to carry out tye provisions of this subsection, including funds necessary for the administration and oversight of grants.''.

SEC. 2006. SENSE OF THE SENATE REGARDING WTO AGRICULTURE NEGOTIATIONS.

It is the sense of the Senate that—

(1) the goals of the United States in the Doha Round of the World Trade Organization agriculture negotiations are to achieve significantly increased market access, harmonize allowed levels of trade-distorting domestic support for all countries, and achieve a more level playing field for United States farmers, ranchers, and agricultural producers;

(2) the proposed modalities framework recently released by the Chairman of the World Trade Organization Agriculture Negotiations Committee fails to meet the goals described in paragraph (1) because—

(A) the framework accepts the European formulation of equal percentage reductions from unequal levels of support that locks in place the European Union's current advantage on trade-distorting domestic support levels;

(B) while the framework recognizes that high tariff levels should be reduced more quickly, it nevertheless fails to sufficiently open export markets for United States products by allowing countries to maintain prohibitively high tariffs;

(C) while the framework eliminates trade-disrupting export subsidies, it phases out the elimination of export subsidies over too long a period of time;

(D) the framework contains a potentially unlimited tariff reduction loophole that would disadvantage United States agricultural products exported to developing countries, and would also limit trade between developing countries; and

(E) the framework preserves trade-distorting direct payments under production-limiting programs that are not subject to commitments to reduce domestic support under the Agreement on Agriculture annexed to the World Trade Organization Agreement (as described in section 101(d)) of the Uruguay Round Agreements Act; and

(3) the United States should not agree to the proposed framework unless and until it is significantly improved and will result in significantly greater market access and harmonization of allowed levels of trade-distorting domestic support, and achieve a more level playing field for United States farmers, ranchers, and agricultural producers.

TITLE III—PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

SEC. 3001. USTR DETERMINATIONS IN TRIPS AGREEMENT INVESTIGATIONS.

(a) IN GENERAL.—Section 304(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2414(a)(2)(A)) is amended by inserting after ''agreement,'' the following: ''except an investigation initiated pursuant to section 302(b)(2)(A) involving rights under the Agreement on Trade-Related Aspects of Intellectual Property Rights (defined in section 101(d)(15) of the Uruguay Round Agreements Act) or the GATT 1994 (referred to in section 101(d)(1) of such Act) relating to products subject to intellectual property protection,''.

(b) TIMEFRAME FOR TRIPS AGREEMENT DETERMINATIONS.—Section 304(a)(3)(A) of the Trade Act of 1974 is amended to read as follows:

''(A) If an investigation is initiated under this chapter by reason of section 302(b)(2) and—

''(i) the Trade Representative considers that rights under the Agreement on Trade-Related Aspects of Intellectual Property Rights or the GATT 1994 relating to products subject to intellectual property protection are involved, the Trade Representative shall make the determination required under paragraph (1) not later than 30 days after the date on which the dispute settlement procedure is concluded; or

''(ii) the Trade Representative does not consider that a trade agreement, including the Agreement on Trade-Related Aspects of Intellectual Property Rights), is involved or does not make a determination described in subparagraph (B) with respect to such investigation, the Trade Representative shall make the determinations required under paragraph (1) with respect to such investigation by no later than the date that is 6 months after the date on which such investigation is initiated.''.

(c) CONFORMING AMENDMENT.—Section 305(a)(2)(B) of the Trade Act of 1974 is amended by striking ''section 304(a)(3)(A)'' and inserting ''section 304(a)(3)(A)(ii)''.

SEC. 3002. PETITIONS FOR REVIEW UNDER ATPA AND CBERA.

(a) ATPA.—Section 203 of the Andean Trade Preference Act (19 U.S.C. 3202) is amended by adding at the end the following new subsection:

''(g) PETITIONS FOR REVIEW.—The United States Trade Representative shall ensure a timely review and disposition of requests received from an interested party that the President reconsider the status of a country as a beneficiary country under this Act.''.

(b) CBI.—Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended by adding at the end the following new subsection:

''(g) PETITIONS FOR REVIEW.—The United States Trade Representative shall ensure a timely review and disposition of requests received from an interested party that the President reconsider the status of a country as a beneficiary country under this Act.''.

SEC. 3003. ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS UNDER GSP.

Section 502(c) of the Trade Act of 1974 (19 U.S.C. 2462(c)) is amended by striking the semicolon at the end of paragraph (5) and adding the following: ''notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act;''.

SEC. 3004. ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS UNDER CBI.

(a) IN GENERAL.—Section 212(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(c)) is amended by striking the semicolon at the end of paragraph (9) and adding the following: ''notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act;''.

(b) CBTPA BENEFICIARY COUNTRY.—Section 213(b)(5)(B)(ii) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(5)(B)(ii)) is amended to read as follows:

''(ii) The extent to which the country provides adequate and effective protection of intellectual property rights notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act;''.

SEC. 3005. ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS UNDER THE ATPA.

(a) IN GENERAL.—Section 203(d) of the Andean Trade Preference Act (19 U.S.C. 3202(d)) is amended by striking the semicolon at the end of paragraph (9) and adding the following: ''notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act;''.

(b) ATPDEA BENEFICIARY COUNTRY.—Section 204(b)(6)(B)(ii) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(6)(B)(ii)) is amended to read as follows:

''(ii) The extent to which the country provides adequate and effective protection of intellectual property rights notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.''.

TITLE IV—IRAQI CULTURAL ANTIQUITIES

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Emergency Protection for Iraqi Cultural Antiquities Act of 2004''.

SEC. 4002. EMERGENCY IMPLEMENTATION OF IMPORT RESTRICTIONS.

(a) AUTHORITY.—The President may exercise the authority of the President under section 304 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2603) with respect to any archaeological or ethnological material of Iraq as if Iraq were a State Party under that Act, except that, in exercising such authority, subsection (c) of such section shall not apply.

(b) DEFINITION.—In this section, the term ''archaeological or ethnological material of Iraq'' means cultural property of Iraq and other items of archaeological, historical, cultural, rare scientific, or religious importance illegally removed from the Iraq National Museum, the National Library of Iraq, and other locations in Iraq, since the adoption of United Nations Security Council Resolution 661 of 1990.

SEC. 4003. TERMINATION OF AUTHORITY.

The authority of the President under section 4002 shall terminate upon the earlier of—

(1) the date that is 5 years after the date on which the President certifies to Congress that normalization of relations between the United States and the Government of Iraq has been established; or

(2) September 30, 2009.

TITLE V—COTTON FABRICS

SEC. 5001. TEMPORARY DUTY REDUCTIONS FOR CERTAIN COTTON SHIRTING FABRIC.

(a) CERTAIN COTTON SHIRTING FABRICS.—

(1) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

''	9902.52.08	Woven fabrics of cotton, all the foregoing certified by the importer as suitable for use in making men's and boys' shirts and as imported by or for the benefit of a manufacturer of men's and boys' shirts, subject to the quantity limitations contained in general note 18 of this subchapter (provided for in section 204(b)(3)(B)(i)(III) of the Andean Trade Preference Act (19 U.S.C. 3203))	Free	No change	No change	On or before 12/31/2006	
	9902.52.09	Woven fabrics of cotton, all the foregoing certified by the importer as containing 100 percent pima cotton grown in the United States, as suitable for use in making men's and boys' shirts, and as imported by or for the benefit of a manufacturer of men's and boys' shirts (provided for in section 204(b)(3)(B)(i)(III) of the Andean Trade Preference Act (19 U.S.C. 3203))	Free	No change	No change	On or before 12/31/2006	''

(2) DEFINITIONS AND LIMITATION ON QUANTITY OF IMPORTS.—The U.S. Notes to chapter 99 are amended by adding at the end the following:

''17. For purposes of subheadings 9902.52.08 and 9902.52.09, the term 'making' means cutting and sewing in the United States, and the term 'manufacturer' means a person or entity that cuts and sews in the United States.

''18. The aggregate quantity of cotton fabrics entered under subheading 9902.52.08 from January 1 to December 31 of each year, inclusive, by or on behalf of each manufacturer of men's and boys' shirts shall be limited to 85 percent of the total square meter equivalents of all imported cotton woven fabric used by such manufacturer in cutting and sewing men's and boys' cotton shirts in the United States and purchased by such manufacturer during calendar year 2000.''.

(b) DETERMINATION OF TARIFF-RATE QUOTAS.—

(1) AUTHORITY TO ISSUE LICENSES AND LICENSE USE.—To implement the limitation on the quantity of imports of cotton woven fabrics under subheading 9902.52.08 of the Harmonized Tariff Schedule of the United States, as required by U.S. Note 18 to subchapter II of chapter 99 of such Schedule, for the entry, or withdrawal from warehouse for consumption, the Secretary of Commerce shall issue licenses designating eligible manufacturers and the annual quantity restrictions under each such license. A licensee may assign the authority (in whole or in part) to import fabric under subheading 9902.52.08 of such Schedule.

(2) LICENSES UNDER U.S. NOTE 18.—For purposes of U.S. Note 18 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States, as added by subsection (a)(2), a license shall be issued within 60 days of an application containing a notarized affidavit from an officer of the manufacturer that the manufacturer is eligible to receive a license and stating the quantity of imported cotton woven fabric purchased during calendar year 2000 for use in the cutting and sewing men's and boys' shirts in the United States.

(3) AFFIDAVITS.—For purposes of an affidavit described in this subsection, the date of purchase shall be—

(A) the invoice date if the manufacturer is not the importer of record; and

(B) the date of entry if the manufacturer is the importer of record.

SEC. 5002. COTTON TRUST FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Pima Cotton Trust Fund'', consisting of amounts authorized to be transferred from funds in the general fund of the Treasury not to exceed $32,000,000.

(b) GRANTS.—

(1) GENERAL PURPOSE.—From amounts authorized to the Pima Cotton Trust Fund, the Secretary of Commerce is authorized to provide grants to spinners of United States grown pima cotton, manufacturers of men's and boys' cotton shirting, and a nationally recognized association that promotes the use of pima cotton grown in the United States, to assist such spinners and manufacturers in maximizing United States employment in the production of textile or apparel products and to increase the promotion of the use of United States grown pima cotton respectively.

(2) TIMING FOR GRANT AWARDS.—The Secretary of the Treasury shall, not later than 180 days after the date of enactment of this section, establish guidelines for the application and awarding of the grants described in paragraph (1), and shall award such grants to qualified applicants not later than 90 days after the date of enactment of the appropriations authorized under this section. Each grant awarded under this section shall be distributed to the qualified applicant in 2 equal annual installments.

(3) DISTRIBUTION OF FUNDS.—Of the amounts in the Pima Cotton Trust Fund—

(A) an amount not to exceed $8,000,000 shall be made available to a nationally recognized association established for the promotion of pima cotton grown in the United States for the use in textile and apparel goods;

(B) an amount not to exceed $8,000,000 shall be made available to yarn spinners of pima cotton grown in the United States, and shall be allocated to each spinner based on the percentage of the spinner's production of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), from pima cotton grown in the United States in single and plied form during calendar year 2002 (as evidenced by an affidavit provided by the spinner), compared to the production of such yarns for all spinners who qualify under this subparagraph; and

(C) an amount not to exceed $16,000,000 shall be made available to manufacturers who cut and sew cotton shirts in the United States and that certify that they used imported cotton fabric during the period January 1, 1998, through

July 1, 2003, and shall be allocated to each manufacturer on the bases of the dollar value (excluding duty, shipping, and related costs) of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased by the manufacturer during calendar year 2002 (as evidenced by an affidavit from the manufacturer) used in the manufacturing of men's and boys' cotton shirts, compared to the dollar value (excluding duty, shipping, and related costs) of such fabric for all manufacturers who qualify under this subparagraph.

(4) AFFIDAVIT OF SHIRTING MANUFACTURERS.—For purposes of paragraph (3)(C), an officer of the manufacturer of men's and boys' shirts shall provide a notarized affidavit affirming—

(A) that the manufacturer used imported cotton fabric during the period January 1, 1998, through July 1, 2003, to cut and sew men's and boys' woven cotton shirts in the United States;

(B) the dollar value of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased during calendar year 2002;

(C) that the manufacturer maintains invoices along with other supporting documentation (such as price lists and other technical descriptions of the fabric qualities) showing the dollar value of such fabric purchased, the date of purchase, and evidencing the fabric as woven cotton fabric of 80s or higher count and 2-ply in warp; and

(D) that the fabric was suitable for use in the manufacturing of men's and boys' cotton shirts.

(5) DATE OF PURCHASE.—For purposes of the affidavit required by paragraph (4), the date of purchase shall be the invoice date, and the dollar value shall be determined excluding duty, shipping, and related costs.

(6) AFFIDAVIT OF YARN SPINNERS.—For purposes of paragraph (3)(B), an officer of a company that produces ringspun yarns shall provide a notarized affidavit affirming—

(A) that the manufacturer used pima cotton grown in the United States during the period January 1, 2002, through December 31, 2002, to produce ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during 2002;

(B) the quantity, measured in pounds, of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2002; and

(C) that the manufacturer maintains supporting documentation showing the quantity of such yarns produced, and evidencing the yarns as ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2002.

(7) NO APPEAL.—Any grant awarded by the Secretary under this section shall be final and not subject to appeal or protest.

(c) AUTHORIZATION.—There is authorized to be appropriated such sums as are necessary to carry out the provisions of this section, including funds necessary for the administration and oversight of the grants provided for in this section.

TITLE VI—TECHNICAL AMENDMENTS RELATING TO ENTRY AND PROTEST

SEC. 6001. ENTRY OF MERCHANDISE.

(a) IN GENERAL.—Section 484(a) of the Tariff Act of 1930 (19 U.S.C. 1484) is amended—

(1) by amending paragraph (1)(A) to read as follows:

''(A) make entry therefor by filing with the Customs Service—

''(i) such documentation; or

''(ii) pursuant to an electronic data interchange system, such information as is necessary to enable the Customs Service to determine whether the merchandise may be released from customs custody; and'';

(2) in paragraph (1)(B), by inserting after ''entry'' the following: '', or substitute 1 or more reconfigured entries on an import activity summary statement,''; and

(3) in paragraph (2)(A)—

(A) by inserting after ''statements'' the following: ''and permit the filing of reconfigured entries,''; and

(B) by adding at the end the following: ''Entries filed under paragraph (1)(A) shall not be liquidated if covered by an import activity summary statement, but instead each reconfigured entry in the import activity summary statement shall be subject to liquidation or reliquidation pursuant to section 500, 501, or 504.''.

(b) RECONCILIATION.—Section 484(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1484(b)(1)) is amended by striking ''15 months'' and inserting ''21 months''.

SEC. 6002. LIMITATION ON LIQUIDATIONS.

Section 504 of the Tariff Act of 1930 (19 U.S.C. 1504) is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (3);

(B) in paragraph (4), by striking ''filed;'' and inserting ''filed, whichever is earlier; or''; and

(C) by inserting after paragraph (4) the following:

''(5) if a reconfigured entry is filed under an import activity summary statement, the date the import activity summary statement is filed or should have been filed, whichever is earlier;''; and

(2) by striking ''at the time of entry'' each place it appears.

SEC. 6003. PROTESTS.

Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''(relating to refunds and errors) of this Act'' and inserting ''(relating to refunds), any clerical error, mistake of fact, or other inadvertence, whether or not resulting from or contained in an electronic transmission, adverse to the importer, in any entry, liquidation, or reliquidation, and'';

(B) in paragraph (5), by inserting '', including the liquidation of an entry, pursuant to either section 500 or section 504;'' after ''thereof''; and

(C) in paragraph (7), by striking ''(c) or''; and

(2) in subsection (c)—

(A) in paragraph (1), in the sixth sentence, by striking ''A protest may be amended,'' and inserting ''Unless a request for accelerated disposition is filed under section 515(b), a protest may be amended,'';

(B) in paragraph (3)(A), by striking ''notice of'' and inserting ''date of''; and

(C) in paragraph (3)—

(i) by striking ''ninety days'' and inserting ''180 days''; and

(ii) by striking ''90 days'' and inserting ''180 days'' .

SEC. 6004. REVIEW OF PROTESTS.

