

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

IN THE SENATE OF THE UNITED STATES—109th Cong., 2d Sess.

H. R. 4388

To amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. ORGANIZATION OF ACT INTO DIVISIONS.**

4 This Act is organized into 4 divisions as follows:

5 (1) DIVISION A.—Tax Provisions.

6 (2) DIVISION B.—Energy and Environmental
7 Provisions.

8 (3) DIVISION C.—Tariff and Trade Provisions.

1 (4) DIVISION D.—Medicare, Medicaid, and
 2 SCHIP Provisions.

3 **DIVISION A—TAX PROVISIONS**

4 **SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE;**
 5 **TABLE OF CONTENTS.**

6 (a) SHORT TITLE.—This division may be cited as the
 7 “Extension of Tax Relief Act of 2006”.

8 (b) AMENDMENT OF 1986 CODE.—Except as other-
 9 wise expressly provided, whenever in this division an
 10 amendment or repeal is expressed in terms of an amend-
 11 ment to, or repeal of, a section or other provision, the ref-
 12 erence shall be considered to be made to a section or other
 13 provision of the Internal Revenue Code of 1986.

14 (c) TABLE OF CONTENTS.—The table of contents for
 15 this division is as follows:

DIVISION A—TAX PROVISIONS

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF
 PROVISIONS

- Sec. 101. Deduction for qualified tuition and related expenses.
- Sec. 102. Extension and modification of new markets tax credit.
- Sec. 103. Election to deduct State and local general sales taxes.
- Sec. 104. Extension and modification of research credit.
- Sec. 105. Work opportunity tax credit and welfare-to-work credit.
- Sec. 106. Election to include combat pay as earned income for purposes of earned income credit.
- Sec. 107. Extension and modification of qualified zone academy bonds.
- Sec. 108. Above-the-line deduction for certain expenses of elementary and secondary school teachers.
- Sec. 109. Extension and expansion of expensing of brownfields remediation costs.
- Sec. 110. Tax incentives for investment in the District of Columbia.
- Sec. 111. Indian employment tax credit.
- Sec. 112. Accelerated depreciation for business property on Indian reservations.

- Sec. 113. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
- Sec. 114. Cover over of tax on distilled spirits.
- Sec. 115. Parity in application of certain limits to mental health benefits.
- Sec. 116. Corporate donations of scientific property used for research and of computer technology and equipment.
- Sec. 117. Availability of medical savings accounts.
- Sec. 118. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
- Sec. 119. American Samoa economic development credit.
- Sec. 120. Authority for undercover operations.
- Sec. 121. Disclosures of certain tax return information.
- Sec. 122. Special rule for elections under expired provisions.

TITLE II—OTHER PROVISIONS

- Sec. 201. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 202. Credit for prior year minimum tax liability made refundable after period of years.
- Sec. 203. Returns required in connection with certain options.
- Sec. 204. Partial expensing for advanced mine safety equipment.
- Sec. 205. Mine rescue team training tax credit.
- Sec. 206. Whistleblower reforms.
- Sec. 207. Frivolous tax submissions.
- Sec. 208. Addition of meningococcal and human papillomavirus vaccines to list of taxable vaccines.
- Sec. 209. Clarification of taxation of certain settlement funds made permanent.
- Sec. 210. Modification of active business definition under section 355 made permanent.
- Sec. 211. Revision of State veterans limit made permanent.
- Sec. 212. Capital gains treatment for certain self-created musical works made permanent.
- Sec. 213. Reduction in minimum vessel tonnage which qualifies for tonnage tax made permanent.
- Sec. 214. Modification of special arbitrage rule for certain funds made permanent.
- Sec. 215. Great Lakes domestic shipping to not disqualify vessel from tonnage tax.
- Sec. 216. Use of qualified mortgage bonds to finance residences for veterans without regard to first-time homebuyer requirement.
- Sec. 217. Exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
- Sec. 218. Treatment of coke and coke gas.
- Sec. 219. Sale of property by judicial officers.
- Sec. 220. Premiums for mortgage insurance.
- Sec. 221. Modification of refunds for kerosene used in aviation.
- Sec. 222. Modification of railroad track maintenance credit.
- Sec. 223. Restructuring of New York Liberty Zone tax credits.
- Sec. 224. Extension of bonus depreciation for certain qualified Gulf Opportunity Zone property.
- Sec. 225. Technical corrections.

TITLE III—EXTENSION AND MODIFICATION OF CERTAIN EXPIRING ENERGY AND EXCISE TAX PROVISIONS

- Sec. 301. Credit for electricity produced from certain renewable resources.
- Sec. 302. Credit to holders of clean renewable energy bonds.
- Sec. 303. Alternate sulfur dioxide removal measurement for advanced coal-based generation technology units designed to use subbituminous coal.
- Sec. 304. Deduction for energy efficient commercial buildings.
- Sec. 305. Credit for new energy efficient homes.
- Sec. 306. Credit for residential energy efficient property.
- Sec. 307. Energy credit.
- Sec. 308. Special rule for qualified methanol or ethanol fuel made from coal.
- Sec. 309. Ethanol tariff extension.
- Sec. 310. Special depreciation allowance for cellulosic biomass ethanol plant property.
- Sec. 311. Taxation of taxable fuels in foreign trade zones.
- Sec. 312. Expenditures permitted from the Leaking Underground Storage Tank Trust Fund.
- Sec. 313. Withdrawal of certain Federal land and interests in certain Federal land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws.

1 **TITLE I—EXTENSION AND**
2 **EXPANSION OF CERTAIN TAX**
3 **RELIEF PROVISIONS**

4 **SEC. 101. DEDUCTION FOR QUALIFIED TUITION AND RE-**
5 **LATED EXPENSES.**

6 (a) IN GENERAL.—Section 222(e) is amended by
7 striking “2005” and inserting “2007”.

8 (b) CONFORMING AMENDMENTS.—Section
9 222(b)(2)(B) is amended—

10 (1) by striking “a taxable year beginning in
11 2004 or 2005” and inserting “any taxable year be-
12 ginning after 2003”, and

13 (2) by striking “2004 AND 2005” in the heading
14 and inserting “AFTER 2003”.

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

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

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

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

13 “(6) which ensure that non-metropolitan coun-
14 ties receive a proportional allocation of qualified eq-
15 uity investments.”.

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

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

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

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

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

2 **CREDIT.**

3 (a) **EXTENSION.**—

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

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

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

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

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

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

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

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

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

1 (3) TRANSITION RULE.—

2 (A) IN GENERAL.—In the case of a speci-
3 fied transitional taxable year for which an elec-
4 tion under section 41(c)(4) of the Internal Rev-
5 enue Code of 1986 applies, the credit deter-
6 mined under section 41(a)(1) of such Code shall
7 be equal to the sum of—

8 (i) the applicable 2006 percentage
9 multiplied by the amount determined
10 under section 41(c)(4)(A) of such Code (as
11 in effect for taxable years ending on De-
12 cember 31, 2006), plus

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

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

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

1 (ii) APPLICABLE 2006 PERCENTAGE.—

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

7 (iii) APPLICABLE 2007 PERCENT-

8 AGE.—The term “applicable 2007 percent-
9 age” means the number of days in the
10 specified transitional taxable year after De-
11 cember 31, 2006, divided by the number of
12 days in such taxable year.

13 (c) ALTERNATIVE SIMPLIFIED CREDIT FOR QUALI-
14 FIED RESEARCH EXPENSES.—

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

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

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

1 taxable year as exceeds 50 percent of the aver-
2 age qualified research expenses for the 3 tax-
3 able years preceding the taxable year for which
4 the credit is being determined.

5 “(B) SPECIAL RULE IN CASE OF NO
6 QUALIFIED RESEARCH EXPENSES IN ANY OF 3
7 PRECEDING TAXABLE YEARS.—

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

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

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

1 under section 41(a)(1) of such Code (as in
2 effect for taxable years ending on Decem-
3 ber 31, 2006), plus

4 (ii) the applicable 2007 percentage
5 multiplied by the amount determined
6 under section 41(c)(5) of such Code (as in
7 effect for taxable years ending on January
8 1, 2007).

9 (B) DEFINITIONS AND SPECIAL RULES.—

10 For purposes of subparagraph (A)—

11 (i) DEFINITIONS.—Terms used in this
12 paragraph which are also used in sub-
13 section (b)(3) shall have the respective
14 meanings given such terms in such sub-
15 section.

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

20 (iii) DEFERRAL OF DEEMED ELEC-
21 TION REVOCATION.—Any election under
22 section 41(c)(4) of the Internal Revenue
23 Code of 1986 treated as revoked under
24 paragraph (2) shall be treated as revoked

1 for the taxable year after the specified
2 transitional taxable year.

3 **SEC. 105. WORK OPPORTUNITY TAX CREDIT AND WELFARE-**
4 **TO-WORK CREDIT.**

5 (a) IN GENERAL.—Sections 51(c)(4)(B) and 51A(f)
6 are each amended by striking “2005” and inserting
7 “2007”.

8 (b) ELIGIBILITY OF EX-FELONS DETERMINED
9 WITHOUT REGARD TO FAMILY INCOME.—Paragraph (4)
10 of section 51(d) is amended by adding “and” at the end
11 of subparagraph (A), by striking “, and” at the end of
12 subparagraph (B) and inserting a period, and by striking
13 all that follows subparagraph (B).

14 (c) INCREASE IN MAXIMUM AGE FOR ELIGIBILITY OF
15 FOOD STAMP RECIPIENTS.—Clause (i) of section
16 51(d)(8)(A) is amended by striking “25” and inserting
17 “40”.

18 (d) EXTENSION OF PAPERWORK FILING DEAD-
19 LINE.—Section 51(d)(12)(A)(ii)(II) is amended by strik-
20 ing “21st day” and inserting “28th day”.

21 (e) CONSOLIDATION OF WORK OPPORTUNITY CRED-
22 IT WITH WELFARE-TO-WORK CREDIT.—

23 (1) IN GENERAL.—Paragraph (1) of section
24 51(d) is amended by striking “or” at the end of sub-
25 paragraph (G), by striking the period at the end of

1 subparagraph (H) and inserting “, or”, and by add-
2 ing at the end the following new subparagraph:

3 “(I) a long-term family assistance recipi-
4 ent.”.

5 (2) LONG-TERM FAMILY ASSISTANCE RECIPI-
6 ENT.—Subsection (d) of section 51 is amended by
7 redesignating paragraphs (10) through (12) as para-
8 graphs (11) through (13), respectively, and by in-
9 serting after paragraph (9) the following new para-
10 graph:

11 “(10) LONG-TERM FAMILY ASSISTANCE RECIPI-
12 ENT.—The term ‘long-term family assistance recipi-
13 ent’ means any individual who is certified by the
14 designated local agency—

15 “(A) as being a member of a family receiv-
16 ing assistance under a IV–A program (as de-
17 fined in paragraph (2)(B)) for at least the 18-
18 month period ending on the hiring date,

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

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

1 “(C)(i) as being a member of a family
2 which ceased to be eligible for such assistance
3 by reason of any limitation imposed by Federal
4 or State law on the maximum period such as-
5 sistance is payable to a family, and

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

9 (3) INCREASED CREDIT FOR EMPLOYMENT OF
10 LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—Sec-
11 tion 51 is amended by inserting after subsection (d)
12 the following new subsection:

13 “(e) CREDIT FOR SECOND-YEAR WAGES FOR EM-
14 PLOYMENT OF LONG-TERM FAMILY ASSISTANCE RECIPI-
15 ENTS.—

16 “(1) IN GENERAL.—With respect to the em-
17 ployment of a long-term family assistance
18 recipient—

19 “(A) the amount of the work opportunity
20 credit determined under this section for the tax-
21 able year shall include 50 percent of the quali-
22 fied second-year wages for such year, and

23 “(B) in lieu of applying subsection (b)(3),
24 the amount of the qualified first-year wages,
25 and the amount of qualified second-year wages,

1 which may be taken into account with respect
2 to such a recipient shall not exceed \$10,000 per
3 year.

4 “(2) QUALIFIED SECOND-YEAR WAGES.—For
5 purposes of this subsection, the term ‘qualified sec-
6 ond-year wages’ means qualified wages—

7 “(A) which are paid to a long-term family
8 assistance recipient, and

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

14 “(3) SPECIAL RULES FOR AGRICULTURAL AND
15 RAILWAY LABOR.—If such recipient is an employee
16 to whom subparagraph (A) or (B) of subsection
17 (h)(1) applies, rules similar to the rules of such sub-
18 paragraphs shall apply except that—

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

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

23 (4) REPEAL OF SEPARATE WELFARE-TO-WORK
24 CREDIT.—

1 (A) IN GENERAL.—Section 51A is hereby
2 repealed.

3 (B) CLERICAL AMENDMENT.—The table of
4 sections for subpart F of part IV of subchapter
5 A of chapter 1 is amended by striking the item
6 relating to section 51A.

7 (f) EFFECTIVE DATES.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the amendments made by this section
10 shall apply to individuals who begin work for the
11 employer after December 31, 2005.

12 (2) CONSOLIDATION.—The amendments made
13 by subsections (b), (c), (d), and (e) shall apply to in-
14 dividuals who begin work for the employer after De-
15 cember 31, 2006.

16 **SEC. 106. ELECTION TO INCLUDE COMBAT PAY AS EARNED**
17 **INCOME FOR PURPOSES OF EARNED INCOME**
18 **CREDIT.**

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

21 (b) EFFECTIVE DATE.—The amendment made by
22 this section shall apply to taxable years beginning after
23 December 31, 2006.

1 **SEC. 107. EXTENSION AND MODIFICATION OF QUALIFIED**
2 **ZONE ACADEMY BONDS.**

3 (a) IN GENERAL.—Paragraph (1) of section
4 1397E(e) is amended by striking “and 2005” and insert-
5 ing “2005, 2006, and 2007”.

6 (b) SPECIAL RULES RELATING TO EXPENDITURES,
7 ARBITRAGE, AND REPORTING.—

8 (1) IN GENERAL.—Section 1397E is
9 amended—

10 (A) in subsection (d)(1), by striking “and”
11 at the end of subparagraph (C)(iii), by striking
12 the period at the end of subparagraph (D) and
13 inserting “, and”, and by adding at the end the
14 following new subparagraph:

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

17 (B) by redesignating subsections (f), (g),
18 (h), and (i) as subsection (i), (j), (k), and (l),
19 respectively, and by inserting after subsection
20 (e) the following new subsections:

21 “(f) SPECIAL RULES RELATING TO EXPENDI-
22 TURES.—

23 “(1) IN GENERAL.—An issue shall be treated as
24 meeting the requirements of this subsection if, as of
25 the date of issuance, the issuer reasonably expects—

1 “(A) at least 95 percent of the proceeds
2 from the sale of the issue are to be spent for
3 1 or more qualified purposes with respect to
4 qualified zone academies within the 5-year pe-
5 riod beginning on the date of issuance of the
6 qualified zone academy bond,

7 “(B) a binding commitment with a third
8 party to spend at least 10 percent of the pro-
9 ceeds from the sale of the issue will be incurred
10 within the 6-month period beginning on the
11 date of issuance of the qualified zone academy
12 bond, and

13 “(C) such purposes will be completed with
14 due diligence and the proceeds from the sale of
15 the issue will be spent with due diligence.

16 “(2) EXTENSION OF PERIOD.—Upon submis-
17 sion of a request prior to the expiration of the period
18 described in paragraph (1)(A), the Secretary may
19 extend such period if the issuer establishes that the
20 failure to satisfy the 5-year requirement is due to
21 reasonable cause and the related purposes will con-
22 tinue to proceed with due diligence.

23 “(3) FAILURE TO SPEND REQUIRED AMOUNT
24 OF BOND PROCEEDS WITHIN 5 YEARS.—To the ex-
25 tent that less than 95 percent of the proceeds of

1 such issue are expended by the close of the 5-year
2 period beginning on the date of issuance (or if an
3 extension has been obtained under paragraph (2), by
4 the close of the extended period), the issuer shall re-
5 deem all of the nonqualified bonds within 90 days
6 after the end of such period. For purposes of this
7 paragraph, the amount of the nonqualified bonds re-
8 quired to be redeemed shall be determined in the
9 same manner as under section 142.

10 “(g) SPECIAL RULES RELATING TO ARBITRAGE.—

11 An issue shall be treated as meeting the requirements of
12 this subsection if the issuer satisfies the arbitrage require-
13 ments of section 148 with respect to proceeds of the issue.

14 “(h) REPORTING.—Issuers of qualified academy zone
15 bonds shall submit reports similar to the reports required
16 under section 149(e).”

17 (2) CONFORMING AMENDMENTS.—Sections
18 54(l)(3)(B) and 1400N(l)(7)(B)(ii) are each amend-
19 ed by striking “section 1397E(i)” and inserting
20 “section 1397E(l)”.

21 (c) EFFECTIVE DATES.—

22 (1) EXTENSION.—The amendment made by
23 subsection (a) shall apply to obligations issued after
24 December 31, 2005.

1 (2) SPECIAL RULES.—The amendments made
2 by subsection (b) shall apply to obligations issued
3 after the date of the enactment of this Act pursuant
4 to allocations of the national zone academy bond
5 limitation for calendar years after 2005.

6 **SEC. 108. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EX-**
7 **PENSES OF ELEMENTARY AND SECONDARY**
8 **SCHOOL TEACHERS.**

9 (a) IN GENERAL.—Subparagraph (D) of section
10 62(a)(2) is amended by striking “or 2005” and inserting
11 “2005, 2006, or 2007”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall apply to taxable years beginning after
14 December 31, 2005.

15 **SEC. 109. EXTENSION AND EXPANSION OF EXPENSING OF**
16 **BROWNFIELDS REMEDIATION COSTS.**

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

19 (b) EXPANSION.—Section 198(d)(1) (defining haz-
20 ardous substance) is amended by striking “and” at the
21 end of subparagraph (A), by striking the period at the
22 end of subparagraph (B) and inserting “, and”, and by
23 adding at the end the following new subparagraph:

24 “(C) any petroleum product (as defined in
25 section 4612(a)(3)).”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to expenditures paid or incurred
3 after December 31, 2005.

4 **SEC. 110. TAX INCENTIVES FOR INVESTMENT IN THE DIS-**
5 **TRICT OF COLUMBIA.**

6 (a) DESIGNATION OF ZONE.—

7 (1) IN GENERAL.—Subsection (f) of section
8 1400 is amended by striking “2005” both places it
9 appears and inserting “2007”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by this subsection shall apply to periods beginning
12 after December 31, 2005.

13 (b) TAX-EXEMPT ECONOMIC DEVELOPMENT
14 BONDS.—

15 (1) IN GENERAL.—Subsection (b) of section
16 1400A is amended by striking “2005” and inserting
17 “2007”.

18 (2) EFFECTIVE DATE.—The amendment made
19 by this subsection shall apply to bonds issued after
20 December 31, 2005.

21 (c) ZERO PERCENT CAPITAL GAINS RATE.—

22 (1) IN GENERAL.—Subsection (b) of section
23 1400B is amended by striking “2006” each place it
24 appears and inserting “2008”.

25 (2) CONFORMING AMENDMENTS.—

1 (A) Section 1400B(e)(2) is amended—

2 (i) by striking “2010” and inserting
3 “2012”, and

4 (ii) by striking “2010” in the heading
5 thereof and inserting “2012”.

6 (B) Section 1400B(g)(2) is amended by
7 striking “2010” and inserting “2012”.

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

10 (3) EFFECTIVE DATES.—

11 (A) EXTENSION.—The amendments made
12 by paragraph (1) shall apply to acquisitions
13 after December 31, 2005.

14 (B) CONFORMING AMENDMENTS.—The
15 amendments made by paragraph (2) shall take
16 effect on the date of the enactment of this Act.

17 (d) FIRST-TIME HOMEBUYER CREDIT.—

18 (1) IN GENERAL.—Subsection (i) of section
19 1400C is amended by striking “2006” and inserting
20 “2008”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by this subsection shall apply to property purchased
23 after December 31, 2005.

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

2 (a) IN GENERAL.—Section 45A(f) is amended by
3 striking “2005” and inserting “2007”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply to taxable years beginning after
6 December 31, 2005.

7 **SEC. 112. ACCELERATED DEPRECIATION FOR BUSINESS**
8 **PROPERTY ON INDIAN RESERVATIONS.**

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

11 (b) EFFECTIVE DATE.—The amendment made by
12 this section shall apply to property placed in service after
13 December 31, 2005.

14 **SEC. 113. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY**
15 **FOR QUALIFIED LEASEHOLD IMPROVEMENTS**
16 **AND QUALIFIED RESTAURANT PROPERTY.**

17 (a) IN GENERAL.—Clauses (iv) and (v) of section
18 168(e)(3)(E) are each amended by striking “2006” and
19 inserting “2008”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to property placed in service after
22 December 31, 2005.

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

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

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to articles brought into the United
3 States after December 31, 2005.

4 **SEC. 115. PARITY IN APPLICATION OF CERTAIN LIMITS TO**
5 **MENTAL HEALTH BENEFITS.**

6 (a) AMENDMENT TO THE INTERNAL REVENUE CODE
7 OF 1986.—Section 9812(f)(3) is amended by striking
8 “2006” and inserting “2007”.

9 (b) AMENDMENT TO THE EMPLOYEE RETIREMENT
10 INCOME SECURITY ACT OF 1974.—Section 712(f) of the
11 Employee Retirement Income Security Act of 1974 (29
12 U.S.C. 1185a(f)) is amended by striking “2006” and in-
13 serting “2007”.

14 (c) AMENDMENT TO THE PUBLIC HEALTH SERVICE
15 ACT.—Section 2705(f) of the Public Health Service Act
16 (42 U.S.C. 300gg–5(f)) is amended by striking
17 “2006” and inserting “2007”.

18 **SEC. 116. CORPORATE DONATIONS OF SCIENTIFIC PROP-**
19 **ERTY USED FOR RESEARCH AND OF COM-**
20 **PUTER TECHNOLOGY AND EQUIPMENT.**

21 (a) EXTENSION OF COMPUTER TECHNOLOGY AND
22 EQUIPMENT DONATION.—

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

1 (2) EFFECTIVE DATE.—The amendment made
2 this subsection shall apply to contributions made in
3 taxable years beginning after December 31, 2005.

4 (b) EXPANSION OF CHARITABLE CONTRIBUTION AL-
5 LOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH
6 AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT
7 USED FOR EDUCATIONAL PURPOSES.—

8 (1) SCIENTIFIC PROPERTY USED FOR RE-
9 SEARCH.—

10 (A) IN GENERAL.—Clause (ii) of section
11 170(e)(4)(B) (defining qualified research con-
12 tributions) is amended by inserting “or assem-
13 bled” after “constructed”.

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

17 (2) COMPUTER TECHNOLOGY AND EQUIPMENT
18 FOR EDUCATIONAL PURPOSES.—

19 (A) IN GENERAL.—Clause (ii) of section
20 170(e)(6)(B) is amended by inserting “or as-
21 sembled” after “constructed” and “or assem-
22 bling” after “construction”.

23 (B) CONFORMING AMENDMENT.—Subpara-
24 graph (D) of section 170(e)(6) is amended by

1 inserting “or assembled” after “constructed”
2 and “or assembly” after “construction”.

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

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

7 (a) IN GENERAL.—Paragraphs (2) and (3)(B) of sec-
8 tion 220(i) are each amended by striking “2005” each
9 place it appears in the text and headings and inserting
10 “2007”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) Paragraph (2) of section 220(j) is
13 amended—

14 (A) in the text by striking “or 2004” each
15 place it appears and inserting “2004, 2005, or
16 2006”, and

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

19 (2) Subparagraph (A) of section 220(j)(4) is
20 amended by striking “and 2004” and inserting
21 “2004, 2005, and 2006”.

22 (c) TIME FOR FILING REPORTS, ETC.—

23 (1) The report required by section 220(j)(4) of
24 the Internal Revenue Code of 1986 to be made on
25 August 1, 2005, or August 1, 2006, as the case may

1 be, shall be treated as timely if made before the
2 close of the 90-day period beginning on the date of
3 the enactment of this Act.

4 (2) The determination and publication required
5 by section 220(j)(5) of such Code with respect to
6 calendar year 2005 or calendar year 2006 shall be
7 treated as timely if made before the close of the
8 120-day period beginning on the date of the enact-
9 ment of this Act. If the determination under the pre-
10 ceding sentence is that 2005 or 2006 is a cut-off
11 year under section 220(i) of such Code, the cut-off
12 date under such section 220(i) shall be the last day
13 of such 120-day period.

14 **SEC. 118. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLE-**
15 **TION FOR OIL AND NATURAL GAS PRODUCED**
16 **FROM MARGINAL PROPERTIES.**

17 (a) IN GENERAL.—Section 613A(c)(6)(H) is amend-
18 ed by striking “2006” and inserting “2008”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to taxable years beginning after
21 December 31, 2005.

22 **SEC. 119. AMERICAN SAMOA ECONOMIC DEVELOPMENT**
23 **CREDIT.**

24 (a) IN GENERAL.—For purposes of section 30A of
25 the Internal Revenue Code of 1986, a domestic corpora-

1 tion shall be treated as a qualified domestic corporation
2 to which such section applies if such corporation—

3 (1) is an existing credit claimant with respect
4 to American Samoa, and

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

8 (b) SPECIAL RULES FOR APPLICATION OF SEC-
9 TION.—The following rules shall apply in applying section
10 30A of the Internal Revenue Code of 1986 for purposes
11 of this section:

12 (1) AMOUNT OF CREDIT.—Notwithstanding sec-
13 tion 30A(a)(1) of such Code, the amount of the
14 credit determined under section 30A(a)(1) of such
15 Code for any taxable year shall be the amount deter-
16 mined under section 30A(d) of such Code, except
17 that section 30A(d) shall be applied without regard
18 to paragraph (3) thereof.

19 (2) SEPARATE APPLICATION.—In applying sec-
20 tion 30A(a)(3) of such Code in the case of a cor-
21 poration treated as a qualified domestic corporation
22 by reason of this section, section 30A of such Code
23 (and so much of section 936 of such Code as relates
24 to such section 30A) shall be applied separately with
25 respect to American Samoa.

1 (1) IN GENERAL.—Subparagraph (B) of section
2 6103(d)(5) (relating to termination) is amended by
3 striking “2006” and inserting “2007”.

4 (2) EFFECTIVE DATE.—The amendment made
5 by this subsection shall apply to disclosures after
6 December 31, 2006.

7 (b) DISCLOSURES RELATING TO TERRORIST ACTIVI-
8 TIES.—

9 (1) IN GENERAL.—Clause (iv) of section
10 6103(i)(3)(C) and subparagraph (E) of section
11 6103(i)(7) are each amended by striking “2006”
12 and inserting “2007”.