Section 515(b) of the Tariff Act of 1930 (19 U.S.C 1515(b)) is amended by striking ''after ninety days'' and inserting ''concurrent with or''.

SEC. 6005. REFUNDS AND ERRORS.

Section 520(c) of the Tariff Act of 1930 (19 U.S.C 1520(c)) is repealed.

SEC. 6006. DEFINITIONS AND MISCELLANEOUS PROVISIONS.

Section 401 of the Tariff Act of 1930 (19 U.S.C 1401) is amended by adding at the end the following:

''(t) RECONFIGURED ENTRY.—The term 'reconfigured entry' means an entry filed on an import activity summary statement which substitutes for all or part of 1 or more entries filed under section 484(a)(1)(A) or filed on a reconciliation entry that aggregates the entry elements to be reconciled under section 484(b) for purposes of liquidation, reliquidation, or protest.''.

SEC. 6007. VOLUNTARY RELIQUIDATIONS.

Section 501 of the Tariff Act of 1930 (19 U.S.C 1501) is amended by inserting ''or 504'' after ''section 500''.

SEC. 6008. EFFECTIVE DATE.

The amendments made by this title shall apply to merchandise entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE VII—EXTENSION OF SUSPENSIONS

SEC. 7001. EXTENSION OF DUTY SUSPENSIONS.

Except as provided in sections 1303, 1309, 1380, 1388, 1389, 1392, 1393, 1394, 1419, and 1420, each of the headings of the Harmonized Tariff Schedule added by chapter 1 of subtitle A of title I is amended by striking the date in the effective period column and inserting ''12/31/2006''.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate immediately proceed to Executive session to consider the follow nominations on the Executive Calendar, Calendar Nos. 568, 569, 570, and 571. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Michele M. Leonhart, of California, to be Deputy Administrator of Drug Enforcement.

Domingo S. Herraiz, of Ohio, to be Director of the Bureau of Justice Assistance.

LaFayette Collins, of Texas, to be United States Marshal for the Western District of Texas for the term of four years.

Ronald J. Tenpas, of Illinois, to be United States Attorney for the Southern District of Illinois for a term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

COMMEMORATION OF THE 150TH ANNIVERSARY OF THE FIRST MEETING OF THE REPUBLICAN PARTY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 96 submitted earlier today by Senator FEINGOLD and Senator KOHL.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 96) commemorating the 150th anniversary of the first meeting of the Republican Party in Ripon, WI.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD without intervening action or debate.

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

The concurrent resolution (S. Con. Res. 96) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 96

Whereas on March 20, 1854, 50 men, 3 women, and 1 child assembled in a simple frame schoolhouse, now known as the Little White Schoolhouse, in Ripon, Wisconsin, to advocate the creation of a new political party under the name ''Republican'';

Whereas this March 20, 1854, meeting in Ripon, Wisconsin was the first of many grassroots meetings that led to the formal founding of the Republican Party;

Whereas the city of Ripon is commemorating the 150th anniversary of the first meeting of the Republican Party with a celebration entitled ''From Schoolhouse to White House; a Celebration of Active Citizenship,'' which includes a series of civic and educational events;

Whereas the Little White Schoolhouse is listed on the National Registry of Historic Places, was designated by the Department of the Interior as a National Historic Landmark on May 30, 1974, and attracts visitors from around the world; and

Whereas the Little White Schoolhouse serves as a symbol of civic responsibility and grassroots political activism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commemorates the 150th anniversary of the first meeting of the Republican Party in Ripon, Wisconsin.

MINOR USE AND MINOR SPECIES ANIMAL HEALTH ACT OF 2003

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 431, S. 741.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 741) to amend the Federal Food, Drug and Cosmetic Act with regard to new animal drugs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor and Pensions, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Minor Use and Minor Species Animal Health Act of 2003''.

[SEC. 2. FINDINGS.

[Congress makes the following findings:

[(1) There is a severe shortage of approved new animal drugs for use in minor species.

[(2) There is a severe shortage of approved new animal drugs for treating animal diseases and conditions that occur infrequently or in limited geographic areas.

[(3) Because of the small market shares, low-profit margins involved, and capital investment required, it is generally not economically feasible for new animal drug applicants to pursue approvals for these species, diseases, and conditions.

[(4) Because the populations for which such new animal drugs are intended may be small and conditions of animal management may vary widely, it is often difficult to design and conduct studies to establish drug safety and effectiveness under traditional new animal drug approval processes.

[(5) It is in the public interest and in the interest of animal welfare to provide for special procedures to allow the lawful use and marketing of certain new animal drugs for minor species and minor uses that take into account these special circumstances and that ensure that such drugs do not endanger animal or public health.

[(6) Exclusive marketing rights and tax credits for clinical testing expenses have helped encourage the development of ''orphan'' drugs for human use, and comparable incentives should encourage the development of new animal drugs for minor species and minor uses.

[SEC. 3. AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

[(a) DEFINITIONS.—Section 201 of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

[''(kk) The term 'major species' means cattle, horses, swine, chickens, turkeys, dogs, and cats, except that the Secretary may revise this definition by regulation.

[''(ll) The term 'minor species' means animals other than humans that are not major species.

[''(mm) The term 'minor use' means the intended use of a drug in a major species for an indication that occurs infrequently or in limited geographical areas.''.

[(b) THREE-YEAR EXCLUSIVITY FOR MINOR USE AND MINOR SPECIES APPROVALS.—Section 512(c)(2)(F) (ii), (iii), and (v) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''(other than bioequivalence or residue studies)'' and inserting ''(other than bioequivalence studies or residue depletion studies, except residue depletion studies for minor uses or minor species)'' every place it appears.

[(c) SCOPE OF REVIEW FOR MINOR USE AND MINOR SPECIES APPLICATIONS.—Section 512(d) of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following new paragraph:

[''(5) In reviewing an application that proposes a change to add an intended use for a minor use or a minor species to an approved new animal drug application, the Secretary shall reevaluate only the relevant information in the approved application to determine whether the application for the minor use or minor species can be approved. A decision to approve the application for the minor use or minor species is not, implicitly or explicitly, a reaffirmation of the approval of the original application.''.

[(d) MINOR USE AND MINOR SPECIES NEW ANIMAL DRUGS.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

[''Subchapter F—New Animal Drugs for Minor Use and Minor Species

[''SEC. 571. CONDITIONAL APPROVAL OF NEW ANIMAL DRUGS FOR MINOR USE AND MINOR SPECIES.

[''(a)(1) Except as provided in paragraph (3) of this section, any person may file with the Secretary an application for conditional approval of a new animal drug intended for a minor use or a minor species. Such an application may not be a supplement to an application approved under section 512. Such application must comply in all respects with the provisions of section 512 of this Act except sections 512(a)(4), 512(b)(2), 512(c)(1), 512(c)(2), 512(c)(3), 512(d)(1), 512(e), 512(h), and 512(n) unless otherwise stated in this section, and any additional provisions of this section.

[''(2) The applicant shall submit to the Secretary as part of an application for the conditional approval of a new animal drug—

[''(A) all information necessary to meet the requirements of section 512(b)(1) except section 512(b)(1)(A);

[''(B) full reports of investigations which have been made to show whether or not such drug is safe and there is a reasonable expectation of effectiveness for use;

[''(C) data for establishing a conditional dose;

[''(D) projections of expected need and the justification for that expectation based on the best information available;

[''(E) information regarding the quantity of drug expected to be distributed on an annual basis to meet the expected need; and

[''(F) a commitment that the applicant will conduct additional investigations to meet the requirements for the full demonstration of effectiveness under section 512(d)(1)(E) within 5 years.

[''(3) A person may not file an application under paragraph (1) if—

[''(A) the person has previously filed an application for conditional approval under paragraph (1) for the same drug in the same dosage form for the same intended use whether or not subsequently conditionally approved by the Secretary under subsection (b), or

[''(B) the person obtained the application, or data or other information contained therein, directly or indirectly from the person who filed for conditional approval under paragraph (1) for the same drug in the same dosage form for the same intended use whether or not subsequently conditionally approved by the Secretary under subsection (b).

[''(b) Within 180 days after the filing of an application pursuant to subsection (a), or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either—

[''(1) issue an order, effective for one year, conditionally approving the application if the Secretary finds that none of the grounds for denying conditional approval, specified in subsection (c) of this section applies, or

[''(2) give the applicant notice of an opportunity for an informal hearing on the question whether such application can be conditionally approved.

[''(c) If the Secretary finds, after giving the applicant notice and an opportunity for an informal hearing, that—

[''(1) any of the provisions of section 512(d)(1) (A) through (D) or (F) through (I) are applicable;

[''(2) the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such drug, is insufficient to show that there is a reasonable expectation that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof; or

[''(3) another person has received approval under section 512 for the same drug in the same dosage form for the same intended use, and that person is able to assure the availability of sufficient quantities of the drug to meet the needs for which the drug is intended;

[the Secretary shall issue an order refusing to conditionally approve the application. If, after such notice and opportunity for an informal hearing, the Secretary finds that paragraphs (1) through (3) do not apply, the Secretary shall issue an order conditionally approving the application effective for one year. Any order issued under this subsection refusing to conditionally approve an application shall state the findings upon which it is based.

[''(d) A conditional approval under this section is effective for a 1-year period and is thereafter renewable by the Secretary annually for up to 4 additional 1-year terms. A conditional approval shall be in effect for no more than 5 years from the date of approval under subsection (b)(1) or (c) of this section unless extended as provided for in subsection (h) of this section. The following shall also apply:

[''(1) No later than 90 days from the end of the 1-year period for which the original or renewed conditional approval is effective, the applicant may submit a request to renew a conditional approval for an additional 1-year term.

[''(2) A conditional approval shall be deemed renewed at the end of the 1-year period, or at the end of a 90-day extension that the Secretary may, at the Secretary's discretion, grant by letter in order to complete review of the renewal request, unless the Secretary determines before the expiration of the 1-year period or the 90-day extension that—

[''(A) the applicant failed to submit a timely renewal request;

[''(B) the request fails to contain sufficient information to show that—

[''(i) the applicant is making sufficient progress toward meeting approval requirements under section 512(d)(1)(E), and is likely to be able to fulfill those requirements and obtain an approval under section 512 before the expiration of the 5-year maximum term of the conditional approval;

[''(ii) the quantity of the drug that has been distributed is consistent with the conditionally approved intended use and conditions of use, unless there is adequate explanation that ensures that the drug is only used for its intended purpose; or

[''(iii) the same drug in the same dosage form for the same intended use has not received approval under section 512, or if such a drug has been approved, that the holder of the approved application is unable to assure the availability of sufficient quantities of the drug to meet the needs for which the drug is intended; or

[''(C) any of the provisions of section 512(e)(1) (A) through (B) or (D) through (F) are applicable.

[''(3) If the Secretary determines before the end of the 1-year period or the 90-day extension, if granted, that a conditional approval should not be renewed, the Secretary shall issue an order refusing to renew the conditional approval, and such conditional approval shall be deemed withdrawn and no longer in effect. The Secretary shall thereafter provide an opportunity for an informal hearing to the applicant on the issue whether the conditional approval shall be reinstated.

[''(e)(1) The Secretary shall issue an order withdrawing conditional approval of an application filed pursuant to subsection (a) if the Secretary finds that another person has received approval under section 512 for the same drug in the same dosage form for the same intended use and that person is able to assure the availability of sufficient quantities of the drug to meet the needs for which the drug is intended.

[''(2) The Secretary shall, after due notice and opportunity for an informal hearing to the applicant, issue an order withdrawing conditional approval of an application filed pursuant to subsection (a) if the Secretary finds that—

[''(A) any of the provisions of section 512(e)(1) (A) through (B) or (D) through (F) are applicable; or

[''(B) on the basis of new information before the Secretary with respect to such drug, evaluated together with the evidence available to the Secretary when the application was conditionally approved, that there is not a reasonable expectation that such drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

[''(3) The Secretary may also, after due notice and opportunity for an informal hearing to the applicant, issue an order withdrawing conditional approval of an application filed pursuant to subsection (a) if the Secretary finds that any of the provisions of section 512(e)(2) are applicable.

[''(f)(1) The label and labeling of a new animal drug with a conditional approval under this section shall—

[''(A) bear the statement, 'conditionally approved by FDA pending a full demonstration of effectiveness under application number'; and

[''(B) contain such other information as prescribed by the Secretary.

[''(2) An intended use that is the subject of a conditional approval under this section shall not be included in the same product label with any intended use approved under section 512.

[''(g) A conditionally approved new animal drug application may not be amended or supplemented to add indications for use.

[''(h) 180 days prior to the termination date established under subsection (d)(1) of this section, an applicant shall have submitted all the information necessary to support a complete new animal drug application in accordance with section 512(b)(1) or the conditional approval issued under this section is no longer in effect. Following review of this information, the Secretary shall either—

[''(1) issue an order approving the application under section 512(c) if the Secretary finds that none of the grounds for denying approval specified in section 512(d)(1) applies, or

[''(2) give the applicant an opportunity for a hearing before the Secretary under section 512(d) on the question whether such application can be approved.

[Upon issuance of an order approving the application, product labeling and administrative records of approval shall be modified accordingly. If the Secretary has not issued an order under section 512(c) approving such application prior to the termination date established under subsection (d)(1) of this section, the conditional approval issued under this section is no longer in effect unless the Secretary grants an extension of an additional 180-day period so that the Secretary can complete review of the application. The decision to grant an extension is committed to the discretion of the Secretary and not subject to judicial review.

[''(i) The decision of the Secretary under subsection (c), (d), or (e) of this section refusing or withdrawing conditional approval of an application shall constitute final agency action subject to judicial review.

[''SEC. 572. INDEX OF LEGALLY MARKETED UNAPPROVED NEW ANIMAL DRUGS FOR MINOR SPECIES.

[''(a) The Secretary shall establish an index of unapproved minor species new animal drugs that may be lawfully marketed for use in minor species. The index shall be limited to—

[''(1) new animal drugs intended for use in a minor species for which there is a reasonable certainty that the animal or edible products from the animal will not be consumed by humans or food-producing animals, and

[''(2) new animal drugs intended for use in an early life stage of a food-producing minor species where human food safety can be demonstrated in accordance with the standard of section 512(d) by showing that—

[''(A) there is no significant likelihood that harmful residues will be present in the animal or edible products from the animal presented as food for humans as a result of treatment at the early life stage;

[''(B) there is no significant likelihood that harmful residues will be present in the animal or edible products from the animal presented as food for food-producing animals as a result of treatment at the early life stage; and

[''(C) there are no concerns about the use of the drug at later life stages because a tolerance and regulatory method to test for the drug at later life stages are available or there is no practical use for the drug in later life stages.

[''(b) Any person intending to file a request under this section shall be entitled to one or more conferences to discuss the requirements for indexing a new animal drug.

[''(c)(1) Any person may submit a request to the Secretary for a determination whether a new animal drug may be eligible for inclusion in the index. Such a request shall include—

[''(A) information regarding the need for the new animal drug, the species for which the new animal drug is intended, the proposed intended use and conditions of use, and anticipated annual distribution;

[''(B) information to support the conclusion that the proposed use meets the conditions of subsection (a)(1) or (a)(2) of this section;

[''(C) information regarding the components and composition of the new animal drug;

[''(D) a description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such new animal drug;

[''(E) an environmental assessment or information to support a categorical exclusion from the requirement to prepare an environmental assessment;

[''(F) information sufficient to support the conclusion that the proposed use of the new animal drug does not present a threat to the safety of individuals exposed to the new animal drug through its manufacture or use; and

[''(G) such other information as the Secretary may deem necessary to make this eligibility determination.

[''(2) Within 90 days after the submission of a request for a determination of eligibility for indexing based on subsection (a)(1) of this section, or 180 days for a request submitted based on subsection (a)(2) of this section, the Secretary shall grant or deny the request, and notify the person who requested such determination of the Secretary's decision. The Secretary shall grant the request if the Secretary finds that—

[''(A) the same drug in the same dosage form for the same intended use is not approved or conditionally approved;

[''(B) the proposed use does not raise concerns related to safety; and

[''(C) the person requesting the determination has established appropriate specifications for the manufacture and control of the new animal drug and has demonstrated an understanding of the requirements of current good manufacturing practices.

[If the Secretary denies the request, the Secretary shall thereafter provide due notice and an opportunity for an informal conference. A decision of the Secretary to deny an eligibility request following an informal conference shall constitute final agency action subject to judicial review.

[''(d)(1) With respect to a new animal drug for which the Secretary has made a determination of eligibility under subsection (b), the person who made such a request may ask that the Secretary add the new animal drug to the index established under subsection (a). The request for addition to the index shall include—

[''(A) a copy of the Secretary's determination of eligibility issued under subsection (b);

[''(B) a written report that meets the requirements in subsection (d)(2) of this section;

[''(C) a proposed index entry;

[''(D) facsimile labeling;

[''(E) anticipated annual distribution of the new animal drug;

[''(F) a written commitment to manufacture the new animal drug and animal feeds bearing or containing such new animal drug according to current good manufacturing practices;

[''(G) a written commitment to label, distribute, and promote the new animal drug only in accordance with the index entry;

[''(H) upon specific request of the Secretary, information submitted to the expert panel described in paragraph (3); and

[''(I) any additional requirements that the Secretary may prescribe by general regulation or specific order.

[''(2) The report required in paragraph (1) shall—

[''(A) be authored by a qualified expert panel;

[''(B) include an evaluation of all available target animal safety and effectiveness information, including anecdotal information;

[''(C) state the expert panel's opinion regarding whether the benefits of using the new animal drug for the proposed use in a minor species outweigh its risks, taking into account the harm being caused by the absence of an approved or conditionally approved new animal drug for the minor species in question;

[''(D) include information from which labeling can be written; and

[''(E) include a recommendation regarding whether the new animal drug should be limited to use under the professional supervision of a licensed veterinarian.

[''(3) A qualified expert panel, as used in this section, is a panel that—

[''(A) is composed of experts qualified by scientific training and experience to evaluate the target animal safety and effectiveness of the new animal drug under consideration;

[''(B) operates external to FDA; and

[''(C) is not subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

[The Secretary shall define the criteria for selection of a qualified expert panel and the procedures for the operation of the panel by regulation.

[''(4) Within 180 days after the receipt of a request for listing a new animal drug in the index, the Secretary shall grant or deny the request. The Secretary shall grant the request if the request for indexing continues to meet the eligibility criteria in subsection (a) and the Secretary finds, on the basis of the report of the qualified expert panel and other information available to the Secretary, that the benefits of using the new animal drug for the proposed use in a minor species outweigh its risks, taking into account the harm caused by the absence of an approved or conditionally-approved new animal drug for the minor species in question. If the Secretary denies the request, the Secretary shall thereafter provide due notice and the opportunity for an informal conference. The decision of the Secretary following an informal conference shall constitute final agency action subject to judicial review.

[''(e)(1) The index established under subsection (a) shall include the following information for each listed drug—

[''(A) the name and address of the person who holds the index listing;

[''(B) the name of the drug and the intended use and conditions of use for which it is being indexed;

[''(C) product labeling; and

[''(D) conditions and any limitations that the Secretary deems necessary regarding use of the drug.

[''(2) The Secretary shall publish the index, and revise it periodically.

[''(3) The Secretary may establish by regulation a process for reporting changes in the conditions of manufacturing or labeling of indexed products.

[''(f)(1) If the Secretary finds, after due notice to the person who requested the index listing and an opportunity for an informal conference, that—

[''(A) the expert panel failed to meet the requirements as set forth by the Secretary by regulation;

[''(B) on the basis of new information before the Secretary, evaluated together with the evidence available to the Secretary when the new animal drug was listed in the index, the benefits of using the new animal drug for the indexed use do not outweigh its risks;

[''(C) the conditions of subsection (c)(2) of this section are no longer satisfied;

[''(D) the manufacture of the new animal drug is not in accordance with current good manufacturing practices;

[''(E) the labeling, distribution, or promotion of the new animal drug is not in accordance with the index entry;

[''(F) the conditions and limitations of use associated with the index listing have not been followed; or

[''(G) the request for indexing contains any untrue statement of material fact,

the Secretary shall remove the new animal drug from the index. The decision of the Secretary following an informal conference shall constitute final agency action subject to judicial review.

[''(2) If the Secretary finds that there is a reasonable probability that the use of the drug would present a risk to the health of humans or other animals, the Secretary may—

[''(A) suspend the listing of such drug immediately;

[''(B) give the person listed in the index prompt notice of the Secretary's action; and

[''(C) afford that person the opportunity for an informal conference.

[The decision of the Secretary following an informal conference shall constitute final agency action subject to judicial review.

[''(g) For purposes of indexing new animal drugs under this section, to the extent consistent with the public health, the Secretary shall promulgate regulations for exempting from the operation of section 512 minor species new animal drugs and animal feeds bearing or containing new animal drugs intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of minor species animal drugs. Such regulations may, at the discretion of the Secretary, among other conditions relating to the protection of the public health, provide for conditioning such exemption upon the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such article, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of such article, as the Secretary finds will enable the Secretary to evaluate the safety and effectiveness of such article in the event of the filing of a request for an index listing pursuant to this section.

[''(h) The labeling of a new animal drug that is the subject of an index listing shall state, prominently and conspicuously—

[''(1) 'NOT APPROVED BY FDA.—Legally marketed as an FDA indexed product. Extra-label use is prohibited.';

[''(2) except in the case of new animal drugs indexed for use in an early life stage of a food-producing animal, 'This product is not to be used in animals intended for use as food for humans or other animals.'; and

[''(3) such other information as may be prescribed by the Secretary in the index listing.

[''(i)(1) In the case of any new animal drug for which an index listing pursuant to subsection (a) is in effect, the person who has an index listing shall establish and maintain such records, and make such reports to the Secretary, of data relating to experience, and other data or information, received or otherwise obtained by such person with respect to such drug, or with respect to animal feeds bearing or containing such drug, as the Secretary may by general regulation, or by order with respect to such listing, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (f). Such regulation or order shall provide, where the Secretary deems it to be appropriate, for the examination, upon request, by the persons to whom such regulation or order is applicable, of similar information received or otherwise obtained by the Secretary.

[''(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

[''(j)(1) Safety and effectiveness data and information which has been submitted in support of a request for a new animal drug to be indexed under this section and which has not been previously disclosed to the public shall be made available to the public, upon request, unless extraordinary circumstances are shown—

[''(A) if no work is being or will be undertaken to have the drug indexed in accordance with the request,

[''(B) if the Secretary has determined that such drug cannot be indexed and all legal appeals have been exhausted,

[''(C) if the indexing of such drug is terminated and all legal appeals have been exhausted, or

[''(D) if the Secretary has determined that such drug is not a new animal drug.

[''(2) Any request for data and information pursuant to paragraph (1) shall include a verified statement by the person making the request that any data or information received under such paragraph shall not be disclosed by such person to any other person—

[''(A) for the purpose of, or as part of a plan, scheme, or device for, obtaining the right to make, use, or market, or making, using, or marketing, outside the United

States, the drug identified in the request for indexing; and

[''(B) without obtaining from any person to whom the data and information are disclosed an identical verified statement, a copy of which is to be provided by such person to the Secretary, which meets the requirements of this paragraph.

[''SEC. 573. DESIGNATED NEW ANIMAL DRUGS FOR MINOR USE OR MINOR SPECIES.

[''(a) DESIGNATION.—

[''(1) The manufacturer or the sponsor of a new animal drug for a minor use or use in a minor species may request that the Secretary declare that drug a 'designated new animal drug'. A request for designation of a new animal drug shall be made before the submission of an application under section 512(b) or section 571 for the new animal drug.

[''(2) The Secretary may declare a new animal drug a 'designated new animal drug' for an intended use if—

[''(A) it is intended for a minor use or use in a minor species; and

[''(B) the same drug in the same dosage form for the same intended use is not approved under section 512 or 571 or designated under this section at the time the request is made.

[''(3) Regarding the termination of a designation—

[''(A) the sponsor of a new animal drug shall notify the Secretary of any decision to discontinue active pursuit of approval under section 512 or 571 of an application for a designated new animal drug. The Secretary shall terminate the designation upon such notification;

[''(B) the Secretary may also terminate designation if the Secretary independently determines that the sponsor is not actively pursuing approval under section 512 or 571 with due diligence;

[''(C) the sponsor of an approved designated new animal drug shall notify the Secretary of any discontinuance of the manufacture of such new animal drug at least one year before discontinuance. The Secretary shall terminate the designation upon such notification; and

[''(D) the designation shall terminate upon the expiration of any applicable exclusivity period under subsection (c).

[''(4) Notice respecting the designation or termination of designation of a new animal drug shall be made available to the public.

[''(b) GRANTS AND CONTRACTS FOR DEVELOPMENT OF DESIGNATED NEW ANIMAL DRUGS.—

[''(1) The Secretary may make grants to and enter into contracts with public and private entities and individuals to assist in defraying the costs of qualified safety and effectiveness testing expenses and manufacturing expenses incurred in connection with the development of designated new animal drugs.

[''(2) For purposes of paragraph (1) of this section—

[''(A) The term 'qualified safety and effectiveness testing' means testing—

[''(i) which occurs after the date such new animal drug is designated under this section and before the date on which an application with respect to such drug is submitted under section 512; and

[''(ii) which is carried out under an investigational exemption under section 512(j).

[''(B) The term 'manufacturing expenses' means expenses incurred in developing processes and procedures associated with manufacture of the designated new animal drug which occur after the new animal drug is designated under this section and before the date on which an application with respect to such new animal drug is submitted under section 512 or 571.

[''(c) EXCLUSIVITY FOR DESIGNATED NEW ANIMAL DRUGS.—

[''(1) Except as provided in subsection (c)(2), if the Secretary—

[''(A) approves or conditionally approves an application for a designated new animal drug, and no active ingredient (including any salt or ester of the active ingredient) of that designated new animal drug has been approved or conditionally approved previously, the Secretary may not approve or conditionally approve another application submitted for a new animal drug with the same active ingredient and intended use as the designated new animal drug for another applicant before the expiration of ten years from the date of the approval or conditional approval of the application.

[''(B) approves or conditionally approves an application for a designated new animal drug, and an active ingredient (including an ester or salt of the active ingredient) of that designated new animal drug has been approved or conditionally approved previously, the Secretary may not approve or conditionally approve another application submitted for a new animal drug with the same active ingredient and intended use as the designated new animal drug for another applicant before the expiration of seven years from the date of approval or conditional approval of the application.

[''(2) If an application filed pursuant to section 512 or section 571 is approved for a designated new animal drug, the Secretary may, during the 10-year or 7-year exclusivity period beginning on the date of the application approval or conditional approval, approve or conditionally approve another application under section 512 or section 571 for such drug for such minor use or minor species for another applicant if—

[''(A) the Secretary finds, after providing the holder of such an approved application notice and opportunity for the submission of views, that in the granted exclusivity period the holder of the approved application cannot assure the availability of sufficient quantities of the drug to meet the needs for which the drug was designated; or

[''(B) such holder provides written consent to the Secretary for the approval or conditional approval of other applications before the expiration of such exclusivity period.''.

[(e) CONFORMING AMENDMENTS.—

[(1) Section 201(u) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''512'' and inserting ''512, 571''.

[(2) Section 201(v) of the Federal Food, Drug, and Cosmetic Act is amended by inserting the following after paragraph (2): ''Provided that any drug intended for minor use or use in a minor species that is not the subject of a final regulation published by the Secretary through notice and comment rulemaking finding that the criteria of paragraphs (1) and (2) have not been met (or that the exception to the criterion in paragraph (1) has been met) is a new animal drug.''.

[(3) Section 301(e) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''512(a)(4)(C), 512(j), (l) or (m)'' and inserting ''512(a)(4)(C), 512 (j), (l) or (m), 572(i).''

[(4) Section 301(j) of the Federal Food, Drug, and Cosmetic Act is amended by deleting ''520'' and inserting ''520, 571, 572, 573.''

[(5) Section 502 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following new subsection:

[''(u) If it is a new animal drug—

[''(1) that is conditionally approved under section 571 and its labeling does not conform with the approved application or section 571(f), or that is not conditionally approved under section 571 and its label bears the statement set forth in section 571(f)(1)(A); or

[''(2) that is indexed under section 572 and its labeling does not conform with the index listing under section 572(e) or 572(h), or that has not been indexed under section 572 and its label bears the statement set forth in section 572(h).''.

[(6) Section 503(f) of the Federal Food, Drug, and Cosmetic Act is amended by—

[(A) in paragraph (1)(A)(ii) by striking ''512'' and inserting ''512, a conditionally-approved application under section 571, or an index listing under section 572''; and

[(B) in paragraph (3) by striking ''section 512'' and inserting ''section 512, 571, or 572''.

[(7) Section 504(a)(1) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''512(b)'' and inserting ''512(b), a conditionally-approved application filed pursuant to section 571, or an index listing pursuant to section 572''.

[(8) Sections 504(a)(2)(B) and 504(b) of the Federal Food, Drug, and Cosmetic Act are amended by striking ''512(i)'' each place it appears and inserting ''512(i), or the index listing pursuant to section 572(e)''.

[(9) Section 512(a) of the Federal Food, Drug, and Cosmetic Act is amended by striking paragraphs (1) and (2) and inserting the following:

[''(1) A new animal drug shall, with respect to any particular use or intended use of such drug, be deemed unsafe for purposes of section 501(a)(5) and section 402(a)(2)(C)(ii) unless—

[''(A) there is in effect an approval of an application filed pursuant to subsection (b) with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to such approved application;

[''(B) there is in effect a conditional approval of an application filed pursuant to section 571 with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to such conditionally approved application; or

[''(C) there is in effect an index listing pursuant to section 572 with respect to such use or intended use of such drug in a minor species, and such drug, its labeling, and such use conform to such index listing.

[A new animal drug shall also be deemed unsafe for such purposes in the event of removal from the establishment of a manufacturer, packer, or distributor of such drug for use in the manufacture of animal feed in any State unless at the time of such removal such manufacturer, packer, or distributor has an unrevoked written statement from the consignee of such drug, or notice from the Secretary, to the effect that, with respect to the use of such drug in animal feed, such consignee (i) holds a license issued under subsection (m) and has in its possession current approved labeling for such drug in animal feed; or (ii) will, if the consignee is not a user of the drug, ship such drug only to a holder of a license issued under subsection (m).

[''(2) An animal feed bearing or containing a new animal drug shall, with respect to any particular use or intended use of such animal feed be deemed unsafe for purposes of section 501(a)(6) unless—

[''(A) there is in effect—

[''(i) an approval of an application filed pursuant to subsection (b) with respect to such drug, as used in such animal feed, and such animal feed and its labeling, distribution, holding, and use conform to such approved application;

[''(ii) a conditional approval of an application filed pursuant to section 571 with respect to such drug, as used in such animal feed, and such animal feed and its labeling, distribution, holding, and use conform to such conditionally approved application; or

[''(iii) an index listing pursuant to section 572 with respect to such drug, as used in such animal feed, and such animal feed and its labeling, distribution, holding, and use conform to such index listing; and

[''(B) such animal feed is manufactured at a site for which there is in effect a license issued pursuant to subsection (m)(1) to manufacture such animal feed.''.

[(10) Section 512(b)(3) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''under paragraph (1) or a request for an investigational exemption under subsection (j)'' and inserting ''under paragraph (1), section 571, or a request for an investigational exemption under subsection (j)''.

[(11) Section 512(d)(4) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''have previously been separately approved'' and inserting ''have previously been separately approved pursuant to an application submitted under section 512(b)(1)''.

[(12) Section 512(f) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''subsection (d), (e), or (m)'' and inserting ''subsection (d), (e), or (m), or section 571 (c), (d), or (e)''.

[(13) Section 512(g) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''this section'' and inserting ''this section, or section 571''.

[(14) Section 512(i) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''subsection (b)'' and inserting ''subsection (b) or section 571'' and by inserting ''or upon failure to renew a conditional approval under section 571'' after ''or upon its suspension''.

[(15) Section 512(l)(1) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''subsection (b)'' and inserting ''subsection (b) or section 571''.