13 (2) EFFECTIVE DATE.—The amendments made
14 by this subsection shall apply to disclosures after
15 December 31, 2006.

16 (c) DISCLOSURES RELATING TO STUDENT LOANS.—

17 (1) IN GENERAL.—Subparagraph (D) of section
18 6103(l)(13) (relating to termination) is amended by
19 striking “2006” and inserting “2007”.

20 (2) EFFECTIVE DATE.—The amendment made
21 by this subsection shall apply to requests made after
22 December 31, 2006.

1 **SEC. 122. SPECIAL RULE FOR ELECTIONS UNDER EXPIRED**
2 **PROVISIONS.**

3 (a) RESEARCH CREDIT ELECTIONS.—In the case of
4 any taxable year ending after December 31, 2005, and be-
5 fore the date of the enactment of this Act, any election
6 under section 41(c)(4) or section 280C(c)(3)(C) of the In-
7 ternal Revenue Code of 1986 shall be treated as having
8 been timely made for such taxable year if such election
9 is made not later than the later of April 15, 2007 or such
10 time as the Secretary of the Treasury, or the Secretary's
11 designee, may specify. Such election shall be made in the
12 manner prescribed by such Secretary or designee.

13 (b) OTHER ELECTIONS.—Except as otherwise pro-
14 vided by such Secretary or designee, a rule similar to the
15 rule of subsection (a) shall apply with respect to elections
16 under any other expired provision of the Internal Revenue
17 Code of 1986 the applicability of which is extended by rea-
18 son of the amendments made by this title.

19 **TITLE II—OTHER PROVISIONS**

20 **SEC. 201. DEDUCTION ALLOWABLE WITH RESPECT TO IN-**
21 **COME ATTRIBUTABLE TO DOMESTIC PRO-**
22 **DUCTION ACTIVITIES IN PUERTO RICO.**

23 (a) IN GENERAL.—Subsection (d) of section 199 (re-
24 lating to definitions and special rules) is amended by re-
25 designating paragraph (8) as paragraph (9) and by insert-
26 ing after paragraph (7) the following new paragraph:

1 “(8) TREATMENT OF ACTIVITIES IN PUERTO
2 RICO.—

3 “(A) IN GENERAL.—In the case of any
4 taxpayer with gross receipts for any taxable
5 year from sources within the Commonwealth of
6 Puerto Rico, if all of such receipts are taxable
7 under section 1 or 11 for such taxable year,
8 then for purposes of determining the domestic
9 production gross receipts of such taxpayer for
10 such taxable year under subsection (c)(4), the
11 term ‘United States’ shall include the Common-
12 wealth of Puerto Rico.

13 “(B) SPECIAL RULE FOR APPLYING WAGE
14 LIMITATION.—In the case of any taxpayer de-
15 scribed in subparagraph (A), for purposes of
16 applying the limitation under subsection (b) for
17 any taxable year, the determination of W-2
18 wages of such taxpayer shall be made without
19 regard to any exclusion under section
20 3401(a)(8) for remuneration paid for services
21 performed in Puerto Rico.

22 “(C) TERMINATION.—This paragraph shall
23 apply only with respect to the first 2 taxable
24 years of the taxpayer beginning after December
25 31, 2005, and before January 1, 2008.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2005.

4 **SEC. 202. CREDIT FOR PRIOR YEAR MINIMUM TAX LIABIL-**
5 **ITY MADE REFUNDABLE AFTER PERIOD OF**
6 **YEARS.**

7 (a) IN GENERAL.—Section 53 (relating to credit for
8 prior year minimum tax liability) is amended by adding
9 at the end the following new subsection:

10 “(e) SPECIAL RULE FOR INDIVIDUALS WITH LONG-
11 TERM UNUSED CREDITS.—

12 “(1) IN GENERAL.—If an individual has a long-
13 term unused minimum tax credit for any taxable
14 year beginning before January 1, 2013, the amount
15 determined under subsection (c) for such taxable
16 year shall not be less than the AMT refundable cred-
17 it amount for such taxable year.

18 “(2) AMT REFUNDABLE CREDIT AMOUNT.—For
19 purposes of paragraph (1)—

20 “(A) IN GENERAL.—The term ‘AMT re-
21 fundable credit amount’ means, with respect to
22 any taxable year, the amount equal to the
23 greater of—

24 “(i) the lesser of—

25 “(I) \$5,000, or

1 “(II) the amount of long-term
2 unused minimum tax credit for such
3 taxable year, or

4 “(ii) 20 percent of the amount of such
5 credit.

6 “(B) PHASEOUT OF AMT REFUNDABLE
7 CREDIT AMOUNT.—

8 “(i) IN GENERAL.—In the case of an
9 individual whose adjusted gross income for
10 any taxable year exceeds the threshold
11 amount (within the meaning of section
12 151(d)(3)(C)), the AMT refundable credit
13 amount determined under subparagraph
14 (A) for such taxable year shall be reduced
15 by the applicable percentage (within the
16 meaning of section 151(d)(3)(B)).

17 “(ii) ADJUSTED GROSS INCOME.—For
18 purposes of clause (i), adjusted gross in-
19 come shall be determined without regard to
20 sections 911, 931, and 933.

21 “(3) LONG-TERM UNUSED MINIMUM TAX CRED-
22 IT.—

23 “(A) IN GENERAL.—For purposes of this
24 subsection, the term ‘long-term unused min-
25 imum tax credit’ means, with respect to any

1 taxable year, the portion of the minimum tax
2 credit determined under subsection (b) attrib-
3 utable to the adjusted net minimum tax for tax-
4 able years before the 3rd taxable year imme-
5 diately preceding such taxable year.

6 “(B) FIRST-IN, FIRST-OUT ORDERING
7 RULE.—For purposes of subparagraph (A),
8 credits shall be treated as allowed under sub-
9 section (a) on a first-in, first-out basis.

10 “(4) CREDIT REFUNDABLE.—For purposes of
11 this title (other than this section), the credit allowed
12 by reason of this subsection shall be treated as if it
13 were allowed under subpart C.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 6211(b)(4)(A) is amended by strik-
16 ing “and 34” and inserting “34, and 53(e)”.

17 (2) Paragraph (2) of section 1324(b) of title
18 31, United States Code, is amended by inserting “or
19 53(e)” after “section 35”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 the date of the enactment of this Act.

1 **SEC. 203. RETURNS REQUIRED IN CONNECTION WITH CER-**
2 **TAIN OPTIONS.**

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

5 “shall, for such calendar year, make a return at such time
6 and in such manner, and setting forth such information,
7 as the Secretary may by regulations prescribe.”.

8 (b) STATEMENTS TO PERSONS WITH RESPECT TO
9 WHOM INFORMATION IS FURNISHED.—Section 6039 is
10 amended by redesignating subsections (b) and (c) as sub-
11 section (c) and (d), respectively, and by inserting after
12 subsection (a) the following new subsection:

13 “(b) STATEMENTS TO BE FURNISHED TO PERSONS
14 WITH RESPECT TO WHOM INFORMATION IS RE-
15 PORTED.—Every corporation making a return under sub-
16 section (a) shall furnish to each person whose name is set
17 forth in such return a written statement setting forth such
18 information as the Secretary may by regulations prescribe.
19 The written statement required under the preceding sen-
20 tence shall be furnished to such person on or before Janu-
21 ary 31 of the year following the calendar year for which
22 the return under subsection (a) was made.”.

23 (c) CONFORMING AMENDMENTS.—

24 (1) Section 6724(d)(1)(B) is amended by strik-
25 ing “or” at the end of clause (xvii), by striking

1 “and” at the end of clause (xviii) and inserting “or”,
2 and by adding at the end the following new clause:

3 “(xix) section 6039(a) (relating to re-
4 turns required with respect to certain op-
5 tions), and”.

6 (2) Section 6724(d)(2)(B) is amended by strik-
7 ing “section 6039(a)” and inserting “section
8 6039(b)”.

9 (3) The heading of section 6039 and the item
10 relating to such section in the table of sections of
11 subpart A of part III of subchapter A of chapter 61
12 of such Code are each amended by striking “Infor-
13 mation” and inserting “Returns”.

14 (4) The heading of subsection (a) of section
15 6039 is amended by striking “FURNISHING OF IN-
16 FORMATION” and inserting “REQUIREMENT OF RE-
17 PORTING”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to calendar years beginning after
20 the date of the enactment of this Act.

21 **SEC. 204. PARTIAL EXPENSING FOR ADVANCED MINE SAFE-**
22 **TY EQUIPMENT.**

23 (a) IN GENERAL.—Part VI of subchapter B of chap-
24 ter 1 is amended by inserting after section 179D the fol-
25 lowing new section:

1 **“SEC. 179E. ELECTION TO EXPENSE ADVANCED MINE SAFE-**
2 **TY EQUIPMENT.**

3 “(a) TREATMENT AS EXPENSES.—A taxpayer may
4 elect to treat 50 percent of the cost of any qualified ad-
5 vanced mine safety equipment property as an expense
6 which is not chargeable to capital account. Any cost so
7 treated shall be allowed as a deduction for the taxable year
8 in which the qualified advanced mine safety equipment
9 property is placed in service.

10 “(b) ELECTION.—

11 “(1) IN GENERAL.—An election under this sec-
12 tion for any taxable year shall be made on the tax-
13 payer’s return of the tax imposed by this chapter for
14 the taxable year. Such election shall specify the ad-
15 vanced mine safety equipment property to which the
16 election applies and shall be made in such manner
17 as the Secretary may by regulations prescribe.

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

21 “(c) QUALIFIED ADVANCED MINE SAFETY EQUIP-
22 MENT PROPERTY.—For purposes of this section, the term
23 ‘qualified advanced mine safety equipment property’
24 means any advanced mine safety equipment property for
25 use in any underground mine located in the United
26 States—

1 “(1) the original use of which commences with
2 the taxpayer, and

3 “(2) which is placed in service by the taxpayer
4 after the date of the enactment of this section.

5 “(d) ADVANCED MINE SAFETY EQUIPMENT PROP-
6 ERTY.—For purposes of this section, the term ‘advanced
7 mine safety equipment property’ means any of the fol-
8 lowing:

9 “(1) Emergency communication technology or
10 device which is used to allow a miner to maintain
11 constant communication with an individual who is
12 not in the mine.

13 “(2) Electronic identification and location de-
14 vice which allows an individual who is not in the
15 mine to track at all times the movements and loca-
16 tion of miners working in or at the mine.

17 “(3) Emergency oxygen-generating, self-rescue
18 device which provides oxygen for at least 90 min-
19 utes.

20 “(4) Pre-positioned supplies of oxygen which (in
21 combination with self-rescue devices) can be used to
22 provide each miner on a shift, in the event of an ac-
23 cident or other event which traps the miner in the
24 mine or otherwise necessitates the use of such a self-

1 rescue device, the ability to survive for at least 48
2 hours.

3 “(5) Comprehensive atmospheric monitoring
4 system which monitors the levels of carbon mon-
5 oxide, methane, and oxygen that are present in all
6 areas of the mine and which can detect smoke in the
7 case of a fire in a mine.

8 “(e) COORDINATION WITH SECTION 179.—No ex-
9 penditures shall be taken into account under subsection
10 (a) with respect to the portion of the cost of any property
11 specified in an election under section 179.

12 “(f) REPORTING.—No deduction shall be allowed
13 under subsection (a) to any taxpayer for any taxable year
14 unless such taxpayer files with the Secretary a report con-
15 taining such information with respect to the operation of
16 the mines of the taxpayer as the Secretary shall require.

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

19 (b) CONFORMING AMENDMENTS.—

20 (1) Section 263(a)(1) is amended by striking
21 “or” at the end of subparagraph (J), by striking the
22 period at the end of subparagraph (K) and inserting
23 “, or”, and by inserting after subparagraph (K) the
24 following new subparagraph:

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

3 (2) Section 312(k)(3)(B) is amended by strik-
4 ing “or 179D” each place it appears in the heading
5 and text thereof and inserting “179D, or 179E”.

6 (3) Paragraphs (2)(C) and (3)(C) of section
7 1245(a) are each amended by inserting “179E,”
8 after “179D,”.

9 (4) The table of sections for part VI of sub-
10 chapter B of chapter 1 is amended by inserting after
11 the item relating to section 179D the following new
12 item:

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

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to costs paid or incurred after the
15 date of the enactment of this Act.

16 **SEC. 205. MINE RESCUE TEAM TRAINING TAX CREDIT.**

17 (a) IN GENERAL.—Subpart D of part IV of sub-
18 chapter A of chapter 1 (relating to business related cred-
19 its) is amended by adding at the end the following new
20 section:

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

22 “(a) AMOUNT OF CREDIT.—For purposes of section
23 38, the mine rescue team training credit determined under
24 this section with respect to each qualified mine rescue

1 team employee of an eligible employer for any taxable year
2 is an amount equal to the lesser of—

3 “(1) 20 percent of the amount paid or incurred
4 by the taxpayer during the taxable year with respect
5 to the training program costs of such qualified mine
6 rescue team employee (including wages of such em-
7 ployee while attending such program), or

8 “(2) \$10,000.

9 “(b) QUALIFIED MINE RESCUE TEAM EMPLOYEE.—

10 For purposes of this section, the term ‘qualified mine res-
11 cue team employee’ means with respect to any taxable year
12 any full-time employee of the taxpayer who is—

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

19 “(2) a miner eligible for more than 6 months
20 of such taxable year to serve as a mine rescue team
21 member by virtue of receiving at least 40 hours of
22 refresher training in such instruction.