[(16) Section 512(m)(1)(C) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''applicable regulations published pursuant to subsection (i)'' and inserting ''applicable regulations published pursuant to subsection (i) or for indexed new animal drugs in accordance with the index listing published pursuant to section 572(e)(2) and the labeling requirements set forth in section 572(h)''.

[(17) Section 512(m)(3) of the Federal Food, Drug, and Cosmetic Act is amended by inserting ''or an index listing pursuant to section 572(e)'' after ''subsection (i)'' each place it appears.

[(18) Section 512(p)(1) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1) or section 571(a)''.

[(19) Section 512(p)(2) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1) or section 571(a)''.

[(20) Section 108(b)(3) of Public Law 90–399 is amended by striking ''section 201(w) as added by this Act'' and inserting ''section 201(v) as added by the Minor Use and Minor Species Animal Health Act of 2003''.

[(f) REGULATIONS.—The Secretary of Health and Human Services shall implement sections 571 and 573 of the Federal Food, Drug, and Cosmetic Act and subsequently publish implementing regulations. Not later than 12 months after the date of enactment of this Act, the Secretary shall issue proposed regulations to implement section 573 of the Federal Food, Drug, and Cosmetic Act (as added by this Act), and not later than 24 months after the date of enactment of this Act, the Secretary shall issue final regulations implementing section 573 of the Federal Food, Drug, and Cosmetic Act. Not later than 18 months after the date of enactment of this Act, the Secretary shall issue proposed regulations to implement section 572 of the Federal Food, Drug, and Cosmetic Act (as added by this Act), and not later than 36 months after the date of enactment of this Act, the Secretary shall issue final regulations implementing section 572 of the Federal Food, Drug, and Cosmetic Act. Not later than 30 months after the date of enactment of this Act, the Secretary shall issue proposed regulations to implement section 571 of the Federal Food, Drug, and Cosmetic Act (as added by this Act), and not later than 42 months after the date of enactment of this Act, the Secretary shall issue final regulations implementing section 571 of the Federal Food, Drug, and Cosmetic Act. These timeframes shall be extended by 12 months for each fiscal year, in which the funds authorized to be appropriated under subsection (i) are not in fact appropriated.

[(g) OFFICE.—The Secretary of Health and Human Services shall establish within the Center for Veterinary Medicine (of the Food and Drug Administration), an Office of Minor Use and Minor Species Animal Drug Development that reports directly to the Director of the Center for Veterinary Medicine. This office shall be responsible for overseeing the development and legal marketing of new animal drugs for minor uses and minor species. There is authorized to be appropriated to carry out this subsection $1,200,000 for fiscal year 2003 and such sums as may be necessary for each fiscal year thereafter.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 573(b) of the Federal Food, Drug, and Cosmetic Act (as added by this Act) $1,000,000 for the fiscal year following publication of final implementing regulations, $2,000,000 for the subsequent fiscal year, and such sums as may be necessary for each fiscal year thereafter.]

TITLE I—MINOR USE AND MINOR SPECIES HEALTH

SECTION 101. SHORT TITLE.

This title may be cited as the ''Minor Use and Minor Species Animal Health Act of 2003''.

SEC. 102. MINOR USE AND MINOR SPECIES ANIMAL HEALTH.

(a) FINDINGS.—Congress makes the following findings:

(1) There is a severe shortage of approved new animal drugs for use in minor species.

(2) There is a severe shortage of approved new animal drugs for treating animal diseases and conditions that occur infrequently or in limited geographic areas.

(3) Because of the small market shares, low-profit margins involved, and capital investment required, it is generally not economically feasible for new animal drug applicants to pursue approvals for these species, diseases, and conditions.

(4) Because the populations for which such new animal drugs are intended may be small and conditions of animal management may vary widely, it is often difficult to design and conduct studies to establish drug safety and effectiveness under traditional new animal drug approval processes.

(5) It is in the public interest and in the interest of animal welfare to provide for special procedures to allow the lawful use and marketing of certain new animal drugs for minor species and minor uses that take into account these special circumstances and that ensure that such drugs do not endanger animal or public health.

(6) Exclusive marketing rights for clinical testing expenses have helped encourage the development of ''orphan'' drugs for human use, and comparable incentives should encourage the development of new animal drugs for minor species and minor uses.

(b) AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) DEFINITIONS.—Section 201 of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(nn) The term 'major species' means cattle, horses, swine, chickens, turkeys, dogs, and cats, except that the Secretary may add species to this definition by regulation.

''(oo) The term 'minor species' means animals other than humans that are not major species.

''(pp) The term 'minor use' means the intended use of a drug in a major species for an indication that occurs infrequently and in only a small number of animals or in limited geographical areas and in only a small number of animals annually.''.

(2) THREE-YEAR EXCLUSIVITY FOR MINOR USE AND MINOR SPECIES APPROVALS.—Section 512(c)(2)(F) (ii), (iii), and (v) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''(other than bioequivalence or residue studies)'' and inserting ''(other than bioequivalence studies or residue depletion studies, except residue depletion studies for minor uses or minor species)'' every place it appears.

(3) SCOPE OF REVIEW FOR MINOR USE AND MINOR SPECIES APPLICATIONS.—Section 512(d) of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following new paragraph:

''(5) In reviewing an application that proposes a change to add an intended use for a minor use or a minor species to an approved new animal drug application, the Secretary shall reevaluate only the relevant information in the approved application to determine whether the application for the minor use or minor species can be approved. A decision to approve the application for the minor use or minor species is not, implicitly or explicitly, a reaffirmation of the approval of the original application.''.

(4) MINOR USE AND MINOR SPECIES NEW ANIMAL DRUGS.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

''Subchapter F—New Animal Drugs for Minor Use and Minor Species

''SEC. 571. CONDITIONAL APPROVAL OF NEW ANIMAL DRUGS FOR MINOR USE AND MINOR SPECIES.

''(a)(1) Except as provided in paragraph (3) of this section, any person may file with the Secretary an application for conditional approval of a new animal drug intended for a minor use or a minor species. Such an application may not be a supplement to an application approved under section 512. Such application must comply in all respects with the provisions of section 512 of this Act except sections 512(a)(4), 512(b)(2), 512(c)(1), 512(c)(2), 512(c)(3), 512(d)(1), 512(e), 512(h), and 512(n) unless otherwise stated in this section, and any additional provisions of this section. New animal drugs are subject to application of the same safety standards that would be applied to such drugs under section 512(d) (including, for antimicrobial new animal drugs, with respect to antimicrobial resistance).

''(2) The applicant shall submit to the Secretary as part of an application for the conditional approval of a new animal drug—

''(A) all information necessary to meet the requirements of section 512(b)(1) except section 512(b)(1)(A);

''(B) full reports of investigations which have been made to show whether or not such drug is safe under section 512(d) (including, for an antimicrobial new animal drug, with respect to antimicrobial resistance) and there is a reasonable expectation of effectiveness for use;

''(C) data for establishing a conditional dose;

''(D) projections of expected need and the justification for that expectation based on the best information available;

''(E) information regarding the quantity of drug expected to be distributed on an annual basis to meet the expected need; and

''(F) a commitment that the applicant will conduct additional investigations to meet the requirements for the full demonstration of effectiveness under section 512(d)(1)(E) within 5 years.

''(3) A person may not file an application under paragraph (1) if—

''(A) the application seeks conditional approval of a new animal drug that is contained in, or is a product of, a transgenic animal.

''(B) the person has previously filed an application for conditional approval under paragraph (1) for the same drug in the same dosage

form for the same intended use whether or not subsequently conditionally approved by the Secretary under subsection (b), or

''(C) the person obtained the application, or data or other information contained therein, directly or indirectly from the person who filed for conditional approval under paragraph (1) for the same drug in the same dosage form for the same intended use whether or not subsequently conditionally approved by the Secretary under subsection (b).

''(b) Within 180 days after the filing of an application pursuant to subsection (a), or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either—

''(1) issue an order, effective for one year, conditionally approving the application if the Secretary finds that none of the grounds for denying conditional approval, specified in subsection (c) of this section applies and publish a Federal Register notice of the conditional approval, or

''(2) give the applicant notice of an opportunity for an informal hearing on the question whether such application can be conditionally approved.

''(c) If the Secretary finds, after giving the applicant notice and an opportunity for an informal hearing, that—

''(1) any of the provisions of section 512(d)(1)(A) through (D) or (F) through (I) are applicable;

''(2) the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such drug, is insufficient to show that there is a reasonable expectation that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof; or

''(3) another person has received approval under section 512 for the same drug in the same dosage form for the same intended use, and that person is able to assure the availability of sufficient quantities of the drug to meet the needs for which the drug is intended;

the Secretary shall issue an order refusing to conditionally approve the application. If, after such notice and opportunity for an informal hearing, the Secretary finds that paragraphs (1) through (3) do not apply, the Secretary shall issue an order conditionally approving the application effective for one year and publish a Federal Register notice of the conditional approval. Any order issued under this subsection refusing to conditionally approve an application shall state the findings upon which it is based.

''(d) A conditional approval under this section is effective for a 1-year period and is thereafter renewable by the Secretary annually for up to 4 additional 1-year terms. A conditional approval shall be in effect for no more than 5 years from the date of approval under subsection (b)(1) or (c) of this section unless extended as provided for in subsection (h) of this section. The following shall also apply:

''(1) No later than 90 days from the end of the 1-year period for which the original or renewed conditional approval is effective, the applicant may submit a request to renew a conditional approval for an additional 1-year term.

''(2) A conditional approval shall be deemed renewed at the end of the 1-year period, or at the end of a 90-day extension that the Secretary may, at the Secretary's discretion, grant by letter in order to complete review of the renewal request, unless the Secretary determines before the expiration of the 1-year period or the 90-day extension that—

''(A) the applicant failed to submit a timely renewal request;

''(B) the request fails to contain sufficient information to show that—

''(i) the applicant is making sufficient progress toward meeting approval requirements under section 512(d)(1)(E), and is likely to be able to fulfill those requirements and obtain an approval under section 512 before the expiration of the 5-year maximum term of the conditional approval;

''(ii) the quantity of the drug that has been distributed is consistent with the conditionally approved intended use and conditions of use, unless there is adequate explanation that ensures that the drug is only used for its intended purpose; or

''(iii) the same drug in the same dosage form for the same intended use has not received approval under section 512, or if such a drug has been approved, that the holder of the approved application is unable to assure the availability of sufficient quantities of the drug to meet the needs for which the drug is intended; or

''(C) any of the provisions of section 512(e)(1)(A) through (B) or (D) through (F) are applicable.

''(3) If the Secretary determines before the end of the 1-year period or the 90-day extension, if granted, that a conditional approval should not be renewed, the Secretary shall issue an order refusing to renew the conditional approval, and such conditional approval shall be deemed withdrawn and no longer in effect. The Secretary shall thereafter provide an opportunity for an informal hearing to the applicant on the issue whether the conditional approval shall be reinstated.

''(e)(1) The Secretary shall issue an order withdrawing conditional approval of an application filed pursuant to subsection (a) if the Secretary finds that another person has received approval under section 512 for the same drug in the same dosage form for the same intended use and that person is able to assure the availability of sufficient quantities of the drug to meet the needs for which the drug is intended.

''(2) The Secretary shall, after due notice and opportunity for an informal hearing to the applicant, issue an order withdrawing conditional approval of an application filed pursuant to subsection (a) if the Secretary finds that—

''(A) any of the provisions of section 512(e)(1)(A) through (B) or (D) through (F) are applicable; or

''(B) on the basis of new information before the Secretary with respect to such drug, evaluated together with the evidence available to the Secretary when the application was conditionally approved, that there is not a reasonable expectation that such drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

''(3) The Secretary may also, after due notice and opportunity for an informal hearing to the applicant, issue an order withdrawing conditional approval of an application filed pursuant to subsection (a) if the Secretary finds that any of the provisions of section 512(e)(2) are applicable.

''(f)(1) The label and labeling of a new animal drug with a conditional approval under this section shall—

''(A) bear the statement, 'conditionally approved by FDA pending a full demonstration of effectiveness under application number'; and

''(B) contain such other information as prescribed by the Secretary.

''(2) An intended use that is the subject of a conditional approval under this section shall not be included in the same product label with any intended use approved under section 512.

''(g) A conditionally approved new animal drug application may not be amended or supplemented to add indications for use.

''(h) 180 days prior to the termination date established under subsection (d) of this section, an applicant shall have submitted all the information necessary to support a complete new animal drug application in accordance with section 512(b)(1) or the conditional approval issued under this section is no longer in effect. Following review of this information, the Secretary shall either—

''(1) issue an order approving the application under section 512(c) if the Secretary finds that none of the grounds for denying approval specified in section 512(d)(1) applies, or

''(2) give the applicant an opportunity for a hearing before the Secretary under section 512(d) on the question whether such application can be approved.

Upon issuance of an order approving the application, product labeling and administrative records of approval shall be modified accordingly. If the Secretary has not issued an order under section 512(c) approving such application prior to the termination date established under subsection (d) of this section, the conditional approval issued under this section is no longer in effect unless the Secretary grants an extension of an additional 180-day period so that the Secretary can complete review of the application. The decision to grant an extension is committed to the discretion of the Secretary and not subject to judicial review.

''(i) The decision of the Secretary under subsection (c), (d), or (e) of this section refusing or withdrawing conditional approval of an application shall constitute final agency action subject to judicial review.

''(j) In this section and section 572, the term 'transgenic animal' means an animal whose genome contains a nucleotide sequence that has been intentionally modified in vitro, and the progeny of such an animal; Provided that the term 'transgenic animal' does not include an animal of which the nucleotide sequence of the genome has been modified solely by selective breeding.

"SEC. 572. INDEX OF LEGALLY MARKETED UNAPPROVED NEW ANIMAL DRUGS FOR MINOR SPECIES.

''(a)(1) The Secretary shall establish an index limited to—

''(A) new animal drugs intended for use in a minor species for which there is a reasonable certainty that the animal or edible products from the animal will not be consumed by humans or food-producing animals; and

''(B) new animal drugs intended for use only in a hatchery, tank, pond, or other similar contained man-made structure in an early, nonfood life stage of a food-producing minor species, where safety for humans is demonstrated in accordance with the standard of section 512(d) (including, for an antimicrobial new animal drug, with respect to antimicrobial resistance).

''(2) The index shall not include a new animal drug that is contained in or a product of a transgenic animal.

''(b) Any person intending to file a request under this section shall be entitled to one or more conferences to discuss the requirements for indexing a new animal drug.

''(c)(1) Any person may submit a request to the Secretary for a determination whether a new animal drug may be eligible for inclusion in the index. Such a request shall include—

''(A) information regarding the need for the new animal drug, the species for which the new animal drug is intended, the proposed intended use and conditions of use, and anticipated annual distribution;

''(B) information to support the conclusion that the proposed use meets the conditions of subparagraph (A) or (B) of subsection (a)(1) of this section;

''(C) information regarding the components and composition of the new animal drug;

''(D) a description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such new animal drug;

''(E) an environmental assessment that meets the requirements of the National Environmental Policy Act of 1969, as amended, and as defined in 21 CFR Part 25, as it appears on the date of enactment of this provision and amended thereafter or information to support a categorical exclusion from the requirement to prepare an environmental assessment;

''(F) information sufficient to support the conclusion that the proposed use of the new animal drug is safe under section 512(d) with respect to individuals exposed to the new animal drug through its manufacture or use; and

''(G) such other information as the Secretary may deem necessary to make this eligibility determination.

''(2) Within 90 days after the submission of a request for a determination of eligibility for indexing based on subsection (a)(1)(A) of this section, or 180 days for a request submitted based on subsection (a)(1)(B) of this section, the Secretary shall grant or deny the request, and notify the person who requested such determination of the Secretary's decision. The Secretary shall grant the request if the Secretary finds that—

''(A) the same drug in the same dosage form for the same intended use is not approved or conditionally approved;

''(B) the proposed use of the drug meets the conditions of subparagraph (A) or (B) of subsection (a)(1), as appropriate;

''(C) the person requesting the determination has established appropriate specifications for the manufacture and control of the new animal drug and has demonstrated an understanding of the requirements of current good manufacturing practices;

''(D) the new animal drug will not significantly affect the human environment; and

''(E) the new animal drug is safe with respect to individuals exposed to the new animal drug through its manufacture or use.

If the Secretary denies the request, the Secretary shall thereafter provide due notice and an opportunity for an informal conference. A decision of the Secretary to deny an eligibility request following an informal conference shall constitute final agency action subject to judicial review.

''(d)(1) With respect to a new animal drug for which the Secretary has made a determination of eligibility under subsection (c), the person who made such a request may ask that the Secretary add the new animal drug to the index established under subsection (a). The request for addition to the index shall include—

''(A) a copy of the Secretary's determination of eligibility issued under subsection (c);

''(B) a written report that meets the requirements in subsection (d)(2) of this section;

''(C) a proposed index entry;

''(D) facsimile labeling;

''(E) anticipated annual distribution of the new animal drug;

''(F) a written commitment to manufacture the new animal drug and animal feeds bearing or containing such new animal drug according to current good manufacturing practices;

''(G) a written commitment to label, distribute, and promote the new animal drug only in accordance with the index entry;

''(H) upon specific request of the Secretary, information submitted to the expert panel described in paragraph (3); and

''(I) any additional requirements that the Secretary may prescribe by general regulation or specific order.

''(2) The report required in paragraph (1) shall—

''(A) be authored by a qualified expert panel;

''(B) include an evaluation of all available target animal safety and effectiveness information, including anecdotal information;

''(C) state the expert panel's opinion regarding whether the benefits of using the new animal drug for the proposed use in a minor species outweigh its risks to the target animal, taking into account the harm being caused by the absence of an approved or conditionally approved new animal drug for the minor species in question;

''(D) include information from which labeling can be written; and

''(E) include a recommendation regarding whether the new animal drug should be limited to use under the professional supervision of a licensed veterinarian.

''(3) A qualified expert panel, as used in this section, is a panel that—

''(A) is composed of experts qualified by scientific training and experience to evaluate the target animal safety and effectiveness of the new animal drug under consideration;

''(B) operates external to FDA; and

''(C) is not subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

The Secretary shall define the criteria for selection of a qualified expert panel and the procedures for the operation of the panel by regulation.

''(4) Within 180 days after the receipt of a request for listing a new animal drug in the index, the Secretary shall grant or deny the request. The Secretary shall grant the request if the request for indexing continues to meet the eligibility criteria in subsection (a) and the Secretary finds, on the basis of the report of the qualified expert panel and other information available to the Secretary, that the benefits of using the new animal drug for the proposed use in a minor species outweigh its risks to the target animal, taking into account the harm caused by the absence of an approved or conditionally-approved new animal drug for the minor species in question. If the Secretary denies the request, the Secretary shall thereafter provide due notice and the opportunity for an informal conference. The decision of the Secretary following an informal conference shall constitute final agency action subject to judicial review.

''(e)(1) The index established under subsection (a) shall include the following information for each listed drug—

''(A) the name and address of the person who holds the index listing;

''(B) the name of the drug and the intended use and conditions of use for which it is being indexed;

''(C) product labeling; and

''(D) conditions and any limitations that the Secretary deems necessary regarding use of the drug.

''(2) The Secretary shall publish the index, and revise it periodically.

''(3) The Secretary may establish by regulation a process for reporting changes in the conditions of manufacturing or labeling of indexed products.

''(f)(1) If the Secretary finds, after due notice to the person who requested the index listing and an opportunity for an informal conference, that—

''(A) the expert panel failed to meet the requirements as set forth by the Secretary by regulation;

''(B) on the basis of new information before the Secretary, evaluated together with the evidence available to the Secretary when the new animal drug was listed in the index, the benefits of using the new animal drug for the indexed use do not outweigh its risks to the target animal;

''(C) the conditions of subsection (c)(2) of this section are no longer satisfied;

''(D) the manufacture of the new animal drug is not in accordance with current good manufacturing practices;

''(E) the labeling, distribution, or promotion of the new animal drug is not in accordance with the index entry;

''(F) the conditions and limitations of use associated with the index listing have not been followed; or

''(G) the request for indexing contains any untrue statement of material fact,

the Secretary shall remove the new animal drug from the index. The decision of the Secretary following an informal conference shall constitute final agency action subject to judicial review.

''(2) If the Secretary finds that there is a reasonable probability that the use of the drug would present a risk to the health of humans or other animals, the Secretary may—

''(A) suspend the listing of such drug immediately;

''(B) give the person listed in the index prompt notice of the Secretary's action; and

''(C) afford that person the opportunity for an informal conference.

The decision of the Secretary following an informal conference shall constitute final agency action subject to judicial review.

''(g) For purposes of indexing new animal drugs under this section, to the extent consistent with the public health, the Secretary shall promulgate regulations for exempting from the operation of section 512 minor species new animal drugs and animal feeds bearing or containing new animal drugs intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of minor species animal drugs. Such regulations may, at the discretion of the Secretary, among other conditions relating to the protection of the public health, provide for conditioning such exemption upon the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such article, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of such article, as the Secretary finds will enable the Secretary to evaluate the safety and effectiveness of such article in the event of the filing of a request for an index listing pursuant to this section.

''(h) The labeling of a new animal drug that is the subject of an index listing shall state, prominently and conspicuously—

''(1) 'NOT APPROVED BY FDA.—Legally marketed as an FDA indexed product. Extra-label use is prohibited.';

''(2) except in the case of new animal drugs indexed for use in an early life stage of a food-producing animal, 'This product is not to be used in animals intended for use as food for humans or other animals.'; and

''(3) such other information as may be prescribed by the Secretary in the index listing.

''(i)(1) In the case of any new animal drug for which an index listing pursuant to subsection (a) is in effect, the person who has an index listing shall establish and maintain such records, and make such reports to the Secretary, of data relating to experience, and other data or information, received or otherwise obtained by such person with respect to such drug, or with respect to animal feeds bearing or containing such drug, as the Secretary may by general regulation, or by order with respect to such listing, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (f). Such regulation or order shall provide, where the Secretary deems it to be appropriate, for the examination, upon request, by the persons to whom such regulation or order is applicable, of similar information received or otherwise obtained by the Secretary.

''(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

''(j)(1) Safety and effectiveness data and information which has been submitted in support of a request for a new animal drug to be indexed under this section and which has not been previously disclosed to the public shall be made available to the public, upon request, unless extraordinary circumstances are shown—

''(A) if no work is being or will be undertaken to have the drug indexed in accordance with the request,

''(B) if the Secretary has determined that such drug cannot be indexed and all legal appeals have been exhausted,

''(C) if the indexing of such drug is terminated and all legal appeals have been exhausted, or

''(D) if the Secretary has determined that such drug is not a new animal drug.

''(2) Any request for data and information pursuant to paragraph (1) shall include a verified statement by the person making the request that any data or information received under such paragraph shall not be disclosed by such person to any other person—

''(A) for the purpose of, or as part of a plan, scheme, or device for, obtaining the right to make, use, or market, or making, using, or marketing, outside the United States, the drug identified in the request for indexing; and

''(B) without obtaining from any person to whom the data and information are disclosed an identical verified statement, a copy of which is to be provided by such person to the Secretary, which meets the requirements of this paragraph.

''SEC. 573. DESIGNATED NEW ANIMAL DRUGS FOR MINOR USE OR MINOR SPECIES.

''(a) DESIGNATION.—

''(1) The manufacturer or the sponsor of a new animal drug for a minor use or use in a minor species may request that the Secretary declare that drug a 'designated new animal drug'. A request for designation of a new animal drug shall be made before the submission of an application under section 512(b) or section 571 for the new animal drug.

''(2) The Secretary may declare a new animal drug a 'designated new animal drug' if—

''(A) it is intended for a minor use or use in a minor species; and

''(B) the same drug in the same dosage form for the same intended use is not approved under section 512 or 571 or designated under this section at the time the request is made.

''(3) Regarding the termination of a designation—

''(A) the sponsor of a new animal drug shall notify the Secretary of any decision to discontinue active pursuit of approval under section 512 or 571 of an application for a designated new animal drug. The Secretary shall terminate the designation upon such notification;

''(B) the Secretary may also terminate designation if the Secretary independently determines that the sponsor is not actively pursuing approval under section 512 or 571 with due diligence;

''(C) the sponsor of an approved designated new animal drug shall notify the Secretary of any discontinuance of the manufacture of such new animal drug at least one year before discontinuance. The Secretary shall terminate the designation upon such notification; and

''(D) the designation shall terminate upon the expiration of any applicable exclusivity period under subsection (c).

''(4) Notice respecting the designation or termination of designation of a new animal drug shall be made available to the public.

''(b) GRANTS AND CONTRACTS FOR DEVELOPMENT OF DESIGNATED NEW ANIMAL DRUGS.—

''(1) The Secretary may make grants to and enter into contracts with public and private entities and individuals to assist in defraying the costs of qualified safety and effectiveness testing expenses and manufacturing expenses incurred in connection with the development of designated new animal drugs.

''(2) For purposes of paragraph (1) of this section—

''(A) The term 'qualified safety and effectiveness testing' means testing—

''(i) which occurs after the date such new animal drug is designated under this section and before the date on which an application with respect to such drug is submitted under section 512; and

''(ii) which is carried out under an investigational exemption under section 512(j).

''(B) The term 'manufacturing expenses' means expenses incurred in developing processes and procedures associated with manufacture of the designated new animal drug which occur after the new animal drug is designated under this section and before the date on which an application with respect to such new animal drug is submitted under section 512 or 571.

''(c) EXCLUSIVITY FOR DESIGNATED NEW ANIMAL DRUGS.—

''(1) Except as provided in subsection (c)(2), if the Secretary approves or conditionally approves an application for a designated new animal drug, the Secretary may not approve or conditionally approve another application submitted for such new animal drug with the same intended use as the designated new animal drug for another applicant before the expiration of seven years from the date of approval or conditional approval of the application.

''(2) If an application filed pursuant to section 512 or section 571 is approved for a designated new animal drug, the Secretary may, during the 7-year exclusivity period beginning on the date of the application approval or conditional approval, approve or conditionally approve another application under section 512 or section 571 for such drug for such minor use or minor species for another applicant if—

''(A) the Secretary finds, after providing the holder of such an approved application notice and opportunity for the submission of views, that in the granted exclusivity period the holder of the approved application cannot assure the availability of sufficient quantities of the drug to meet the needs for which the drug was designated; or

''(B) such holder provides written consent to the Secretary for the approval or conditional approval of other applications before the expiration of such exclusivity period.''.

(5) CONFORMING AMENDMENTS.—

(A) Section 201(u) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''512'' and inserting ''512, 571''.

(B) Section 201(v) of the Federal Food, Drug, and Cosmetic Act is amended by inserting the following after paragraph (2): ''Provided that any drug intended for minor use or use in a minor species that is not the subject of a final regulation published by the Secretary through notice and comment rulemaking finding that the criteria of paragraphs (1) and (2) have not been met (or that the exception to the criterion in paragraph (1) has been met) is a new animal drug.''.

(C) Section 301(e) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''512(a)(4)(C), 512(j), (l) or (m)'' and inserting ''512(a)(4)(C), 512 (j), (l) or (m), 572(i).''

(D) Section 301(j) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''520'' and inserting ''520, 571, 572, 573.''

(E) Section 502 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following new subsection:

''(w) If it is a new animal drug—

''(1) that is conditionally approved under section 571 and its labeling does not conform with the approved application or section 571(f), or that is not conditionally approved under section 571 and its label bears the statement set forth in section 571(f)(1)(A); or

''(2) that is indexed under section 572 and its labeling does not conform with the index listing under section 572(e) or 572(h), or that has not been indexed under section 572 and its label bears the statement set forth in section 572(h).''.

(F) Section 503(f) of the Federal Food, Drug, and Cosmetic Act is amended—

(i) in paragraph (1)(A)(ii) by striking ''512'' and inserting ''512, a conditionally-approved application under section 571, or an index listing under section 572''; and

(ii) in paragraph (3) by striking ''section 512'' and inserting ''section 512, 571, or 572''.

(G) Section 504(a)(1) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''512(b)'' and inserting ''512(b), a conditionally-approved application filed pursuant to section 571, or an index listing pursuant to section 572''.

(H) Sections 504(a)(2)(B) and 504(b) of the Federal Food, Drug, and Cosmetic Act are amended by striking ''512(i)'' each place it appears and inserting ''512(i), or the index listing pursuant to section 572(e)''.

(I) Section 512(a) of the Federal Food, Drug, and Cosmetic Act is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) A new animal drug shall, with respect to any particular use or intended use of such drug, be deemed unsafe for purposes of section 501(a)(5) and section 402(a)(2)(C)(ii) unless—

''(A) there is in effect an approval of an application filed pursuant to subsection (b) with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to such approved application;

''(B) there is in effect a conditional approval of an application filed pursuant to section 571 with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to such conditionally approved application; or

''(C) there is in effect an index listing pursuant to section 572 with respect to such use or intended use of such drug in a minor species, and such drug, its labeling, and such use conform to such index listing.

A new animal drug shall also be deemed unsafe for such purposes in the event of removal from the establishment of a manufacturer, packer, or distributor of such drug for use in the manufacture of animal feed in any State unless at the time of such removal such manufacturer, packer, or distributor has an unrevoked written statement from the consignee of such drug, or notice from the Secretary, to the effect that, with respect to the use of such drug in animal feed, such consignee (i) holds a license issued under subsection (m) and has in its possession current approved labeling for such drug in animal feed; or (ii) will, if the consignee is not a user of the drug, ship such drug only to a holder of a license issued under subsection (m).

''(2) An animal feed bearing or containing a new animal drug shall, with respect to any particular use or intended use of such animal feed be deemed unsafe for purposes of section 501(a)(6) unless—

''(A) there is in effect—

''(i) an approval of an application filed pursuant to subsection (b) with respect to such drug, as used in such animal feed, and such animal feed and its labeling, distribution, holding, and use conform to such approved application;

''(ii) a conditional approval of an application filed pursuant to section 571 with respect to such drug, as used in such animal feed, and such animal feed and its labeling, distribution, holding, and use conform to such conditionally approved application; or

''(iii) an index listing pursuant to section 572 with respect to such drug, as used in such animal feed, and such animal feed and its labeling, distribution, holding, and use conform to such index listing; and

''(B) such animal feed is manufactured at a site for which there is in effect a license issued pursuant to subsection (m)(1) to manufacture such animal feed.''.

(J) Section 512(b)(3) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''under paragraph (1) or a request for an investigational exemption under subsection (j)'' and inserting ''under paragraph (1), section 571, or a request for an investigational exemption under subsection (j)''.

(K) Section 512(d)(4) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''have previously been separately approved'' and inserting ''have previously been separately approved pursuant to an application submitted under section 512(b)(1)''.

(L) Section 512(f) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''subsection (d), (e), or (m)'' and inserting ''subsection (d), (e), or (m), or section 571 (c), (d), or (e)''.

(M) Section 512(g) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''this section'' and inserting ''this section, or section 571''.

(N) Section 512(i) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''subsection (b)'' and inserting ''subsection (b) or section 571'' and by inserting ''or upon failure to renew a conditional approval under section 571'' after ''or upon its suspension''.

(O) Section 512(l)(1) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''subsection (b)'' and inserting ''subsection (b) or section 571''.

(P) Section 512(m)(1)(C) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''applicable regulations published pursuant to subsection (i)'' and inserting ''applicable regulations published pursuant to subsection (i) or for indexed new animal drugs in accordance with the index listing published pursuant to section 572(e)(2) and the labeling requirements set forth in section 572(h)''.

(Q) Section 512(m)(3) of the Federal Food, Drug, and Cosmetic Act is amended by inserting ''or an index listing pursuant to section 572(e)'' after ''subsection (i)'' each place it appears.

(R) Section 512(p)(1) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1) or section 571(a)''.

(S) Section 512(p)(2) of the Federal Food, Drug, and Cosmetic Act is amended by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1) or section 571(a)''.

(T) Section 108(b)(3) of Public Law 90–399 is amended by striking ''section 201(w) as added by this Act'' and inserting ''section 201(v)''.