23 “(c) ELIGIBLE EMPLOYER.—For purposes of this
24 section, the term ‘eligible employer’ means any taxpayer

1 which employs individuals as miners in underground mines
2 in the United States.

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

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

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

14 “(31) the mine rescue team training credit de-
15 termined under section 45N(a).”.

16 (c) NO DOUBLE BENEFIT.—Section 280C is amend-
17 ed by adding at the end the following new subsection:

18 “(e) MINE RESCUE TEAM TRAINING CREDIT.—No
19 deduction shall be allowed for that portion of the expenses
20 otherwise allowable as a deduction for the taxable year
21 which is equal to the amount of the credit determined for
22 the taxable year under section 45N(a).”.

23 (d) CLERICAL AMENDMENT.—The table of sections
24 for subpart D of part IV of subchapter A of chapter 1
25 is amended by adding at the end the following new item:

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

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2005.

4 **SEC. 206. WHISTLEBLOWER REFORMS.**

5 (a) AWARDS TO WHISTLEBLOWERS.—

6 (1) IN GENERAL.—Section 7623 (relating to ex-
7 penses of detection of underpayments and fraud,
8 etc.) is amended—

9 (A) by striking “The Secretary” and in-
10 sserting “(a) IN GENERAL.—The Secretary”,

11 (B) by striking “and” at the end of para-
12 graph (1) and inserting “or”,

13 (C) by striking “(other than interest)”,
14 and

15 (D) by adding at the end the following new
16 subsection:

17 “(b) AWARDS TO WHISTLEBLOWERS.—

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

1 resulting from the action (including any related ac-
2 tions) or from any settlement in response to such ac-
3 tion. The determination of the amount of such
4 award by the Whistleblower Office shall depend upon
5 the extent to which the individual substantially con-
6 tributed to such action.

7 “(2) AWARD IN CASE OF LESS SUBSTANTIAL
8 CONTRIBUTION.—

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

1 the role of such individual and any legal rep-
2 resentative of such individual in contributing to
3 such action.

4 “(B) NONAPPLICATION OF PARAGRAPH
5 WHERE INDIVIDUAL IS ORIGINAL SOURCE OF
6 INFORMATION.—Subparagraph (A) shall not
7 apply if the information resulting in the initi-
8 ation of the action described in paragraph (1)
9 was originally provided by the individual de-
10 scribed in paragraph (1).

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

22 “(4) APPEAL OF AWARD DETERMINATION.—
23 Any determination regarding an award under para-
24 graph (1), (2), or (3) may, within 30 days of such
25 determination, be appealed to the Tax Court (and

1 the Tax Court shall have jurisdiction with respect to
2 such matter).

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

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

9 “(B) if the tax, penalties, interest, addi-
10 tions to tax, and additional amounts in dispute
11 exceed \$2,000,000.

12 “(6) ADDITIONAL RULES.—

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

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

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

25 (2) ASSIGNMENT TO SPECIAL TRIAL JUDGES.—

1 (A) IN GENERAL.—Section 7443A(b) (re-
2 lating to proceedings which may be assigned to
3 special trial judges) is amended by striking
4 “and” at the end of paragraph (5), by redesignig-
5 nating paragraph (6) as paragraph (7), and by
6 inserting after paragraph (5) the following new
7 paragraph:

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

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

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

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

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

3 (b) WHISTLEBLOWER OFFICE.—

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

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

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

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

1 (2) REQUEST FOR ASSISTANCE.—The guidance
2 issued under paragraph (1) shall specify that any as-
3 sistance requested under paragraph (1)(C) shall be
4 under the direction and control of the Whistleblower
5 Office or the office assigned to investigate the mat-
6 ter under paragraph (1)(A). No individual or legal
7 representative whose assistance is so requested may
8 by reason of such request represent himself or her-
9 self as an employee of the Federal Government.

10 (c) REPORT BY SECRETARY.—The Secretary of the
11 Treasury shall each year conduct a study and report to
12 Congress on the use of section 7623 of the Internal Rev-
13 enue Code of 1986, including—

14 (1) an analysis of the use of such section dur-
15 ing the preceding year and the results of such use,
16 and

17 (2) any legislative or administrative rec-
18 ommendations regarding the provisions of such sec-
19 tion and its application.

20 (d) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall apply to information provided on or
22 after the date of the enactment of this Act.

23 **SEC. 207. FRIVOLOUS TAX SUBMISSIONS.**

24 (a) CIVIL PENALTIES.—Section 6702 is amended to
25 read as follows:

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

2 “(a) CIVIL PENALTY FOR FRIVOLOUS TAX RE-
3 TURNS.—A person shall pay a penalty of \$5,000 if—

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

6 “(A) does not contain information on
7 which the substantial correctness of the self-as-
8 sessment may be judged, or

9 “(B) contains information that on its face
10 indicates that the self-assessment is substan-
11 tially incorrect, and

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

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

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

18 “(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS
19 SUBMISSIONS.—

20 “(1) IMPOSITION OF PENALTY.—Except as pro-
21 vided in paragraph (3), any person who submits a
22 specified frivolous submission shall pay a penalty of
23 \$5,000.

24 “(2) SPECIFIED FRIVOLOUS SUBMISSION.—For
25 purposes of this section—

1 “(A) SPECIFIED FRIVOLOUS SUBMIS-
2 SION.—The term ‘specified frivolous submis-
3 sion’ means a specified submission if any por-
4 tion of such submission—

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

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

11 “(B) SPECIFIED SUBMISSION.—The term
12 ‘specified submission’ means—

13 “(i) a request for a hearing under—

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

17 “(II) section 6330 (relating to
18 notice and opportunity for hearing be-
19 fore levy), and

20 “(ii) an application under—

21 “(I) section 6159 (relating to
22 agreements for payment of tax liabil-
23 ity in installments),

24 “(II) section 7122 (relating to
25 compromises), or

1 “(III) section 7811 (relating to
2 taxpayer assistance orders).

3 “(3) OPPORTUNITY TO WITHDRAW SUBMIS-
4 SION.—If the Secretary provides a person with no-
5 tice that a submission is a specified frivolous sub-
6 mission and such person withdraws such submission
7 within 30 days after such notice, the penalty im-
8 posed under paragraph (1) shall not apply with re-
9 spect to such submission.

10 “(c) LISTING OF FRIVOLOUS POSITIONS.—The Sec-
11 retary shall prescribe (and periodically revise) a list of po-
12 sitions which the Secretary has identified as being frivo-
13 lous for purposes of this subsection. The Secretary shall
14 not include in such list any position that the Secretary
15 determines meets the requirement of section
16 6662(d)(2)(B)(ii)(II).

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

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

1 (b) TREATMENT OF FRIVOLOUS REQUESTS FOR
2 HEARINGS BEFORE LEVY.—

3 (1) FRIVOLOUS REQUESTS DISREGARDED.—

4 Section 6330 (relating to notice and opportunity for
5 hearing before levy) is amended by adding at the
6 end the following new subsection:

7 “(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—

8 Notwithstanding any other provision of this section, if the
9 Secretary determines that any portion of a request for a
10 hearing under this section or section 6320 meets the re-
11 quirement of clause (i) or (ii) of section 6702(b)(2)(A),
12 then the Secretary may treat such portion as if it were
13 never submitted and such portion shall not be subject to
14 any further administrative or judicial review.”.

15 (2) PRECLUSION FROM RAISING FRIVOLOUS
16 ISSUES AT HEARING.—Section 6330(c)(4) is
17 amended—

18 (A) by striking “(A)” and inserting

19 “(A)(i)”;

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

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

23 (D) by inserting after subparagraph (A)(ii)

24 (as so redesignated) the following:

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

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

8 (c) TREATMENT OF FRIVOLOUS REQUESTS FOR
9 HEARINGS UPON FILING OF NOTICE OF LIEN.—Section
10 6320 is amended—

11 (1) in subsection (b)(1), by striking “under sub-
12 section (a)(3)(B)” and inserting “in writing under
13 subsection (a)(3)(B) and states the grounds for the
14 requested hearing”, and

15 (2) in subsection (c), by striking “and (e)” and
16 inserting “(e), and (g)”.

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

21 “(f) FRIVOLOUS SUBMISSIONS, ETC.—Notwith-
22 standing any other provision of this section, if the Sec-
23 retary determines that any portion of an application for
24 an offer-in-compromise or installment agreement sub-
25 mitted under this section or section 6159 meets the re-

1 quirement of clause (i) or (ii) of section 6702(b)(2)(A),
2 then the Secretary may treat such portion as if it were
3 never submitted and such portion shall not be subject to
4 any further administrative or judicial review.”.

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

“Sec. 6702. Frivolous tax submissions.”.

9 (f) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to submissions made and issues
11 raised after the date on which the Secretary first pre-
12 scribes a list under section 6702(e) of the Internal Rev-
13 enue Code of 1986, as amended by subsection (a).

14 **SEC. 208. ADDITION OF MENINGOCOCCAL AND HUMAN**
15 **PAPILLOMAVIRUS VACCINES TO LIST OF TAX-**
16 **ABLE VACCINES.**

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

20 “(O) Any meningococcal vaccine.”.

21 (b) HUMAN PAPILLOMAVIRUS VACCINE.—Section
22 4132(a)(1), as amended by subsection (a), is amended by
23 adding at the end the following new subparagraph:

24 “(P) Any vaccine against the human
25 papillomavirus.”.

1 (c) EFFECTIVE DATE.—

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

7 (2) DELIVERIES.—For purposes of paragraph
8 (1) and section 4131 of the Internal Revenue Code
9 of 1986, in the case of sales on or before the effec-
10 tive date described in such paragraph for which de-
11 livery is made after such date, the delivery date shall
12 be considered the sale date.

13 **SEC. 209. CLARIFICATION OF TAXATION OF CERTAIN SET-**
14 **TLEMENT FUNDS MADE PERMANENT.**

15 (a) IN GENERAL.—Subsection (g) of section 468B,
16 as amended by section 201 of the Tax Increase Prevention
17 and Reconciliation Act of 2005, is amended by striking
18 paragraph (3).

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall take effect as if included in section 201
21 of the Tax Increase Prevention and Reconciliation Act of
22 2005.

1 **SEC. 210. MODIFICATION OF ACTIVE BUSINESS DEFINITION**
2 **UNDER SECTION 355 MADE PERMANENT.**

3 (a) IN GENERAL.—Subparagraphs (A) and (D) of
4 section 355(b)(3), as amended by section 202 of the Tax
5 Increase Prevention and Reconciliation Act of 2005, are
6 each amended by striking “and on or before December 31,
7 2010”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect as if included in section 202
10 of the Tax Increase Prevention and Reconciliation Act of
11 2005.

12 **SEC. 211. REVISION OF STATE VETERANS LIMIT MADE PER-**
13 **MANENT.**

14 (a) IN GENERAL.—Subparagraph (B) of section
15 143(l)(3), as amended by section 203 of the Tax Increase
16 Prevention and Reconciliation Act of 2005, is amended by
17 striking clause (iv).

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall take effect as if included in section 203
20 of the Tax Increase Prevention and Reconciliation Act of
21 2005.

22 **SEC. 212. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-**
23 **CREATED MUSICAL WORKS MADE PERMA-**
24 **NENT.**

25 (a) IN GENERAL.—Paragraph (3) of section 1221(b),
26 as amended by section 204 of the Tax Increase Prevention

1 and Reconciliation Act of 2005, is amended by striking
2 “before January 1, 2011,”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 this section shall take effect as if included in section 204
5 of the Tax Increase Prevention and Reconciliation Act of
6 2005.

7 **SEC. 213. REDUCTION IN MINIMUM VESSEL TONNAGE**
8 **WHICH QUALIFIES FOR TONNAGE TAX MADE**
9 **PERMANENT.**

10 (a) IN GENERAL.—Paragraph (4) of section 1355(a),
11 as amended by section 205 of the Tax Increase Prevention
12 and Reconciliation Act of 2005, is amended by striking
13 “10,000 (6,000, in the case of taxable years beginning
14 after December 31, 2005, and ending before January 1,
15 2011)” and inserting “6,000”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 this section shall take effect as if included in section 205
18 of the Tax Increase Prevention and Reconciliation Act of
19 2005.

20 **SEC. 214. MODIFICATION OF SPECIAL ARBITRAGE RULE**
21 **FOR CERTAIN FUNDS MADE PERMANENT.**

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

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall take effect as if included in section 206
3 of the Tax Increase Prevention and Reconciliation Act of
4 2005.

5 **SEC. 215. GREAT LAKES DOMESTIC SHIPPING TO NOT DIS-**
6 **QUALIFY VESSEL FROM TONNAGE TAX.**

7 (a) IN GENERAL.—Section 1355 (relating to defini-
8 tions and special rules) is amended by redesignating sub-
9 section (g) as subsection (h) and by inserting after sub-
10 section (f) the following new subsection:

11 “(g) GREAT LAKES DOMESTIC SHIPPING TO NOT
12 DISQUALIFY VESSEL.—

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

19 “(A) solely for purposes of subsection
20 (a)(4), such use shall be treated as use in
21 United States foreign trade (and not as use in
22 United States domestic trade), and

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

1 “(2) EFFECT OF TEMPORARILY OPERATING
2 VESSEL IN UNITED STATES DOMESTIC TRADE.—In
3 the case of a qualifying vessel to which this sub-
4 section applies—

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

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

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

21 “(B) NOTICE.—Notice shall be deemed
22 timely if given not later than the due date (in-
23 cluding extensions) for the corporation’s tax re-
24 turn for the taxable year in which the tem-
25 porary cessation begins.