(6) REGULATIONS.—On the date of enactment of this Act, the Secretary of Health and Human Services shall implement sections 571 and 573 of the Federal Food, Drug, and Cosmetic Act and subsequently publish implementing regulations. Not later than 12 months after the date of enactment of this Act, the Secretary shall issue proposed regulations to implement section 573 of the Federal Food, Drug, and Cosmetic Act (as added by this Act), and not later than 24 months after the date of enactment of this Act, the Secretary shall issue final regulations implementing section 573 of the Federal Food, Drug, and Cosmetic Act. Not later than 18 months after the date of enactment of this Act, the Secretary shall issue proposed regulations to implement section 572 of the Federal Food, Drug, and Cosmetic Act (as added by this Act), and not later than 36 months after the date of enactment of this Act, the Secretary shall issue final regulations implementing section 572 of the Federal Food, Drug, and Cosmetic Act. Not later than 30 months after the date of enactment of this Act, the Secretary shall issue proposed regulations to implement section 571 of the Federal Food, Drug, and Cosmetic Act (as added by this Act), and not later than 42 months after the date of enactment of this Act, the Secretary shall issue final regulations implementing section 571 of the Federal Food, Drug, and Cosmetic Act. These timeframes shall be extended by 12 months for each fiscal year, in which the funds authorized to be appropriated under subsection (i) are not in fact appropriated.

(7) OFFICE.—The Secretary of Health and Human Services shall establish within the Center for Veterinary Medicine (of the Food and Drug Administration), an Office of Minor Use and Minor Species Animal Drug Development that reports directly to the Director of the Center for Veterinary Medicine. This office shall be responsible for overseeing the development and legal marketing of new animal drugs for minor uses and minor species. There is authorized to be appropriated to carry out this subsection $1,200,000 for fiscal year 2004 and such sums as may be necessary for each fiscal year thereafter.

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 573(b) of the Federal Food, Drug, and Cosmetic Act (as added by this section) $1,000,000 for the fiscal year following publication of final implementing regulations, $2,000,000 for the subsequent fiscal year, and such sums as may be necessary for each fiscal year thereafter.

TITLE II—FOOD ALLERGEN LABELING AND CONSUMER PROTECTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Food Allergen Labeling and Consumer Protection Act of 2003''.

SEC. 202. FINDINGS.

Congress finds that—

(1) it is estimated that—

(A) approximately 2 percent of adults and about 5 percent of infants and young children in the United States suffer from food allergies; and

(B) each year, roughly 30,000 individuals require emergency room treatment and 150 individuals die because of allergic reactions to food;

(2)(A) eight major foods or food groups—milk, eggs, fish, Crustacean shellfish, tree nuts, peanuts, wheat, and soybeans—account for 90 percent of food allergies;

(B) at present, there is no cure for food allergies; and

(C) a food allergic consumer must avoid the food to which the consumer is allergic;

(3)(A) in a review of the foods of randomly selected manufacturers of baked goods, ice cream, and candy in Minnesota and Wisconsin in 1999, the Food and Drug Administration found that 25 percent of sampled foods failed to list peanuts or eggs as ingredients on the food labels; and

(B) nationally, the number of recalls because of unlabeled allergens rose to 121 in 2000 from about 35 a decade earlier;

(4) a recent study shows that many parents of children with a food allergy were unable to correctly identify in each of several food labels the ingredients derived from major food allergens;

(5)(A) ingredients in foods must be listed by their ''common or usual name'';

(B) in some cases, the common or usual name of an ingredient may be unfamiliar to consumers, and many consumers may not realize the ingredient is derived from, or contains, a major food allergen; and

(C) in other cases, the ingredients may be declared as a class, including spices, flavorings, and certain colorings, or are exempt from the ingredient labeling requirements, such as incidental additives; and

(6)(A) celiac disease is an immune-mediated disease that causes damage to the gastrointestinal tract, central nervous system, and other organs;

(B) the current recommended treatment is avoidance of glutens in foods that are associated with celiac disease; and

(C) a multicenter, multiyear study estimated that the prevalence of celiac disease in the United States is 0.5 to 1 percent of the general population.

SEC. 203. FOOD LABELING; REQUIREMENT OF INFORMATION REGARDING ALLERGENIC SUBSTANCES.

(a) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(w)(1) If it is not a raw agricultural commodity and it is, or it contains an ingredient that bears or contains, a major food allergen, unless either—

''(A) the word 'Contains', followed by the name of the food source from which the major food allergen is derived, is printed immediately after or is adjacent to the list of ingredients (in a type size no smaller than the type size used in the list of ingredients) required under subsections (g) and (i); or

''(B) the common or usual name of the major food allergen in the list of ingredients required under subsections (g) and (i) is followed in parentheses by the name of the food source from which the major food allergen is derived, except that the name of the food source is not required when—

''(i) the common or usual name of the ingredient uses the name of the food source from which the major food allergen is derived; or

''(ii) the name of the food source from which the major food allergen is derived appears elsewhere in the ingredient list, unless the name of the food source that appears elsewhere in the ingredient list appears as part of the name of a food ingredient that is not a major food allergen under section 201(qq)(2)(A) or (B).

''(2) As used in this subsection, the term 'name of the food source from which the major food allergen is derived' means the name described in section 201(qq)(1); provided that in the case of a tree nut, fish, or Crustacean shellfish, the term 'name of the food source from which the major food allergen is derived' means the name of the specific type of nut or species of fish or Crustacean shellfish.

''(3) The information required under this subsection may appear in labeling in lieu of appearing on the label only if the Secretary finds that such other labeling is sufficient to protect the public health. A finding by the Secretary under this paragraph (including any change in an earlier finding under this paragraph) is effective upon publication in the Federal Register as a notice.

''(4) Notwithstanding subsection (g), (i), or (k), or any other law, a flavoring, coloring, or incidental additive that is, or that bears or contains, a major food allergen shall be subject to the labeling requirements of this subsection.

''(5) The Secretary may by regulation modify the requirements of subparagraph (A) or (B) of paragraph (1), or eliminate either the requirement of subparagraph (A) or the requirements of subparagraph (B) of paragraph (1), if the Secretary determines that the modification or elimination of the requirement of subparagraph (A) or the requirements of subparagraph (B) is necessary to protect the public health.

''(6)(A) Any person may petition the Secretary to exempt a food ingredient described in section 201(qq)(2) from the allergen labeling requirements of this subsection.

''(B) The Secretary shall approve or deny such petition within 180 days of receipt of the petition or the petition shall be deemed denied, unless an extension of time is mutually agreed upon by the Secretary and the petitioner.

''(C) The burden shall be on the petitioner to provide scientific evidence (including the analytical method used to produce the evidence) that demonstrates that such food ingredient, as derived by the method specified in the petition, does not cause an allergic response that poses a risk to human health.

''(D) A determination regarding a petition under this paragraph shall constitute final agency action.

''(E) The Secretary shall promptly post to a public site all petitions received under this paragraph within 14 days of receipt and the Secretary shall promptly post the Secretary's response to each.

''(7)(A) A person need not file a petition under paragraph (6) to exempt a food ingredient described in section 201(qq)(2) from the allergen labeling requirements of this subsection, if the person files with the Secretary a notification containing—

''(i) scientific evidence (including the analytical method used) that demonstrates that the food ingredient (as derived by the method specified in the notification, where applicable) does not contain allergenic protein; or

''(ii) a determination by the Secretary that the ingredient does not cause an allergic response that poses a risk to human health under a premarket approval or notification program under section 409.

''(B) The food ingredient may be introduced or delivered for introduction into interstate commerce as a food ingredient that is not a major food allergen 90 days after the date of receipt of the notification by the Secretary, unless the Secretary determines within the 90-day period that the notification does not meet the requirements of this paragraph, or there is insufficient scientific evidence to determine that the food ingredient does not contain allergenic protein or does not cause an allergenic response that poses a risk to human health.

''(C) The Secretary shall promptly post to a public site all notifications received under this subparagraph within 14 days of receipt and promptly post any objections thereto by the Secretary.

''(x) Notwithstanding subsection (g), (i), or (k), or any other law, a spice, flavoring, coloring, or incidental additive that is, or that bears or contains, a food allergen (other than a major food allergen), as determined by the Secretary by regulation, shall be disclosed in a manner specified by the Secretary by regulation.''.

(b) EFFECT ON OTHER AUTHORITY.—The amendments made by this section that require a label or labeling for major food allergens do not alter the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) to require a label or labeling for other food allergens.

(c) CONFORMING AMENDMENTS.—

(1) Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) (as amended by section 102(b)) is amended by adding at the end the following:

''(qq) The term 'major food allergen' means any of the following:

''(1) Milk, egg, fish (e.g., bass, flounder, or cod), Crustacean shellfish (e.g., crab, lobster, or shrimp), tree nuts (e.g., almonds, pecans, or walnuts), wheat, peanuts, and soybeans.

''(2) A food ingredient that contains protein derived from a food specified in paragraph (1), except the following:

''(A) Any highly refined oil derived from a food specified in paragraph (1) and any ingredient derived from such highly refined oil.

''(B) A food ingredient that is exempt under paragraph (6) or (7) of section 403(w).''.

(2) Section 403A(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343–1(a)(2)) is amended by striking ''or 403(i)(2)'' and inserting ''403(i)(2), 403(w), or 403(x)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any food that is labeled on or after January 1, 2006.

SEC. 204. REPORT ON FOOD ALLERGENS.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(1)(A) analyzes—

(i) the ways in which foods, during manufacturing and processing, are unintentionally contaminated with major food allergens, including contamination caused by the use by manufacturers of the same production line to produce both products for which major food allergens are intentional ingredients and products for which major food allergens are not intentional ingredients; and

(ii) the ways in which foods produced on dedicated production lines are unintentionally contaminated with major food allergens; and

(B) estimates how common the practices described in subparagraph (A) are in the food industry, with breakdowns by food type as appropriate;

(2) advises whether good manufacturing practices or other methods can be used to reduce or eliminate cross-contact of foods with the major food allergens;

(3) describes—

(A) the various types of advisory labeling (such as labeling that uses the words ''may contain'') used by food producers;

(B) the conditions of manufacture of food that are associated with the various types of advisory labeling; and

(C) the extent to which advisory labels are being used on food products;

(4) describes how consumers with food allergies or the caretakers of consumers would prefer that information about the risk of cross-contact be communicated on food labels as determined by using appropriate survey mechanisms;

(5) states the number of inspections of food manufacturing and processing facilities conducted in the previous 2 years and describes—

(A) the number of facilities and food labels that were found to be in compliance or out of compliance with respect to cross-contact of foods with residues of major food allergens and the proper labeling of major food allergens;

(B) the nature of the violations found; and

(C) the number of voluntary recalls, and their classifications, of foods containing undeclared major food allergens; and

(6) assesses the extent to which the Secretary and the food industry have effectively addressed cross-contact issues.

SEC. 205. INSPECTIONS RELATING TO FOOD ALLERGENS.

The Secretary of Health and Human Services shall conduct inspections consistent with the authority under section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) of facilities in which foods are manufactured, processed, packed, or held—

(1) to ensure that the entities operating the facilities comply with practices to reduce or eliminate cross-contact of a food with residues of major food allergens that are not intentional ingredients of the food; and

(2) to ensure that major food allergens are properly labeled on foods.

SEC. 206. GLUTEN LABELING.

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with appropriate experts and stakeholders, shall issue a proposed rule to define, and permit use of, the term ''gluten-free'' on the labeling of foods. Not later than 4 years after the date of enactment of this Act, the Secretary shall issue a final rule to define, and permit use of, the term ''gluten-free'' on the labeling of foods.

SEC. 207. IMPROVEMENT AND PUBLICATION OF DATA ON FOOD-RELATED ALLERGIC RESPONSES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Commissioner of Food and Drugs, shall improve (including by educating physicians and other health care providers) the collection of, and publish as it becomes available, national data on—

(1) the prevalence of food allergies;

(2) the incidence of clinically significant or serious adverse events related to food allergies; and

(3) the use of different modes of treatment for and prevention of allergic responses to foods.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

SEC. 208. FOOD ALLERGIES RESEARCH.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall convene an ad hoc panel of nationally recognized experts in allergy and immunology to review current basic and clinical research efforts related to food allergies.

(b) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the panel shall make recommendations to the Secretary for enhancing and coordinating research activities concerning food allergies, which the Secretary shall make public.

SEC. 209. FOOD ALLERGENS IN THE FOOD CODE.

The Secretary of Health and Human Services shall, in the Conference for Food Protection, as part of its efforts to encourage cooperative activities between the States under section 311 of the Public Health Service Act (42 U.S.C. 243), pursue revision of the Food Code to provide guidelines for preparing allergen-free foods in food establishments, including in restaurants, grocery store delicatessens and bakeries, and elementary and secondary school cafeterias. The Secretary shall consider guidelines and recommendations developed by public and private entities for public and private food establishments for preparing allergen-free foods in pursuing this revision.

SEC. 210. RECOMMENDATIONS REGARDING RESPONDING TO FOOD-RELATED ALLERGIC RESPONSES.

The Secretary of Health and Human Services shall, in providing technical assistance relating to trauma care and emergency medical services to State and local agencies under section 1202(b)(3) of the Public Health Service Act (42 U.S.C. 300d–2(b)(3)), include technical assistance relating to the use of different modes of treatment for and prevention of allergic responses to foods.

Mr. KENNEDY. Mr. President, I support both of the important provisions in this legislation, the Minor Use and Minor Species Animal Health Act and the Food Allergen Labeling and Consumer Protection Act.

Veterinarians now treat many animals with drugs approved for other animals or even for humans. Such use is sometimes illegal, and it is not always guided by the best evidence available on the safe and effective use of the drug in particular species. The animal health legislation will provide new ways for drugs for minor uses and minor species to become available to treat animals for which very few drugs are now approved.

The bill allows conditional approval by the Food and Drug Administration of all minor use drugs and minor species drugs. It also permits the use of unapproved drugs, if they are for use in nonfood producing minor species, and in certain circumstances, even in the early life stages of food-producing minor species. Safeguards are included so that these drugs will be safe for humans, just as any other animal drug must be safe for humans, and will not lead to antibiotic resistance in humans.

The legislation also allows new animal drugs to become ''designated new animal drugs,'' for which research grants and 7 years of market exclusivity will be available if they are approved or conditionally approved by the Food and Drug Administration.

Overall, this title of the bill will help to improve the health of family pets, zoo animals, and farm animals, and I commend Senator GREGG and Senator SESSIONS for their leadership in developing this legislation and enabling the Senate to consider it today.

The second title of the bill will give families greater confidence that the food they eat is safe. Under the Food Allergen Labeling and Consumer Protection Act, 7 million Americans with

food allergies will be able to identify a product's ingredients more easily and avoid foods that may harm them. One-hundred and fifty Americans die each year from food allergies, and this legislation will greatly reduce that number.

It requires the labels on food packages to identify ingredients related to one of the eight main food allergens, and to do so in easily understood words. The FDA is required to provide for ''gluten-free'' labels on foods, to help people with celiac disease avoid the glutens that cause their disease.

The bill also requires the Centers for Disease Control and Prevention to monitor deaths related to food allergies, and directs the National Institutes of Health to develop a plan for research on food alleries.

I commend Senator GREGG and my colleagues on the HELP Committee for their leadership on this title as well, and I urge the Senate to approve this legislation.

Mr. NICKLES. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 741), as amended, was read the third time and passed.

ORDERS FOR TUESDAY, MARCH 9, 2004

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Tuesday, March 9. I further ask unanimous consent that following the prayer and the pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. Con. Res. 95, the budget resolution; provided that when the Senate resumes consideration of the resolution tomorrow morning, there be 40 hours equally divided remaining for debate under the statutory limit.

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

PROGRAM

Mr. NICKLES. Mr. President, tomorrow the Senate will resume consideration of the budget resolution. When the Senate resumes debate, we will have 40 hours remaining of the 50-hour time limit for debate. It is the intention of the bill's managers to begin the amending process tomorrow morning. It is my hope that Members who wish to offer amendments will do so and also contact both myself and the ranking member, Senator CONRAD, in order, if at all possible, to prevent a vote-arama being drawn out at the conclusion of the debate.

I would also like to inform my colleagues that rollcall votes will occur throughout tomorrow. Senators will be notified when those votes are scheduled.

Mr. CONRAD. Mr. President, let me add my voice to the Chairman's voice on the question of amendments. We have gone back and looked over past budget resolutions, and we have seen that there has been substantial duplication in amendments, all of them included in what the chairman calls a vote-arama.

We believe if we all use a little more discipline we can reduce the number of amendments considered and still have a thorough debate on the key issues and the key differences between us. I am urging my colleagues to think if they have an amendment that is on No Child Left Behind, that they group together with other Senators who might be similarly inclined and offer an amendment together rather than three or four different amendments on the same subject.

I ask our colleagues that we have a good, full debate, we use this week well, we express the differences between us in a responsible way, but at the end, that we do not have a whole series of relatively minor amendments or repetitive amendments so we can have the best expression of the Senate's position on the budget.

I yield the floor.

Mr. NICKLES. I concur with my colleague, Senator CONRAD. He is exactly right. The Senate can manage debate on the Senate resolution and conduct itself much better than we have in the past. Senator CONRAD has been very helpful in making that happen. I think the debate we had today was a very good debate. We were expecting to yield back a lot of time. Frankly, we did not yield back much time because there was good, significant debate. We did not have prolonged quorum calls. We had a lot of speakers on both sides to present their views. I thank our colleagues for doing that.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:56 p.m., adjourned until Tuesday, March 9, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8, 2004:

DEPARTMENT OF JUSTICE

MICHELE M. LEONHART, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT.

DOMINGO S. HERRAIZ, OF OHIO, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE.

LAFAYETTE COLLINS, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

RONALD J. TENPAS, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR A TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

INTRODUCING THE JUVENILE PROTECTION FROM SEX SLAVERY TRAFFICKING ACT OF 2004

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 2004

Mr. EMANUEL. Mr. Speaker, as the world celebrates International Women's Day today, I am proud to rise with Representatives BURTON of Indiana, ANDREWS, CARDOZA, CHANDLER, ENGLISH, FROST, HOYER, MCCARTHY of Missouri, MILLER of Florida, and SANDLIN to introduce the Juvenile Protection from Sex Slavery Trafficking Act of 2004. Today, we recognize the female struggle for equality, justice, peace, and development in the political and economic process. The legislation we introduce today represents a step toward achieving those goals.

This bill takes an important step toward increasing penalties against individuals convicted of trafficking predominantly girls who are bought and sold as sex slaves. This bill treats kingpins of such trafficking networks just like drug kingpins responsible for the destruction of the futures and lives of our children.

The bill allows for capital punishment of kingpins who organize and operate child sex trafficking networks in the United States. These kingpins who engage in the most contemptible behavior often lure underage victims through befriending their families, many of whom reside in the poorest developing countries, and prey on their hopes for a better life. In an effort to kidnap their victims, kingpins convince parents that their children will be taught a useful trade, or they falsely promise marriage to daughters who are ultimately forced into prostitution. These broken promises often result in ruined lives and considerable suffering for the victim and the families.

Mr. Speaker, in response to this despicable behavior, the Juvenile Protection from Sex Slavery Trafficking Act of 2004 makes available the strongest possible punishment against perpetrators of these inhumane crimes against defenseless children. I strongly encourage my colleagues to support this legislation as a powerful step to protect the world's children from this despicable crime.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 2004

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, due to illness, I was absent for rollcall vote No. 34 on H. Res. 530 and rollcall vote No. 38 on H.R. 1561.

Had I been present, I would have voted ''aye'' on each of these rollcall votes.

JOBS AND THE ECONOMY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 2004

Mr. BACA. Mr. Speaker, the current unemployment rate is too high, especially for Hispanics and African Americans.

President Bush has overseen the disappearance of a record 2.9 million private sector jobs since 2001. The overall unemployment rate has stalled at 5.6 percent. It would be even higher if it included 1.7 million Americans who are no longer searching for employment.

The Hispanic rate rose from 6.6 percent to 7.4 percent. The manufacturing sector shed 2.8 million jobs in 3 years, job losses that disproportionately hurt Hispanics.

Last month, President Bush predicted 2.6 million jobs would be created in 2004. But how can we trust him? His own advisers did not stand by his predictions. The administration later stated that they overestimated the number of jobs the President would create.

The President's predictions are continually wrong. In 2002, he predicted 3 million jobs would be created in 2003. As the residents of the Inland Empire know all too well, those 3 million jobs never materialized.

The administration still does not get it. They claimed that letting manufacturing jobs move to China is good for the economy. They claimed that what is needed are cuts to Social Security and Medicare instead of rescinding the tax cuts to wealthy Americans.

Because of inaction, Hispanics and other minorities are being hit hard. We are out of work at higher rates than ever before. Unemployment benefits are ending. Food banks and hunger organizations report that more people are asking for help.

We are marching towards a jobless recovery. Corporate profits are expected to rise by 17 percent this year, but average wages for those who have jobs have fallen. Hispanics and other minorities are suffering. No one is hiring. Their benefits are gone, and people do not know what to do.

We need to help the unemployed. We need to give them job training, unemployment benefits, and health care. We need to stop the outsourcing of jobs overseas.

Unless Congress and the administration recognize the problems that face the American worker, the unemployment rate will rise and our economy will not recover.

ADMINISTRATION PROPOSAL CUTS HOUSING LIFELINE FOR PEOPLE WITH DISABILITIES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 2004

Mr. FRANK. Mr. Speaker, I was unhappy—although not surprised—to see the President's most recent assault on programs that provide housing for people in great need. The administration's 2005 budget proposal calling for deep cuts in the section 8 program will have many harmful effects if it is enacted, and among those who will be most damaged by it are people with disabilities.

Recently, the Consortium for Citizens with Disabilities Housing Task Force documented the great social harm that will result if we adopt the President's approach. This coalition, as Members can see by looking at the list of signatories of the document I am here inserting into the RECORD, broadly represents the major organizations in this country representing the needs of people with disabilities.

To quote from this Consortium's conclusion,

> The CCD Housing Task Force strongly believes that the Administration's Flexible Voucher Program proposal would significantly erode housing assistance for the poorest people with disabilities. We believe this proposal actually undermines stated Administration disability policy goals designed to promote community integration under the New Freedom Initiative an end chronic homelessness.

Mr. Speaker, the deeply flawed proposal the President has made to restrict section 8 housing vouchers will be one of the most important issues we will be debating in this Congress. No group has more to tell us about it than the Consortium for Citizens with Disabilities and I ask that the very important position paper of the Consortium's Housing Task Force be printed here so that Members will have the benefit of it during this debate.

POSITION PAPER ON THE ADMINISTRATION'S FY 2005 HUD BUDGET PROPOSAL, SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

ADMINISTRATION PROPOSAL WOULD CUT HOUSING LIFELINE FOR PEOPLE WITH DISABILITIES

The Bush Administration's FY 2005 HUD Budget proposal calls for deep cuts in the Section 8 Housing Choice Voucher Program. The budget also would radically alter the fundamental design of the program by converting it to a block grant administered by Public Housing Agencies (PHAs) for the benefit of higher income households. The Consortium for Citizens with Disabilities Housing Task Force (CCD Housing Task Force) is strongly opposed to the Administrations budget proposal which would cut more than $1 billion from current funding levels. We are also strongly opposed to the Administration's ill-conceived proposal to convert the program to the Flexible Voucher Program—a block-grant type approach which would eliminate many of the critical protections people with disabilities have under the current Section 8 program.

The CCD Housing Task Force is a coalition of national disability organizations working to promote access to affordable and accessible housing opportunities and community supports for people with disabilities. People with disabilities have the highest level unmet need for housing assistance of any group eligible for federally subsidized housing. In 2002, approximately 3.7 million non-elderly people with disabilities relied solely on federal Supplemental Security Income (SSI) benefits worth $545 per month. Priced

Out in 2002 (published by the CCD Housing Task Force and the Technical Assistance Collaborative) found that SSI recipients on average would need to pay 105 percent of their monthly SSI income to rent a modest one bedroom unit. The individuals whom we represent, many of whom depend solely on SSI or other disability benefits, are current participants in the Section 8 Housing Choice Voucher program or on Section 8 waiting lists. The Section 8 voucher program is central to their ability to have an opportunity to find affordable and accessible housing in the community.

ADMINISTRATION PROPOSAL WOULD SERIOUSLY HARM PEOPLE WITH DISABILITIES

The CCD Housing Task Force strongly believes that the Administration's Flexible Voucher Program proposal would significantly erode housing assistance for the poorest people with disabilities. We believe this proposal actually undermines stated Administration disability policy goals designed to promote community integration under the New Freedom Initiative and end chronic homelessness.

The Administration's proposal would cause serious harm to people with disabilities in the following ways:

Proposed reductions in funding of over $1 billion for FY 2005 would mean that at least 250,000 households, including at least 50,000 households with disabilities, would lose their Section 8 assistance within the next year;

The Administration's Flexible Voucher Program proposal would eliminate targeting to the lowest income households. The federal targeting is a current Section 8 program requirement that has helped people with disabilities to live in the community. The new program could be used for households up to 80 percent of median income and dedicated exclusively to homeownership—closing the doors on many people with disabilities.

Under the Administration's Flexible Voucher Program, people with disabilities could be required to pay much higher rents than they can afford. Current rules limiting tenant rents to 30–40 percent of income would be eliminated.

PHAs would be given incentives to assist higher income households, a policy that would result in fewer people with disabilities receiving vouchers.

PHAs could establish time limits on voucher holders. When a person's disability is permanent, their housing assistance should not be time limited. A time limited voucher could force people with disabilities back into nursing homes, institutions and other restrictive settings, and homeless shelters.

Congress would no longer have the authority—as it has for the past seven years—to target Section 8 vouchers for people with disabilities who have lost housing due to elderly-only policies. Over 50,000 people with currently funded disability vouchers would be at-risk.

Over the long term, the Administration's budget projections for 2005–2009 clearly show further erosion in voucher funding—putting more people with disabilities at-risk of losing their Section 8 assistance. By 2009, Section 8 expenditures would be more than $4.6 billion below what the Congressional Budget Office estimates would be needed to maintain the program's current level of funding. The Center for Budget and Policy Priorities (CBPP) projects that cuts of this magnitude would mean that 600,000 vouchers—or 30 percent of the vouchers currently authorized—would be eliminated.

PEOPLE WITH DISABILITIES NEED SECTION 8 VOUCHERS

People with disabilities have the highest level of unmet need for housing assistance of any group eligible for federally subsidized housing. The CCD Housing Task Force estimates that more than 3 million people with disabilities receiving SSI do not currently receive any housing assistance from HUD. The current Section 8 program is literally a ''lifeline'' for people with disabilities who rely on SSI, as well as other low income people with disabilities who simply cannot afford the cost of rental housing. Section 8 Vouchers are needed by people with disabilities who have been negatively affected by the loss of housing opportunities because of federal ''elderly only'' housing policies. Over 500,000 units of HUD public and assisted housing have ''elderly only'' policies, and more units are being designated ''elderly only'' every day.

THE ADMINISTRATION'S FLAWED RATIONALE

The Administration's proposal and their statements defending it are seriously flawed. The CCD Housing Task Force urges Members of Congress to treat this proposal with the same degree of skepticism and concern as it treated last year's Housing Assistance for Needy Families (HANF) proposal. One senior HUD official's public statement, that the current program's income-targeting requirements should be eliminated because they are not needed, can be rebutted by the fact that over 3 million people with disabilities below 30 percent of median income still do not receive federal housing assistance .

HUD officials state that converting the current voucher program to a block grant is needed to control the programs ''upward spiral in costs over the past two years''. This statement is also misleading. HUD's failure to produce accurate data and projections on Section 8 program costs cannot be used to imply that Section 8 program spending is ''out of control''. The rising costs in the Section 8 program during the past few years are due in part to improved PHA voucher utilization—as urged by the Congress—and leasing of new vouchers authorized from 1999–2002. Other cost factors include the escalating rental market of the late 1990s (which has now stabilized) and higher subsidy levels needed by households who have recently lost employment. CBPP's analysis projects that spending for the voucher program for FY 2005 will grow by only 1.6 percent, which is lower than the rate of inflation.

CONCLUSION

The current Section 8 Housing Choice Voucher program is the most important federal housing resource to address the housing needs of those with low incomes. We believe that Congress should maintain its responsibility to protect people with disabilities who receive or need Section 8 assistance. The CCD Housing Task Force urges Congress to fully fund the Section 8 voucher program in FY 2005, which means a $600 million increase over FY 2004 appropriation levels.

We also urge Congress to reject the Administration's Flexible Voucher Program proposal. This proposal is nothing more than another attempt by the Administration to achieve what they could not achieve in Congress last year, when bipartisan opposition to the HANF block grant proposal ensured its failure. We believe that Congress should continue to have the direct authority to ensure adequate funding for the program and to make decisions on how the Section 8 program is utilized.

HUD's role in administering the Section 8 program and monitoring the use of vouchers by PHAs is critically important. HUD should be held responsible for devoting the necessary resources to carry out these responsibilities successfully. Many of the current problems with the Section 8 program can be attributed to HUD's mismanagement—including long-standing mismanagement of over 50,000 vouchers targeted to people with disabilities. Most importantly, the Section 8 program should continue to be targeted to addressing the most critical housing needs in our country today—those of extremely low-income people including people with disabilities.

CCD Housing Task Force

American Association of People with Disabilities
American Association on Mental Retardation
American Network of Community Options and Resources
Association of University Centers on Disabilities
Bazelon Center for Mental Health Law
Brain Injury Association of America
Easter Seals
Epilepsy Foundation
International Association of Psychosocial Rehabilitation Services
National Alliance for the Mentally Ill
National Alliance to End Homelessness
National Association of Protection and Advocacy Systems
National Mental Health Association
Paralyzed Veterans of America
Spina Bifida Association of America
The Arc of the United States
United Cerebral Palsy
United Spinal Association (formerly Eastern Paralyzed Veterans Association)

HONORING THE BAY AREA ORIGINAL TUSKEGEE AIRMEN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 2004

Ms. LEE. Mr. Speaker, I rise today to honor the 23 original San Francisco Bay Area Tuskegee Airmen. Tomorrow, March 9, 2004, marks the celebration of Tuskegee Airmen Day in Oakland. On behalf of the 9th Congressional District, I would like to thank them for their tireless and devoted service.

The Tuskegee Airmen are a noble and proud group. Their legacy as the first African Americans ever to qualify as fighter pilots is remarkable and worthy of preservation. These efforts helped pave the way for generations of African-American soldiers, officers, pilots, sailors, and Marines. The Tuskegee airmen didn't lose a single bomber they escorted during the World War II.

Further, their story holds many valuable lessons to be shared with future generations. The principles of life, liberty, and democracy that they fought for and strengthened serve us all today. After liberating Europe, they returned to their homes and hearths to pursue the fight for equal rights, for which we are in their debt.

The Bay Area Original Tuskegee Airmen are: Reuben B. Bilbo, Samuel Broadnax, Dr. Richard Caesar, William A. Campbell, Le Roy Gillead, James C. Goodwin, Arthur C. Harmon, Calvin C. Hobbs, Harold Hoskins, George J. Iles, Alvin J. Johnson, Dr. Wendell Lipscomb, Robert A. Matthews, Fred L. McLaurin, Adolph J. Moret, Jr., George W. Porter, Leon Spears, Morris T. Tatum, James A. Walker, James C. Warren, Theodore Wilson, Lester Williams, and Leona F. Woodward.

Finally, as we honor these brave veterans today, I want to honor their contributions as men, fathers, medical doctors, professors, artists, engineers, technicians, and researchers. I

take great pride in joining their families and friends to recognize and celebrate the many accomplishments and contributions of the Bay Area Original Tuskegee Airmen. God bless them all.

JEWISH COUNCIL FOR PUBLIC AFFAIRS OPPOSES IRRESPONSIBLE TAX CUTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, two weeks ago I was privileged to be able to speak to the Jewish Council for Public Affairs, at a national convention held in Boston, representing organized Jewish communities across the country. The various Jewish communal organizations are active on a variety of fronts, including efforts to alleviate poverty and social distress. The participants in the organizations that make up the JCPA are themselves individuals who give freely to charity, and understand in part because of this that while private charity is extremely important, it is no substitute for well-funded government programs that meet social needs.