1 “(C) PERIOD DISREGARD IN EFFECT.—

2 The period of temporary use under subpara-
3 graph (A) continues until the earlier of the date
4 of which—

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

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

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

19 “(3) ALLOCATION OF INCOME AND DEDUC-
20 TIONS TO QUALIFYING SHIPPING ACTIVITIES.—In
21 the case of a qualifying vessel to which this sub-
22 section applies, the Secretary shall prescribe rules
23 for the proper allocation of income, expenses, losses,
24 and deductions between the qualified shipping activi-
25 ties and the other activities of such vessel.

1 “(4) QUALIFIED ZONE DOMESTIC TRADE.—For
2 purposes of this subsection—

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

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

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

14 **SEC. 216. USE OF QUALIFIED MORTGAGE BONDS TO FI-**
15 **NANCE RESIDENCES FOR VETERANS WITH-**
16 **OUT REGARD TO FIRST-TIME HOMEBUYER**
17 **REQUIREMENT.**

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

23 “(D) in the case of bonds issued after the
24 date of the enactment of this subparagraph and
25 before January 1, 2008, financing of any resi-

1 dence for a veteran (as defined in section 101
2 of title 38, United States Code), if such veteran
3 has not previously qualified for and received
4 such financing by reason of this subpara-
5 graph.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to bonds issued after the date of
8 the enactment of this Act.

9 **SEC. 217. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL**
10 **RESIDENCE BY CERTAIN EMPLOYEES OF THE**
11 **INTELLIGENCE COMMUNITY.**

12 (a) IN GENERAL.—Subparagraph (A) of section
13 121(d)(9) (relating to exclusion of gain from sale of prin-
14 cipal residence) is amended by striking “duty” and all that
15 follows and inserting “duty—

16 “(i) as a member of the uniformed
17 services,

18 “(ii) as a member of the Foreign
19 Service of the United States, or

20 “(iii) as an employee of the intel-
21 ligence community.”.

22 (b) EMPLOYEE OF INTELLIGENCE COMMUNITY DE-
23 FINED.—Subparagraph (C) of section 121(d)(9) is amend-
24 ed by redesignating clause (iv) as clause (v) and by insert-
25 ing after clause (iii) the following new clause:

1 “(iv) EMPLOYEE OF INTELLIGENCE
2 COMMUNITY.—The term ‘employee of the
3 intelligence community’ means an employee
4 (as defined by section 2105 of title 5,
5 United States Code) of—

6 “(I) the Office of the Director of
7 National Intelligence,

8 “(II) the Central Intelligence
9 Agency,

10 “(III) the National Security
11 Agency,

12 “(IV) the Defense Intelligence
13 Agency,

14 “(V) the National Geospatial-In-
15 telligence Agency,

16 “(VI) the National Reconnaissance
17 Office,

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

22 “(VIII) any of the intelligence
23 elements of the Army, the Navy, the
24 Air Force, the Marine Corps, the Fed-
25 eral Bureau of Investigation, the De-

1 department of Treasury, the Depart-
2 ment of Energy, and the Coast
3 Guard,

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

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

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

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

20 (d) CONFORMING AMENDMENT.—The heading for
21 section 121(d)(9) is amended to read as follows: “UNI-
22 FORMED SERVICES, FOREIGN SERVICE, AND INTEL-
23 LIGENCE COMMUNITY”.

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

4 **SEC. 218. TREATMENT OF COKE AND COKE GAS.**

5 (a) NONAPPLICATION OF PHASEOUT.—Section
6 45K(g)(2) is amended by adding at the end the following
7 new subparagraph:

8 “(D) NONAPPLICATION OF PHASEOUT.—
9 Subsection (b)(1) shall not apply.”.

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

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect as if included in section 1321
15 of the Energy Policy Act of 2005.

16 **SEC. 219. SALE OF PROPERTY BY JUDICIAL OFFICERS.**

17 (a) IN GENERAL.—Section 1043(b) (relating to the
18 sale of property to comply with conflict-of-interest require-
19 ments) is amended—

20 (1) in paragraph (1)—

21 (A) in subparagraph (A), by inserting “, or
22 a judicial officer,” after “an officer or employee
23 of the executive branch”; and

1 (B) in subparagraph (B), by inserting “ju-
2 dicial canon,” after “any statute, regulation,
3 rule,”;

4 (2) in paragraph (2)—

5 (A) in subparagraph (A), by inserting “ju-
6 dicial canon,” after “any Federal conflict of in-
7 terest statute, regulation, rule,”; and

8 (B) in subparagraph (B), by inserting
9 after “the Director of the Office of Government
10 Ethics,” the following: “in the case of executive
11 branch officers or employees, or by the Judicial
12 Conference of the United States (or its des-
13 ignee), in the case of judicial officers,”; and

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

16 (b) JUDICIAL OFFICER DEFINED.—Section 1043(b)
17 is amended by adding at the end the following new para-
18 graph:

19 “(6) JUDICIAL OFFICER.—The term ‘judicial
20 officer’ means the Chief Justice of the United
21 States, the Associate Justices of the Supreme Court,
22 and the judges of the United States courts of ap-
23 peals, United States district courts, including the
24 district courts in Guam, the Northern Mariana Is-
25 lands, and the Virgin Islands, Court of Appeals for

1 the Federal Circuit, Court of International Trade,
2 Tax Court, Court of Federal Claims, Court of Ap-
3 peals for Veterans Claims, United States Court of
4 Appeals for the Armed Forces, and any court cre-
5 ated by Act of Congress, the judges of which are en-
6 titled to hold office during good behavior.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to sales after the date of enactment
9 of this Act.

10 **SEC. 220. PREMIUMS FOR MORTGAGE INSURANCE.**

11 (a) IN GENERAL.—Section 163(h)(3) (relating to
12 qualified residence interest) is amended by adding at the
13 end the following new subparagraph:

14 “(E) MORTGAGE INSURANCE PREMIUMS
15 TREATED AS INTEREST.—

16 “(i) IN GENERAL.—Premiums paid or
17 accrued for qualified mortgage insurance
18 by a taxpayer during the taxable year in
19 connection with acquisition indebtedness
20 with respect to a qualified residence of the
21 taxpayer shall be treated for purposes of
22 this section as interest which is qualified
23 residence interest.

24 “(ii) PHASEOUT.—The amount other-
25 wise treated as interest under clause (i)

1 shall be reduced (but not below zero) by 10
2 percent of such amount for each \$1,000
3 (\$500 in the case of a married individual
4 filing a separate return) (or fraction there-
5 of) that the taxpayer's adjusted gross in-
6 come for the taxable year exceeds
7 \$100,000 (\$50,000 in the case of a mar-
8 ried individual filing a separate return).

9 “(iii) LIMITATION.—Clause (i) shall
10 not apply with respect to any mortgage in-
11 surance contracts issued before January 1,
12 2007.

13 “(iv) TERMINATION.—Clause (i) shall
14 not apply to amounts—

15 “(I) paid or accrued after De-
16 cember 31, 2007, or

17 “(II) properly allocable to any
18 period after such date.”.

19 (b) DEFINITION AND SPECIAL RULES.—Section
20 163(h)(4) (relating to other definitions and special rules)
21 is amended by adding at the end the following new sub-
22 paragraphs:

23 “(E) QUALIFIED MORTGAGE INSUR-
24 ANCE.—The term ‘qualified mortgage insur-
25 ance’ means—

1 “(i) mortgage insurance provided by
2 the Veterans Administration, the Federal
3 Housing Administration, or the Rural
4 Housing Administration, and

5 “(ii) private mortgage insurance (as
6 defined by section 2 of the Homeowners
7 Protection Act of 1998 (12 U.S.C. 4901),
8 as in effect on the date of the enactment
9 of this subparagraph).

10 “(F) SPECIAL RULES FOR PREPAID QUALI-
11 FIED MORTGAGE INSURANCE.—Any amount
12 paid by the taxpayer for qualified mortgage in-
13 surance that is properly allocable to any mort-
14 gage the payment of which extends to periods
15 that are after the close of the taxable year in
16 which such amount is paid shall be chargeable
17 to capital account and shall be treated as paid
18 in such periods to which so allocated. No deduc-
19 tion shall be allowed for the unamortized bal-
20 ance of such account if such mortgage is satis-
21 fied before the end of its term. The preceding
22 sentences shall not apply to amounts paid for
23 qualified mortgage insurance provided by the
24 Veterans Administration or the Rural Housing
25 Administration.”.

1 (c) INFORMATION RETURNS RELATING TO MORT-
2 GAGE INSURANCE.—Section 6050H (relating to returns
3 relating to mortgage interest received in trade or business
4 from individuals) is amended by adding at the end the fol-
5 lowing new subsection:

6 “(h) RETURNS RELATING TO MORTGAGE INSURANCE
7 PREMIUMS.—

8 “(1) IN GENERAL.—The Secretary may pre-
9 scribe, by regulations, that any person who, in the
10 course of a trade or business, receives from any indi-
11 vidual premiums for mortgage insurance aggregating
12 \$600 or more for any calendar year, shall make a
13 return with respect to each such individual. Such re-
14 turn shall be in such form, shall be made at such
15 time, and shall contain such information as the Sec-
16 retary may prescribe.

17 “(2) STATEMENT TO BE FURNISHED TO INDI-
18 VIDUALS WITH RESPECT TO WHOM INFORMATION IS
19 REQUIRED.—Every person required to make a re-
20 turn under paragraph (1) shall furnish to each indi-
21 vidual with respect to whom a return is made a writ-
22 ten statement showing such information as the Sec-
23 retary may prescribe. Such written statement shall
24 be furnished on or before January 31 of the year

1 following the calendar year for which the return
2 under paragraph (1) was required to be made.

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

5 “(A) rules similar to the rules of sub-
6 section (c) shall apply, and

7 “(B) the term ‘mortgage insurance’
8 means—

9 “(i) mortgage insurance provided by
10 the Veterans Administration, the Federal
11 Housing Administration, or the Rural
12 Housing Administration, and

13 “(ii) private mortgage insurance (as
14 defined by section 2 of the Homeowners
15 Protection Act of 1998 (12 U.S.C. 4901),
16 as in effect on the date of the enactment
17 of this subsection).”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to amounts paid or accrued after
20 December 31, 2006.

21 **SEC. 221. MODIFICATION OF REFUNDS FOR KEROSENE**
22 **USED IN AVIATION.**

23 (a) IN GENERAL.—Paragraph (4) of section 6427(l)
24 (relating to nontaxable uses of diesel fuel and kerosene)
25 is amended to read as follows:

1 “(4) REFUNDS FOR KEROSENE USED IN AVIA-
2 TION.—

3 “(A) KEROSENE USED IN COMMERCIAL
4 AVIATION.—In the case of kerosene used in
5 commercial aviation (as defined in section
6 4083(b)) (other than supplies for vessels or air-
7 craft within the meaning of section 4221(d)(3)),
8 paragraph (1) shall not apply to so much of the
9 tax imposed by section 4041 or 4081, as the
10 case may be, as is attributable to—

11 “(i) the Leaking Underground Stor-
12 age Tank Trust Fund financing rate im-
13 posed by such section, and

14 “(ii) so much of the rate of tax speci-
15 fied in section 4041(c) or
16 4081(a)(2)(A)(iii), as the case may be, as
17 does not exceed 4.3 cents per gallon.

18 “(B) KEROSENE USED IN NONCOMMER-
19 CIAL AVIATION.—In the case of kerosene used
20 in aviation that is not commercial aviation (as
21 so defined) (other than any use which is exempt
22 from the tax imposed by section 4041(c) other
23 than by reason of a prior imposition of tax),
24 paragraph (1) shall not apply to—

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

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

5 “(I) the Leaking Underground
6 Storage Tank Trust Fund financing
7 rate imposed by such section, and

8 “(II) so much of the rate of tax
9 specified in section 4081(a)(2)(A)(iii)
10 as does not exceed the rate specified
11 in section 4081(a)(2)(C)(ii).

12 “(C) PAYMENTS TO ULTIMATE, REG-
13 ISTERED VENDOR.—

14 “(i) IN GENERAL.—With respect to
15 any kerosene used in aviation (other than
16 kerosene described in clause (ii) or ker-
17 osene to which paragraph (5) applies), if
18 the ultimate purchaser of such kerosene
19 waives (at such time and in such form and
20 manner as the Secretary shall prescribe)
21 the right to payment under paragraph (1)
22 and assigns such right to the ultimate ven-
23 dor, then the Secretary shall pay the
24 amount which would be paid under para-

1 graph (1) to such ultimate vendor, but
2 only if such ultimate vendor—

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

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

8 “(ii) PAYMENTS FOR KEROSENE USED
9 IN NONCOMMERCIAL AVIATION.—The
10 amount which would be paid under para-
11 graph (1) with respect to any kerosene to
12 which subparagraph (B) applies shall be
13 paid only to the ultimate vendor of such
14 kerosene. A payment shall be made to such
15 vendor if such vendor—

16 “(I) is registered under section
17 4101, and

18 “(II) meets the requirements of
19 subparagraph (A), (B), or (D) of sec-
20 tion 6416(a)(1).”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 6427(l) is amended by striking
23 paragraph (5) and by redesignating paragraph (6)
24 as paragraph (5).

1 (2) Section 4082(d)(2)(B) is amended by strik-
2 ing “section 6427(l)(6)(B)” and inserting “section
3 6427(l)(5)(B)”.

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

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

8 (B) by striking “(l)(5), and (l)(6)” and in-
9 serting “(l)(4)(C)(ii), and (l)(5)”.

10 (4) Section 6427(l)(1) is amended by striking
11 “paragraph (4)(B)” and inserting “paragraph
12 (4)(C)(i)”.

13 (5) Section 9502(d) is amended—

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

16 (B) in paragraph (3), by striking “or (5)”.

17 (6) Section 9503(c)(7) is amended—

18 (A) by amending subparagraphs (A) and
19 (B) to read as follows:

20 “(A) 4.3 cents per gallon of kerosene sub-
21 ject to section 6427(l)(4)(A) with respect to
22 which a payment has been made by the Sec-
23 retary under section 6427(l), and

24 “(B) 21.8 cents per gallon of kerosene sub-
25 ject to section 6427(l)(4)(B) with respect to

1 which a payment has been made by the Sec-
2 retary under section 6427(l).”, and

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

5 (c) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The amendments made by
7 this section shall apply to kerosene sold after Sep-
8 tember 30, 2005.

9 (2) SPECIAL RULE FOR PENDING CLAIMS.—In
10 the case of kerosene sold for use in aviation (other
11 than kerosene to which section 6427(l)(4)(C)(ii) of
12 the Internal Revenue Code of 1986 (as added by
13 subsection (a)) applies or kerosene to which section
14 6427(l)(5) of such Code (as redesignated by sub-
15 section (b)) applies) after September 30, 2005, and
16 before the date of the enactment of this Act, the ul-
17 timate purchaser shall be treated as having waived
18 the right to payment under section 6427(l)(1) of
19 such Code and as having assigned such right to the
20 ultimate vendor if such ultimate vendor has met the
21 requirements of subparagraph (A), (B), or (D) of
22 section 6416(a)(1) of such Code.

23 (d) SPECIAL RULE FOR KEROSENE USED IN AVIA-
24 TION ON A FARM FOR FARMING PURPOSES.—

1 (1) REFUNDS FOR PURCHASES AFTER DECEM-
2 BER 31, 2004, AND BEFORE OCTOBER 1, 2005.—
3 The Secretary of the Treasury shall pay to the ulti-
4 mate purchaser of any kerosene which is used in
5 aviation on a farm for farming purposes and which
6 was purchased after December 31, 2004, and before
7 October 1, 2005, an amount equal to the aggregate
8 amount of tax imposed on such fuel under section
9 4041 or 4081 of the Internal Revenue Code of 1986,
10 as the case may be, reduced by any payment to the
11 ultimate vendor under section 6427(l)(5)(C) of such
12 Code (as in effect on the day before the date of the
13 enactment of the Safe, Accountable, Flexible, Effi-
14 cient Transportation Equity Act: a Legacy for
15 Users).

16 (2) USE ON A FARM FOR FARMING PUR-
17 POSES.—For purposes of paragraph (1), kerosene
18 shall be treated as used on a farm for farming pur-
19 poses if such kerosene is used for farming purposes
20 (within the meaning of section 6420(c)(3) of the In-
21 ternal Revenue Code of 1986) in carrying on a trade
22 or business on a farm situated in the United States.
23 For purposes of the preceding sentence, rules similar
24 to the rules of section 6420(c)(4) of such Code shall
25 apply.

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

5 (4) NO DOUBLE BENEFIT.—No amount shall be
6 paid under paragraph (1) or section 6427(l) of the
7 Internal Revenue Code of 1986 with respect to any
8 kerosene described in paragraph (1) to the extent
9 that such amount is in excess of the tax imposed on
10 such kerosene under section 4041 or 4081 of such
11 Code, as the case may be.

12 (5) APPLICABLE LAWS.—For purposes of this
13 subsection, rules similar to the rules of section
14 6427(j) of the Internal Revenue Code of 1986 shall
15 apply.

16 **SEC. 222. MODIFICATION OF RAILROAD TRACK MAINTENANCE CREDIT.**
17

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

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

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

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

5 **SEC. 223. RESTRUCTURING OF NEW YORK LIBERTY ZONE**
6 **TAX CREDITS.**

7 (a) IN GENERAL.—Part I of subchapter Y of chapter
8 1 is amended by redesignating section 1400L as 1400K
9 and by adding at the end the following new section:

10 **“SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.**

11 “(a) IN GENERAL.—In the case of a New York Lib-
12 erty Zone governmental unit, there shall be allowed as a
13 credit against any taxes imposed for any payroll period
14 by section 3402 for which such governmental unit is liable
15 under section 3403 an amount equal to so much of the
16 portion of the qualifying project expenditure amount allo-
17 cated under subsection (b)(3) to such governmental unit
18 for the calendar year as is allocated by such governmental
19 unit to such period under subsection (b)(4).

20 “(b) QUALIFYING PROJECT EXPENDITURE
21 AMOUNT.—For purposes of this section—

22 “(1) IN GENERAL.—The term ‘qualifying
23 project expenditure amount’ means, with respect to
24 any calendar year, the sum of—

1 “(A) the total expenditures paid or in-
2 curred during such calendar year by all New
3 York Liberty Zone governmental units and the
4 Port Authority of New York and New Jersey
5 for any portion of qualifying projects located
6 wholly within the City of New York, New York,
7 and

8 “(B) any such expenditures—

9 “(i) paid or incurred in any preceding
10 calendar year which begins after the date
11 of enactment of this section, and

12 “(ii) not previously allocated under
13 paragraph (3).

14 “(2) QUALIFYING PROJECT.—The term ‘quali-
15 fying project’ means any transportation infrastruc-
16 ture project, including highways, mass transit sys-
17 tems, railroads, airports, ports, and waterways, in or
18 connecting with the New York Liberty Zone (as de-
19 fined in section 1400K(h)), which is designated as a
20 qualifying project under this section jointly by the
21 Governor of the State of New York and the Mayor
22 of the City of New York, New York.

23 “(3) GENERAL ALLOCATION.—

24 “(A) IN GENERAL.—The Governor of the
25 State of New York and the Mayor of the City

1 of New York, New York, shall jointly allocate to
2 each New York Liberty Zone governmental unit
3 the portion of the qualifying project expenditure
4 amount which may be taken into account by
5 such governmental unit under subsection (a) for
6 any calendar year in the credit period.

7 “(B) AGGREGATE LIMIT.—The aggregate
8 amount which may be allocated under subpara-
9 graph (A) for all calendar years in the credit
10 period shall not exceed \$1,750,000,000.

11 “(C) ANNUAL LIMIT.—

12 “(i) IN GENERAL.—The aggregate
13 amount which may be allocated under sub-
14 paragraph (A) for any calendar year in the
15 credit period shall not exceed the sum of—

16 “(I) the applicable limit, plus

17 “(II) the aggregate amount au-
18 thorized to be allocated under this
19 paragraph for all preceding calendar
20 years in the credit period which was
21 not so allocated.

22 “(ii) APPLICABLE LIMIT.—For pur-
23 poses of clause (i), the applicable limit for
24 any calendar year is—

1 “(I) in the case of calendar years
2 2007 through 2016, \$100,000,000,

3 “(II) in the case of calendar year
4 2017 or 2018, \$200,000,000,

5 “(III) in the case of calendar
6 year 2019, \$150,000,000,

7 “(IV) in the case of calendar
8 year 2020 or 2021, \$100,000,000,
9 and

10 “(V) in the case of any calendar
11 year after 2021, zero.

12 “(D) UNALLOCATED AMOUNTS AT END OF
13 CREDIT PERIOD.—If, as of the close of the cred-
14 it period, the amount under subparagraph (B)
15 exceeds the aggregate amount allocated under
16 subparagraph (A) for all calendar years in the
17 credit period, the Governor of the State of New
18 York and the Mayor of the City of New York,
19 New York, may jointly allocate to New York
20 Liberty Zone governmental units for any cal-
21 endar year in the 5-year period following the
22 credit period an amount equal to—

23 “(i) the lesser of—

24 “(I) such excess, or

1 “(II) the qualifying project ex-
2 penditure amount for such calendar
3 year, reduced by

4 “(ii) the aggregate amount allocated
5 under this subparagraph for all preceding
6 calendar years.

7 “(4) ALLOCATION TO PAYROLL PERIODS.—
8 Each New York Liberty Zone governmental unit
9 which has been allocated a portion of the qualifying
10 project expenditure amount under paragraph (3) for
11 a calendar year may allocate such portion to payroll
12 periods beginning in such calendar year as such gov-
13 ernmental unit determines appropriate.

14 “(c) CARRYOVER OF UNUSED ALLOCATIONS.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), if the amount allocated under subsection
17 (b)(3) to a New York Liberty Zone governmental
18 unit for any calendar year exceeds the aggregate
19 taxes imposed by section 3402 for which such gov-
20 ernmental unit is liable under section 3403 for peri-
21 ods beginning in such year, such excess shall be car-
22 ried to the succeeding calendar year and added to
23 the allocation of such governmental unit for such
24 succeeding calendar year. No amount may be carried

1 under the preceding sentence to a calendar year
2 after 2026.

3 “(2) REALLOCATION.—If a New York Liberty
4 Zone governmental unit does not use an amount al-
5 located to it under subsection (b)(3) within the time
6 prescribed by the Governor of the State of New York
7 and the Mayor of the City of New York, New York,
8 then such amount shall after such time be treated
9 for purposes of subsection (b)(3) in the same man-
10 ner as if it had never been allocated.

11 “(d) DEFINITIONS AND SPECIAL RULES.—For pur-
12 poses of this section—

13 “(1) CREDIT PERIOD.—The term ‘credit period’
14 means the 15-year period beginning on January 1,
15 2007.

16 “(2) NEW YORK LIBERTY ZONE GOVERN-
17 MENTAL UNIT.—The term ‘New York Liberty Zone
18 governmental unit’ means—

19 “(A) the State of New York,

20 “(B) the City of New York, New York, and

21 “(C) any agency or instrumentality of such
22 State or City.

23 “(3) TREATMENT OF FUNDS.—Any expenditure
24 for a qualifying project taken into account for pur-
25 poses of the credit under this section shall be consid-

1 ered State and local funds for the purpose of any
2 Federal program.

3 “(4) TREATMENT OF CREDIT AMOUNTS FOR
4 PURPOSES OF WITHHOLDING TAXES.—For purposes
5 of this title, a New York Liberty Zone governmental
6 unit shall be treated as having paid to the Secretary,
7 on the day on which wages are paid to employees,
8 an amount equal to the amount of the credit allowed
9 to such entity under subsection (a) with respect to
10 such wages, but only if such governmental unit de-
11 ducts and withholds wages for such payroll period
12 under section 3401 (relating to wage withholding).

13 “(e) REPORTING.—The Governor of the State of New
14 York and the Mayor of the City of New York, New York,
15 shall jointly submit to the Secretary an annual report—

16 “(1) which certifies—

17 “(A) the qualifying project expenditure
18 amount for the calendar year, and

19 “(B) the amount allocated to each New
20 York Liberty Zone governmental unit under
21 subsection (b)(3) for the calendar year, and

22 “(2) includes such other information as the
23 Secretary may require to carry out this section.

1 “(f) GUIDANCE.—The Secretary may prescribe such
2 guidance as may be necessary or appropriate to ensure
3 compliance with the purposes of this section.

4 “(g) TERMINATION.—No credit shall be allowed
5 under subsection (a) for any calendar year after 2026.”.

6 (b) TERMINATION OF CERTAIN NEW YORK LIBERTY
7 ZONE BENEFITS.—

8 (1) SPECIAL ALLOWANCE AND EXPENSING.—
9 Section 1400K(b)(2)(A)(v), as redesignated by sub-
10 section (a), is amended by striking “the termination
11 date” and inserting “the date of the enactment of
12 the Extension of Tax Relief Act of 2006 or the ter-
13 mination date if pursuant to a binding contract in
14 effect on such enactment date”.

15 (2) LEASEHOLD.—Section 1400K(c)(2)(B), as
16 so redesignated, is amended by striking “before Jan-
17 uary 1, 2007” and inserting “on or before the date
18 of the enactment of the Extension of Tax Relief Act
19 of 2006 or before January 1, 2007, if pursuant to
20 a binding contract in effect on such enactment
21 date”.

22 (c) CONFORMING AMENDMENTS.—

23 (1) Section 38(c)(3)(B) is amended by striking
24 “section 1400L(a)” and inserting “section
25 1400K(a)”.

1 (2) Section 168(k)(2)(D)(ii) is amended by
2 striking “section 1400L(c)(2)” and inserting
3 “1400K(c)(2)”.

4 (3) The table of sections for part I of sub-
5 chapter Y of chapter 1 is amended by striking
6 “1400L” and inserting “1400K”.

7 (d) EFFECTIVE DATE.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the amendments made by this section
10 shall apply to periods beginning after December 31,
11 2006.

12 (2) SUBSECTION (b).—The amendments made
13 by subsection (b) shall take effect as if included in
14 section 301 of the Job Creation and Worker Assist-
15 ance Act of 2002.