Drawing on their experiences in this regard across the country, the attendees at the Plenum of the Jewish Council for Public Affairs adopted a resolution, which called on the Congress ''to reject efforts to make permanent the 2003 tax cuts.''

As the resolution notes, ''to feed the hungry, clothe the poor, heal the sick, and educate our children, our Federal Government requires the resources that come from tax revenue.''

This does not mean that the council opposes all of the tax cuts previously enacted, but this strong statement against the proposal to make permanent all of the 2003 tax cuts deserves very serious attention, given the moral credentials of those who enacted it.

Mr. Speaker, because this is one of the most important questions that will be facing us in this Congress, I ask that the very compelling resolution against making all of the 2003 tax cuts permanent be printed here.

JCPA RESOLUT1ON IN OPPOSITION TO MAKING PERMANENT THE 2003 FEDERAL TAX CUTS

As Jews and Americans, we are committed to aiding members of our community in need through the work of our synagogues, CRCs and other private organizations, while relying on our Federal Government to ensure that it has the fiscal means to meet the needs of all its citizens. To feed the hungry, clothe the poor, heal the sick, and educate our children, our Federal Government requires the resources that come from tax revenue.

The Bush Administration's proposed Fiscal Year 2005 budget seeks to make permanent the Federal tax cuts passed in 2003. To do so would increase deficits by $2 trillion between 2005–2014, inhibiting Federal investment in both existing and new programs. These tax cuts will affect the lives and well-being of our children, and our children's children, who will struggle in a society weakened by the fiscal decisions our government is now making. The JCPA calls on the Administration and Congress to enact legislation that will allow the Federal Government to meet its responsibilities to its citizens and to reject efforts to make permanent the 2003 tax cuts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 9, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 10

9:25 a.m.
Environment and Public Works
Business meeting to consider S. 1904, to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr. United States Courthouse'', S. 2022, to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building'', and S. 2043, to designate a Federal building in Harrisburg, Pennsylvania, as the ''Ronald Reagan Federal Building''; to be followed by a hearing to examine the President's proposed fiscal year 2005 budget for the Environmental Protection Agency.
SD–406

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the defense nuclear nonproliferation programs of the Department of Energy and the Cooperative Threat Reduction programs of the Department of Defense in review of the defense authorization request for fiscal year 2005; to be followed by closed hearings in SR–232A.
SR–222

Foreign Relations
To hold hearings to examine nonproliferation and arms control issues, focusing on strategic choices.
SD–419

Indian Affairs
To hold oversight hearings to examine proposed reorganization of major agencies and functions related to Indian trust reform matters within the Department of the Interior.
SR–485

Rules and Administration
To hold hearings to examine the scope and operation of organizations registered under Section 527 of the Internal Revenue Code.
SR–301

10 a.m.
Banking, Housing, and Urban Affairs
To resume hearings to examine current investigations and regulatory actions regarding the mutual fund industry relating to the regulatory landscape.
SD–538

Commerce, Science, and Transportation
To hold hearings to examine the use and effects of steroids.
SR–253

Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for Navy and Marine Corps programs.
SD–192

Judiciary
To hold hearings to examine S.J. Res. 4, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.
SD–106

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
SH–216

Joint Economic Committee
To hold hearings to examine issues relative to helping Americans save.
SD–628

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

1 p.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings to examine Argentina's financial crisis.
SD–538

2 p.m.
Finance
To hold hearings to examine United States economic and trade policy in the Middle East.
SD–215

Armed Services
SeaPower Subcommittee
To hold hearings to examine the posture of the U.S. Transportation Command in review of the defense authorization request for fiscal year 2005 and the future years defense program.
SR–232A

2:30 p.m.
Judiciary
To hold hearings to examine the nominations of Peter W. Hall, of Vermont, to be United States Circuit Judge for the Second Circuit, Jane J. Boyle, to be United States District Judge for the Northern District of Texas, Marcia G. Cooke, to be United States District Judge for the Southern District of Florida, and Walter D. Kelley, Jr., to be United States District Judge for the Eastern District of Virginia.
SD–226

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 1354, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, S. 1575 and H.R. 1092, both to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada, S. 1778, to authorize a land conveyance between the United State and the City of Craig, Alaska, S. 1819 and H.R. 272, both to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries, and H.R. 3249, to extend the term of the Forest Counties Payments Committee.
SD–366

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine NASA/Mars exploration program.
SR–253

Foreign Relations
Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee
To hold hearings to examine the future of U.S.-Haitian relations.
SD–419

MARCH 11

9:30 a.m.
Armed Services
To hold hearings to examine missile defense in review of the defense authorization request for fiscal year 2005.
SR–325

Governmental Affairs
To resume hearings to examine postal reform issues, focusing on sustaining the 9 million jobs in the $900 billion mailing industry.
SD–342

Appropriations
Interior Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Agriculture's Forest Service.
SD–124

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 2086, to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines, and S. 2049, to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize collection of reclamation fees, revise the abandoned mine reclamation program, promote remining, authorize the Office of Surface Mining to collect the black lung excise tax, and make sundry other changes.
SD–366

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the National Aeronautics and Space Administration.
SD–106

11 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Library of Congress.
SD–138

2 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine Army Transformation in review of the defense authorization request for fiscal year 2005 and the future years defense program.
SR–232A

2:30 p.m.
Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold an oversight hearing to examine national flood insurance repetitive losses.
SD–538

Energy and Natural Resources
To hold hearings to examine the nomination of Sue Ellen Wooldridge, of Virginia, to be Solicitor of the Department of the Interior.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MARCH 18

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Air Force Sergeants Association, the Retired Enlisted Association, Gold Star Wives of America, and the Fleet Reserve Association.
345CHOB

MARCH 23

9:30 a.m.
Armed Services
To hold hearings to examine atomic energy defense activities of the Department of Energy relating to the defense authorization request for fiscal year 2005.
SD–106

10 a.m.
Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine mental health services.
SD–430

MARCH 24

9:30 a.m.
Indian Affairs
To hold hearings to examine S. 1529, to amend the Indian Gaming Regulatory Act to include provisions relating to the payment and administration of gaming fees.
SR–485

MARCH 25

9:30 a.m.
Armed Services
To hold hearings to examine the role of the U.S. Northern Command and U.S. Special Operations Command in defending the homeland and in the global war on terrorism, in review of the defense authorization request for fiscal year 2005; to be followed by a closed session in SH–219.
SH–216

10 a.m.
Health, Education, Labor, and Pensions
Employment, Safety, and Training Subcommittee
To hold hearings to examine MSDS and OSHA hazardous commission.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Officers Association of America.
345CHOB

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine national security space programs and management in review of the defense authorization request for fiscal year 2005.
SR–232A

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1085, to provide for a Bureau of Reclamation program to assist states and local communities in evaluating and developing rural and small community water supply systems, and S. 1732, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.
SD–366

MARCH 31

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345CHOB

CANCELLATIONS

MARCH 10

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

MARCH 11

10 a.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine child and family issues.
SD–430

POSTPONEMENTS

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine lessons learned relating to the 1996 Telecommunications Act.
SR–253

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Bureau of Reclamation and the Army Corps of Engineers.
SD–124

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2255–S2375

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 2172–2176, and S. Con. Res. 96. **Page S2301**

Measures Reported:

Reported on Friday, March 5, during the adjournment:

S. Con. Res. 95, setting forth the congressional budget for theUnited States Government for fiscal year 2005 and including theappropriate budgetary levels for fiscal years 2006 through 2009. **Page S2301**

Measures Passed:

Commemorating First Meeting of Republican Party: Senate agreed to S. Con. Res. 96, commemorating the 150th anniversary of the first meeting of the Republican Party in Ripon, Wisconsin.

Pages S2364–65

Minor Use and Minor Species Animal Health Act: Senate passed S. 741, to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, after agreeing to the committee amendment in the nature of a substitute.

Pages S2365–75

Budget Resolution: Senate began consideration of S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

Pages S2256–94, S2375

A unanimous-consent agreement was reached providing for further consideration of the resolution at 9:30 a.m., on Tuesday, March 9, 2004; provided further, that there be 40 hours equally divided remaining for debate under the statutory limit. **Page S2375**

Executive Reports of Committees: Senate received the following executive report of a committee:

Report to accompany the Convention Between the Government of the United States of America and the Government of Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at Washington on November 6, 2003, together with a Protocol and an exchange of notes (the ''Convention'') (Treaty Doc. 108–14) (Ex. Rept. 108–9)

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on the intent to enter into a Free Trade Agreement (FTA) with the Government of Morocco; to the Committee on Finance. (PM–71) **Page S2299**

Transmitting, pursuant to law, a report to the Congress on Implementation of Public Law 107–228 Authority for Russian Federation Debt Reduction for Nonproliferation; to the Committee on Foreign Relations. (PM–72) **Page S2299**

Nominations Confirmed: Senate confirmed the following nominations:

Domingo S. Herraiz, of Ohio, to be Director of the Bureau of Justice Assistance.

Michele M. Leonhart, of California, to be Deputy Administrator of Drug Enforcement.

LaFayette Collins, of Texas, to be United States Marshal for the Western District of Texas for the term of four years.

Ronald J. Tenpas, of Illinois, to be United States Attorney for the Southern District of Illinois for a term of four years. **Pages S2364, S2375**

Messages From the House: **Page S2299**

Measures Referred: **Page S2299**

Enrolled Bills Presented: **Page S2299**

Executive Communications: **Pages S2299–S2301**

Executive Reports of Committees: **Page S2301**

Additional Cosponsors: **Pages S2301–03**

Statements on Introduced Bills/Resolutions: **Pages S2303–09**

Additional Statements: **Pages S2297–99**

Amendments Submitted: **Page S2309**

Authority for Committees to Meet: **Pages S2313–14**

Privilege of the Floor: **Page S2314**

Text of H.R. 1047, as Previously Passed: **Pages S2314–64**

Adjournment: Senate convened at 12 noon, and adjourned at 7:56 p.m., until 9:30 a.m., on Tuesday, March 9, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2375.)

Committee Meetings

(Committees not listed did not meet)

2005 BUDGET

Committee on the Budget: On Thursday, March 4, Committee ordered favorably reported an original concurrent resolution (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Mark B. McClellan, of the District of Columbia, to be Administrator of the Centers for Medicare and Medicaid Services, Department of Health and Human Services, who was introduced by Tommy G. Thompson, Secretary of Health and Human Services; Brian Carlton Roseboro, of New Jersey, to be an Under Secretary of the Treasury, Donald L. Korb, of Ohio, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel, Department of the Treasury, and Mark J. Warshawsky, of Maryland, to be an Assistant Secretary of the Treasury, after each nominee testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Measures Introduced: One public bill, H.R. 3913, was introduced. **Page H876**

Additional Cosponsors: **Page H876**

Reports Filed: Reports were filed today as follows:

H.R. 339, to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements, amended (H. Rept. 108–432). **Pages H875–76**

Speaker: Read a letter from the Speaker wherein he appointed Representative Cole to act as Speaker Pro Tempore for today. **Page H873**

Senate Message: Message from the Senate appears today on page H873.

Quorum Calls—Votes: There were no votes or quorum calls today.

Adjournment: The House met at 10 a.m. and adjourned at 10:05 a.m.

Committee Meetings

DISTRICT OF COLUMBIA—ENSURING SAFE DRINKING WATER

Committee on Government Reform: On March 5, the Committee held a hearing entitled ''Public Confidence, Down the Drain: The Federal Role in Ensuring Safe Drinking Water in the District of Columbia.'' Testimony was heard from the following officials of the EPA: Benjamin H. Grumbles, Acting Assistant Administrator, Office of Water; and Donald S. Welsh, Regional Administrator, Region III; Thomas P. Jacobus, General Manager, Washington Aqueduct, U.S. Army Corps of Engineers, Department of the Army; Glenn S. Gerstell, Chairman, District of Columbia Water and Sewer Authority; and public witnesses.

IRAQI WEAPONS OF MASS DESTRUCTION

Permanent Select Committee on Intelligence: On March 5, the Committee met in executive session to hold a hearing on Iraqi Weapons of Mass Destruction. Testimony was heard from departmental witnesses.

Joint Meetings

EMPLOYMENT SITUATION

Joint Economic Committee: On Friday, March 5, Committee concluded hearings to examine the employment situation for February 2004, focusing on economic growth, business activity in the manufacturing and service industries, the Gross Domestic Product (GDP), job creation and loss, and discouraged workers—those who have stopped seeking work because of discouragement over their job prospects, after receiving testimony from Kathleen P. Utgoff, Commissioner, Bureau of Labor Statistics, Department of Labor.

COMMITTEE MEETINGS FOR TUESDAY, MARCH 9, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2005 for border and transportation security, 10 a.m., SD–124.

Subcommittee on Transportation, Treasury and General Government, to hold hearings to examine budget and management challenges for the Department of Transportation, 10 a.m., SD–138.

Committee on Armed Services: to hold hearings to examine current and future worldwide threats to the national security of the United States; to be followed by a closed session in SH–219, 9:30 a.m., SD–106.

Subcommittee on Readiness and Management Support, to hold hearings to examine military readiness programs in review of the defense authorization request for fiscal year 2005, 2:30 p.m., SR–232A.

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold oversight hearings to examine water supply issues in the arid West, 10 a.m., SD–366.

Subcommittee on National Parks, to hold hearings to examine S. 1306, to introduce the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, H.R. 1521, to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, H.R. 1446, to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, S. 1430, to direct the Secretary of the Interior to conduct a study of the Baranov Museum in Kodiak, Alaska, for potential inclusion in the National Park System, and S. 1687, to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System, 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine the administration's international trade agenda, 10 a.m., SD–215.

Committee on Foreign Relations: to hold a closed briefing on transition to sovereignty relating to Iraq, 2:30 p.m., S–407, Capitol.

Committee on Governmental Affairs: to hold hearings to examine postal reform issues, focusing on sustaining the 9 million jobs in the $900 billion mailing industry, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine advantages and impediments in relation to a year round college calendar, 9:30 a.m., SD–430.

Committee on Veterans' Affairs: to hold hearings to examine S. 1509, to amend title 38, United States Code, to provide a gratuity to veterans, their spouses, and children who contract HIV or AIDS as a result of a blood transfusion relating to a service-connected disability, 2:30 p.m., SR–418.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine the new Medicare drug discount card, focusing on consumer savings, beneficiary education, implementation and outreach to low-income seniors, and how the new cards will work with existing discount programs, 10 a.m., SD–628.

House

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Teachers and Math and Science Education, 10 a.m., 2358 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Emergency Threats and International Relations, hearing on Nonproliferation: Assessing Missile Technology Export Controls, 2 p.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing on the Department of Justice: Executive Office for United States Attorneys, Civil Division, Environment and Natural Resources Division, Executive Office for United States Trustees, and Office of the Solicitor General, 3 p.m., 2141 Rayburn.

Committee on Rules, to consider H.R. 339, Personal Responsibility in Food Consumption Act, 5 p.m., H–313 Capitol.

Committee on Ways and Means, Subcommittee on Health, hearing on the Uninsured, 2 p.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees on H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, 5 p.m., HC–6, Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Tuesday, March 9

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12:30 p.m., Tuesday, March 9

House Chamber

Program for Tuesday: Consideration of Suspensions:

(1) H. Res. 519, Expressing the sense of the House of Representatives with respect to the earthquake that occurred in San Luis Obispo, Co., CA, on 12/22/03;

(2) H.R. 3536, Army Staff Sgt. Lincoln Hollinsaid Malden Post Office Designation Act;

(3) H.R. 3537, Army Pvt. Shawn Pahnke Manhattan Post Office Designation Act;

(4) H.R. 3538, Marine Capt. Ryan Beaupre Saint Anne Post Office Building Designation Act;

(5) H. Res. 392, Congratulating the Detroit Shock for winning the 2003 Women's National Basketball Association championship;

(6) H. Res. 475, Congratulating the San Jose Earthquakes for winning the 2003 Major League Soccer Cup;

(7) S. 1881, Medical Devices Technical Corrections Act; and

(8) H. Con. Res. 334, Expressing the sense of Congress that ''Kids Love a Mystery Month'' should be established.

Extensions of Remarks, as inserted in this issue

HOUSE

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Emanuel, Rahm, Ill., E315
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