16 **SEC. 224. EXTENSION OF BONUS DEPRECIATION FOR CER-**
17 **TAIN QUALIFIED GULF OPPORTUNITY ZONE**
18 **PROPERTY.**

19 (a) IN GENERAL.—Subsection (d) of section 1400N
20 is amended by adding at the end the following new para-
21 graph:

22 “(6) EXTENSION FOR CERTAIN PROPERTY.—

23 “(A) IN GENERAL.—In the case of any
24 specified Gulf Opportunity Zone extension prop-

1 “(C) SPECIFIED PORTIONS OF THE GO
2 ZONE.—For purposes of this paragraph, the
3 term ‘specified portions of the GO Zone’ means
4 those portions of the GO Zone which are in any
5 county or parish which is identified by the Sec-
6 retary as being a county or parish in which hur-
7 ricanes occurring during 2005 damaged (in the
8 aggregate) more than 60 percent of the housing
9 units in such county or parish which were occu-
10 pied (determined according to the 2000 Cen-
11 sus).

12 “(D) ONLY PRE-JANUARY 1, 2010, BASIS
13 OF REAL PROPERTY ELIGIBLE FOR ADDITIONAL
14 ALLOWANCE.—In the case of property which is
15 qualified Gulf Opportunity Zone property solely
16 by reason of subparagraph (B)(ii)(I), paragraph
17 (1) shall apply only to the extent of the ad-
18 justed basis thereof attributable to manufac-
19 ture, construction, or production before Janu-
20 ary 1, 2010.”.

21 (b) EXTENSION NOT APPLICABLE TO INCREASED
22 SECTION 179 EXPENSING.—Paragraph (2) of section
23 1400(N(e) is amended by inserting “without regard to
24 subsection (d)(6))” after “subsection (d)(2)”.

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

4 **SEC. 225. TECHNICAL CORRECTIONS.**

5 (a) TECHNICAL CORRECTION RELATING TO LOOK-
6 THROUGH TREATMENT OF PAYMENTS BETWEEN RE-
7 LATED CONTROLLED FOREIGN CORPORATIONS UNDER
8 THE FOREIGN PERSONAL HOLDING COMPANY RULES.—

9 (1) IN GENERAL.—

10 (A) The first sentence of section
11 954(c)(6)(A), as amended by section 103(b) of
12 the Tax Increase Prevention and Reconciliation
13 Act of 2005, is amended by striking “which is
14 not subpart F income” and inserting “which is
15 neither subpart F income nor income treated as
16 effectively connected with the conduct of a
17 trade or business in the United States”.

18 (B) Section 954(c)(6)(A), as so amended,
19 is amended by striking the last sentence and in-
20 serting the following: “The Secretary shall pre-
21 scribe such regulations as may be necessary or
22 appropriate to carry out this paragraph, includ-
23 ing such regulations as may be necessary or ap-
24 propriate to prevent the abuse of the purposes
25 of this paragraph.”

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

5 (b) TECHNICAL CORRECTION REGARDING AUTHOR-
6 ITY TO EXERCISE REASONABLE CAUSE AND GOOD FAITH
7 EXCEPTION.—

8 (1) IN GENERAL.—Section 903(d)(2)(B)(iii) of
9 the American Jobs Creation Act of 2004, as amend-
10 ed by section 303(a) of the Gulf Opportunity Zone
11 Act of 2005, is amended by inserting “or the Sec-
12 retary’s delegate” after “the Secretary of the Treas-
13 ury”.

14 (2) EFFECTIVE DATE.—The amendment made
15 by this subsection shall take effect as if included in
16 the provisions of the American Jobs Creation Act of
17 2004 to which it relates.

1 **TITLE III—EXTENSION AND**
2 **MODIFICATION OF CERTAIN**
3 **EXPIRING ENERGY AND EX-**
4 **CISE TAX PROVISIONS**

5 **SEC. 301. CREDIT FOR ELECTRICITY PRODUCED FROM**
6 **CERTAIN RENEWABLE RESOURCES.**

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

10 **SEC. 302. CREDIT TO HOLDERS OF CLEAN RENEWABLE EN-**
11 **ERGY BONDS.**

12 (a) IN GENERAL.—Section 54 is amended—

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

15 (2) by adding at the end of subsection (f)(2)
16 the following new sentence: “The \$500,000,000 limi-
17 tation in the preceding sentence shall not apply to
18 allocations or reallocations of the amount described
19 in paragraph (1) after December 31, 2006.”, and

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

22 (b) EFFECTIVE DATES.—

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

1 (2) ALLOCATIONS TO GOVERNMENTAL BOD-
2 IES.—The amendment made by subsection (a)(2)
3 shall apply to allocations or reallocations after De-
4 cember 31, 2006.

5 **SEC. 303. ALTERNATE SULFUR DIOXIDE REMOVAL MEAS-**
6 **UREMENT FOR ADVANCED COAL-BASED GEN-**
7 **ERATION TECHNOLOGY UNITS DESIGNED TO**
8 **USE SUBBITUMINOUS COAL.**

9 (a) IN GENERAL.—Section 48A(f)(1) of the Internal
10 Revenue Code of 1986 (relating to advanced coal-based
11 generation technology) is amended by adding at the end
12 the following new flush sentence:

13 “For purposes of the performance requirement for
14 the removal of SO₂ in the table contained in sub-
15 paragraph (B), the SO₂ removal design level in the
16 case of a unit designed for use of feedstock substan-
17 tially all of which is subbituminous coal shall be 99
18 percent SO₂ removal or the achievement of an emis-
19 sion level of 0.04 pounds or less of SO₂ per million
20 Btu, determined on a 30-day average.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 this section shall apply with respect to applications for cer-
23 tification under section 48A(d)(2) of the Internal Revenue
24 Code of 1986 submitted after October 2, 2006.

1 **SEC. 304. DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.**
2

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

6 **SEC. 305. CREDIT FOR NEW ENERGY EFFICIENT HOMES.**

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

10 **SEC. 306. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.**
11

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

15 (b) QUALIFIED SOLAR ELECTRIC PROPERTY EXPENDITURES.—Section 25D is amended—

17 (1) by striking “photovoltaic” each place it ap-
18 pears and inserting “solar electric”, and

19 (2) by striking “PHOTOVOLTAIC” in the heading
20 for subsection (d)(2) and inserting “SOLAR ELECTRIC”.
21

22 **SEC. 307. ENERGY CREDIT.**

23 Section 48 is amended—

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

1 (2) by striking “December 31, 2007” both
2 places it appears and inserting “December 31,
3 2008”.

4 **SEC. 308. SPECIAL RULE FOR QUALIFIED METHANOL OR**
5 **ETHANOL FUEL MADE FROM COAL.**

6 Section 4041(b)(2) is amended—

7 (1) by striking “2007” in subparagraph (C)(ii)
8 and inserting “2008”, and

9 (2) by striking “October 1, 2007” in subpara-
10 graph (D) and inserting “January 1, 2009”.

11 **SEC. 309. ETHANOL TARIFF EXTENSION.**

12 (a) **IN GENERAL.**—Headings 9901.00.50 and
13 9901.00.52 of the Harmonized Tariff Schedule of the
14 United States (19 U.S.C. 3007) are each amended in the
15 effective period column by striking “10/1/2007” each place
16 it appears and inserting “1/1/2009”.

17 (b) **EFFECTIVE DATE.**—The amendments made by
18 this section shall apply to goods described in heading
19 9901.00.50 or 9901.00.52 of the Harmonized Tariff
20 Schedule of the United States entered, or withdrawn from
21 warehouse for consumption, on or after October 1, 2007.

1 **SEC. 310. SPECIAL DEPRECIATION ALLOWANCE FOR CEL-**
2 **LULOSIC BIOMASS ETHANOL PLANT PROP-**
3 **ERTY.**

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

7 “(1) SPECIAL ALLOWANCE FOR CELLULOSIC BIO-
8 MASS ETHANOL PLANT PROPERTY.—

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

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

17 “(B) the adjusted basis of such property
18 shall be reduced by the amount of such deduc-
19 tion before computing the amount otherwise al-
20 lowable as a depreciation deduction under this
21 chapter for such taxable year and any subse-
22 quent taxable year.

23 “(2) QUALIFIED CELLULOSIC BIOMASS ETH-
24 ANOL PLANT PROPERTY.—The term ‘qualified cel-
25 lulosic biomass ethanol plant property’ means prop-

1 erty of a character subject to the allowance for
2 depreciation—

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

5 “(B) the original use of which commences
6 with the taxpayer after the date of the enact-
7 ment of this subsection,

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

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

16 “(3) CELLULOSIC BIOMASS ETHANOL.—For
17 purposes of this subsection, the term ‘cellulosic bio-
18 mass ethanol’ means ethanol produced by enzymatic
19 hydrolysis of any lignocellulosic or hemicellulosic
20 matter that is available on a renewable or recurring
21 basis.

22 “(4) EXCEPTIONS.—

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

1 “(B) TAX-EXEMPT BOND-FINANCED PROP-
2 PERTY.—Such term shall not include any prop-
3 erty any portion of which is financed with the
4 proceeds of any obligation the interest on which
5 is exempt from tax under section 103.

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

12 “(5) SPECIAL RULES.—For purposes of this
13 subsection, rules similar to the rules of subpara-
14 graph (E) of section 168(k)(2) shall apply, except
15 that such subparagraph shall be applied—

16 “(A) by substituting ‘the date of the enact-
17 ment of subsection (l)’ for ‘September 10,
18 2001’ each place it appears therein,

19 “(B) by substituting ‘January 1, 2013’ for
20 ‘January 1, 2005’ in clause (i) thereof, and

21 “(C) by substituting ‘qualified cellulosic
22 biomass ethanol plant property’ for ‘qualified
23 property’ in clause (iv) thereof.

24 “(6) ALLOWANCE AGAINST ALTERNATIVE MIN-
25 IMUM TAX.—For purposes of this subsection, rules

1 similar to the rules of section 168(k)(2)(G) shall
2 apply.

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

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall apply to property placed in service after
11 the date of the enactment of this Act in taxable years end-
12 ing after such date.

13 **SEC. 311. TAXATION OF TAXABLE FUELS IN FOREIGN**
14 **TRADE ZONES.**

15 (a) TAX IMPOSED ON REMOVALS AND ENTRIES IN
16 FOREIGN TRADE ZONES.—

17 (1) IN GENERAL.—Subsection (a) of section
18 4083 (relating to definitions) is amended by adding
19 at the end the following new paragraph:

20 “(4) UNITED STATES.—The term ‘United
21 States’ includes any foreign trade zone or bonded
22 warehouse located in the United States.”.

23 (2) CONFORMING AMENDMENT.—Section
24 4081(a)(1)(A) (relating to imposition of tax) is
25 amended—

1 (A) in clause (i), by inserting “in the
2 United States” after “refinery”; and

3 (B) in clause (ii), by inserting “in the
4 United States” after “terminal”.

5 (b) TREATMENT OF TAXABLE FUEL IN FOREIGN
6 TRADE ZONES.—Paragraph (2) of section 81c(a) of title
7 19, United States Code, is amended by inserting “(other
8 than the provisions relating to taxable fuel (as defined
9 under section 4083(a) of the Internal Revenue Code of
10 1986))” after “thereunder”.

11 (c) EFFECTIVE DATES.—

12 (1) SUBSECTION (a).—The amendments made
13 by subsection (a) shall apply to removals and entries
14 after June 30, 2007.

15 (2) SUBSECTION (b).—The amendment made
16 by subsection (b) shall take effect on July 1, 2007.

17 **SEC. 312. EXPENDITURES PERMITTED FROM THE LEAKING**
18 **UNDERGROUND STORAGE TANK TRUST**
19 **FUND.**

20 (a) IN GENERAL.—Subsection (c) of section 9508 of
21 the Internal Revenue Code of 1986 is amended—

22 (1) by striking “section 9003(h)” and inserting
23 “sections 9003(h), 9003(i), 9003(j), 9004(f),
24 9005(c), 9010, 9011, 9012, and 9013”, and

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

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

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

11 **SEC. 313. WITHDRAWAL OF CERTAIN FEDERAL LAND AND**
12 **INTERESTS IN CERTAIN FEDERAL LAND**
13 **FROM LOCATION, ENTRY, AND PATENT**
14 **UNDER THE MINING LAWS AND DISPOSITION**
15 **UNDER THE MINERAL AND GEOTHERMAL**
16 **LEASING LAWS.**

17 (a) DEFINITIONS.—In this section:

18 (1) BUREAU OF LAND MANAGEMENT LAND.—
19 The term “Bureau of Land Management land”
20 means the Bureau of Land Management land and
21 any federally-owned minerals located south of the
22 Blackfeet Indian Reservation and east of the Lewis
23 and Clark National Forest to the eastern edge of R.
24 8 W., beginning in T. 29 N. down to and including
25 T. 19 N. and all of T. 18 N., R. 7 W.

1 (2) ELIGIBLE FEDERAL LAND.—The term “eli-
2 gible Federal land” means the Bureau of Land Man-
3 agement land and the Forest Service land, as gen-
4 erally depicted on the map.

5 (3) FOREST SERVICE LAND.—The term “Forest
6 Service land” means—

7 (A) the Forest Service land and any feder-
8 ally-owned minerals located in the Rocky Moun-
9 tain Division of the Lewis and Clark National
10 Forest, including the approximately 356,111
11 acres of land made unavailable for leasing by
12 the August 28, 1997, Record of Decision for
13 the Lewis and Clark National Forest Oil and
14 Gas Leasing Environmental Impact Statement
15 and that is located from T. 31 N. to T. 16 N.
16 and R. 13 W. to R. 7 W.; and

17 (B) the Forest Service land and any feder-
18 ally-owned minerals located within the Badger
19 Two Medicine area of the Flathead National
20 Forest, including—

21 (i) the land located in T. 29 N. from
22 the western edge of R. 16 W. to the east-
23 ern edge of R. 13 W.; and

24 (ii) the land located in T. 28 N., Rs.
25 13 and 14 W.

1 (4) MAP.—The term “map” means the map en-
2 titled “Rocky Mountain Front Mineral Withdrawal
3 Area” and dated December 31, 2006.

4 (b) WITHDRAWAL.—

5 (1) IN GENERAL.—Subject to valid existing
6 rights, the eligible Federal land (including any inter-
7 est in the eligible Federal land) is withdrawn from—

8 (A) all forms of location, entry, and patent
9 under the mining laws; and

10 (B) disposition under all laws relating to
11 mineral and geothermal leasing.

12 (2) AVAILABILITY OF MAP.—The map shall be
13 on file and available for inspection in the Office of
14 the Chief of the Forest Service.

15 (c) TAX INCENTIVE FOR SALE OF EXISTING MIN-
16 ERAL AND GEOTHERMAL RIGHTS TO TAX-EXEMPT ENTI-
17 TIES.—

18 (1) EXCLUSION.—For purposes of the Internal
19 Revenue Code of 1986, gross income shall not in-
20 clude 25 percent of the qualifying gain from a con-
21 servation sale of a qualifying mineral or geothermal
22 interest.

23 (2) QUALIFYING GAIN.—For purposes of this
24 subsection, the term “qualifying gain” means any

1 gain which would be recognized as long-term capital
2 gain under such Code.

3 (3) CONSERVATION SALE.—For purposes of
4 this subsection, the term “conservation sale” means
5 a sale which meets the following requirements:

6 (A) TRANSFEREE IS AN ELIGIBLE ENTI-
7 TY.—The transferee of the qualifying mineral
8 or geothermal interest is an eligible entity.

9 (B) QUALIFYING LETTER OF INTENT RE-
10 QUIRED.—At the time of the sale, such trans-
11 feree provides the taxpayer with a qualifying
12 letter of intent.

13 (C) NONAPPLICATION TO CERTAIN
14 SALES.—The sale is not made pursuant to an
15 order of condemnation or eminent domain.

16 (4) QUALIFYING MINERAL OR GEOTHERMAL IN-
17 TEREST.—For purposes of this subsection—

18 (A) IN GENERAL.—The term “qualifying
19 mineral or geothermal interest” means an inter-
20 est in any mineral or geothermal deposit located
21 on eligible Federal land which constitutes a tax-
22 payer’s entire interest in such deposit.

23 (B) ENTIRE INTEREST.—For purposes of
24 subparagraph (A)—

1 (i) an interest in any mineral or geo-
2 thermal deposit is not a taxpayer's entire
3 interest if such interest in such mineral or
4 geothermal deposit was divided in order to
5 avoid the requirements of such subpara-
6 graph or section 170(f)(3)(A) of such
7 Code, and

8 (ii) a taxpayer's entire interest in such
9 deposit does not fail to satisfy such sub-
10 paragraph solely because the taxpayer has
11 retained an interest in other deposits, even
12 if the other deposits are contiguous with
13 such certain deposit and were acquired by
14 the taxpayer along with such certain de-
15 posit in a single conveyance.

16 (5) OTHER DEFINITIONS.—For purposes of this
17 subsection—

18 (A) ELIGIBLE ENTITY.—The term “eligible
19 entity” means—

20 (i) a governmental unit referred to in
21 section 170(c)(1) of such Code, or an
22 agency or department thereof operated pri-
23 marily for 1 or more of the conservation
24 purposes specified in clause (i), (ii), or (iii)
25 of section 170(h)(4)(A) of such Code, or

1 (ii) an entity which is—
2 (I) described in section
3 170(b)(1)(A)(vi) or section
4 170(h)(3)(B) of such Code, and
5 (II) organized and at all times
6 operated primarily for 1 or more of
7 the conservation purposes specified in
8 clause (i), (ii), or (iii) of section
9 170(h)(4)(A) of such Code.

10 (B) QUALIFYING LETTER OF INTENT.—

11 The term “qualifying letter of intent” means a
12 written letter of intent which includes the fol-
13 lowing statement: “The transferee’s intent is
14 that this acquisition will serve 1 or more of the
15 conservation purposes specified in clause (i),
16 (ii), or (iii) of section 170(h)(4)(A) of the Inter-
17 nal Revenue Code of 1986, that the transferee’s
18 use of the deposits so acquired will be con-
19 sistent with section 170(h)(5) of such Code,
20 and that the use of the deposits will continue to
21 be consistent with such section, even if owner-
22 ship or possession of such deposits is subse-
23 quently transferred to another person.”.

24 (6) TAX ON SUBSEQUENT TRANSFERS.—

1 (A) IN GENERAL.—A tax is hereby im-
2 posed on any subsequent transfer by an eligible
3 entity of ownership or possession, whether by
4 sale, exchange, or lease, of an interest acquired
5 directly or indirectly in—

6 (i) a conservation sale described in
7 paragraph (1), or

8 (ii) a transfer described in clause (i),
9 (ii), or (iii) of subparagraph (D).

10 (B) AMOUNT OF TAX.—The amount of tax
11 imposed by subparagraph (A) on any transfer
12 shall be equal to the sum of—

13 (i) 20 percent of the fair market value
14 (determined at the time of the transfer) of
15 the interest the ownership or possession of
16 which is transferred, plus

17 (ii) the product of—

18 (I) the highest rate of tax speci-
19 fied in section 11 of such Code, times

20 (II) any gain or income realized
21 by the transferor as a result of the
22 transfer.

23 (C) LIABILITY.—The tax imposed by sub-
24 paragraph (A) shall be paid by the transferor.

1 (D) RELIEF FROM LIABILITY.—The person
2 (otherwise liable for any tax imposed by sub-
3 paragraph (A)) shall be relieved of liability for
4 the tax imposed by subparagraph (A) with re-
5 spect to any transfer if—

6 (i) the transferee is an eligible entity
7 which provides such person, at the time of
8 transfer, a qualifying letter of intent,

9 (ii) in any case where the transferee is
10 not an eligible entity, it is established to
11 the satisfaction of the Secretary of the
12 Treasury, that the transfer of ownership or
13 possession, as the case may be, will be con-
14 sistent with section 170(h)(5) of such
15 Code, and the transferee provides such
16 person, at the time of transfer, a quali-
17 fying letter of intent, or

18 (iii) tax has previously been paid
19 under this paragraph as a result of a prior
20 transfer of ownership or possession of the
21 same interest.

22 (E) ADMINISTRATIVE PROVISIONS.—For
23 purposes of subtitle F of such Code, the taxes
24 imposed by this paragraph shall be treated as

1 excise taxes with respect to which the deficiency
2 procedures of such subtitle apply.

3 (7) REPORTING.—The Secretary of the Treas-
4 ury may require such reporting as may be necessary
5 or appropriate to further the purpose under this
6 subsection that any conservation use be in per-
7 petuity.

8 (d) EFFECTIVE DATES.—

9 (1) MORATORIUM.—Subsection (b) shall take
10 effect on the date of the enactment of this Act.

11 (2) TAX INCENTIVE.—Subsection (c) shall
12 apply to sales occurring on or after the date of the
13 enactment of this Act.

14 **DIVISION B—ENERGY AND** 15 **ENVIRONMENTAL PROVISIONS**

16 **SECTION 1. TABLE OF CONTENTS.**

17 The table of contents for this division is as follows:

DIVISION B—ENERGY AND ENVIRONMENTAL PROVISIONS

Sec. 1. Table of contents.

TITLE I—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

Sec. 1. Short title.

Subtitle A—Mining Control and Reclamation

Sec. 101. Abandoned Mine Reclamation Fund and purposes.

Sec. 102. Reclamation fee.

Sec. 103. Objectives of Fund.

- Sec. 104. Reclamation of rural land.
 Sec. 105. Liens.
 Sec. 106. Certification.
 Sec. 107. Remining incentives.
 Sec. 108. Extension of limitation on application of prohibition on issuance of permit.
 Sec. 109. Tribal regulation of surface coal mining and reclamation operations.

Subtitle B—Coal Industry Retiree Health Benefit Act

- Sec. 111. Certain related persons and successors in interest relieved of liability if premiums prepaid.
 Sec. 112. Transfers to funds; premium relief.
 Sec. 113. Other provisions.

TITLE II—GULF OF MEXICO ENERGY SECURITY

- Sec. 201. Short title.
 Sec. 202. Definitions.
 Sec. 203. Offshore oil and gas leasing in 181 Area and 181 south Area of Gulf of Mexico.
 Sec. 204. Moratorium on oil and gas leasing in certain areas of Gulf of Mexico.
 Sec. 205. Disposition of qualified outer Continental Shelf revenues from 181 Area, 181 south Area, and 2002–2007 planning areas of Gulf of Mexico.

TITLE III—TEMPORARY MORATORIUM ON REGULATION OF AGRICULTURAL DUST

- Sec. 301. Temporary moratorium on regulation of agricultural dust.

1 **TITLE I—SURFACE MINING**
 2 **CONTROL AND RECLAMATION**
 3 **ACT AMENDMENTS OF 2006**

4 **SECTION 1. SHORT TITLE.**

- 5 This title may be cited as the “Surface Mining Con-
 6 trol and Reclamation Act Amendments of 2006”.

1 **Subtitle A—Mining Control and**
2 **Reclamation**

3 **SEC. 101. ABANDONED MINE RECLAMATION FUND AND**
4 **PURPOSES.**

5 (a) IN GENERAL.—Section 401 of the Surface Min-
6 ing Control and Reclamation Act of 1977 (30 U.S.C.
7 1231) is amended—

8 (1) in subsection (c)—

9 (A) by striking paragraphs (2) and (6);

10 and

11 (B) by redesignating paragraphs (3), (4),

12 and (5) and paragraphs (7) through (13) as

13 paragraphs (2) through (11), respectively;

14 (2) by striking subsection (d) and inserting the

15 following:

16 “(d) AVAILABILITY OF MONEYS; NO FISCAL YEAR

17 LIMITATION.—

18 “(1) IN GENERAL.—Moneys from the fund for

19 expenditures under subparagraphs (A) through (D)

20 of section 402(g)(3) shall be available only when ap-

21 propriated for those subparagraphs.

22 “(2) NO FISCAL YEAR LIMITATION.—Appropria-

23 tions described in paragraph (1) shall be made with-

24 out fiscal year limitation.

1 “(3) OTHER PURPOSES.—Moneys from the
2 fund shall be available for all other purposes of this
3 title without prior appropriation as provided in sub-
4 section (f).”;

5 (3) in subsection (e)—

6 (A) in the second sentence, by striking
7 “the needs of such fund” and inserting “achiev-
8 ing the purposes of the transfers under section
9 402(h)”;

10 (B) in the third sentence, by inserting be-
11 fore the period the following: “for the purpose
12 of the transfers under section 402(h)”;

13 (4) by adding at the end the following:

14 “(f) GENERAL LIMITATION ON OBLIGATION AU-
15 THORITY.—

16 “(1) IN GENERAL.—From amounts deposited
17 into the fund under subsection (b), the Secretary
18 shall distribute during each fiscal year beginning
19 after September 30, 2007, an amount determined
20 under paragraph (2).

21 “(2) AMOUNTS.—

22 “(A) FOR FISCAL YEARS 2008 THROUGH
23 2022.—For each of fiscal years 2008 through
24 2022, the amount distributed by the Secretary
25 under this subsection shall be equal to—

1 “(i) the amounts deposited into the
2 fund under paragraphs (1), (2), and (4) of
3 subsection (b) for the preceding fiscal year
4 that were allocated under paragraphs (1)
5 and (5) of section 402(g); plus

6 “(ii) the amount needed for the ad-
7 justment under section 402(g)(8) for the
8 current fiscal year.

9 “(B) FISCAL YEARS 2023 AND THERE-
10 AFTER.—For fiscal year 2023 and each fiscal
11 year thereafter, to the extent that funds are
12 available, the Secretary shall distribute an
13 amount equal to the amount distributed under
14 subparagraph (A) during fiscal year 2022.

15 “(3) DISTRIBUTION.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), for each fiscal year, of the
18 amount to be distributed to States and Indian
19 tribes pursuant to paragraph (2), the Secretary
20 shall distribute—

21 “(i) the amounts allocated under
22 paragraph (1) of section 402(g), the
23 amounts allocated under paragraph (5) of
24 section 402(g), and any amount reallocated
25 under section 411(h)(3) in accordance with

1 section 411(h)(2), for grants to States and
2 Indian tribes under section 402(g)(5); and
3 “(ii) the amounts allocated under sec-
4 tion 402(g)(8).

5 “(B) EXCLUSION.—Beginning on October
6 1, 2007, certified States shall be ineligible to
7 receive amounts under section 402(g)(1).

8 “(4) AVAILABILITY.—Amounts in the fund
9 available to the Secretary for obligation under this
10 subsection shall be available until expended.

11 “(5) ADDITION.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), the amount distributed under this
14 subsection for each fiscal year shall be in addi-
15 tion to the amount appropriated from the fund
16 during the fiscal year.

17 “(B) EXCEPTIONS.—Notwithstanding
18 paragraph (3), the amount distributed under
19 this subsection for the first 4 fiscal years begin-
20 ning on and after October 1, 2007, shall be
21 equal to the following percentage of the amount
22 otherwise required to be distributed:

23 “(i) 50 percent in fiscal year 2008.

24 “(ii) 50 percent in fiscal year 2009.

25 “(iii) 75 percent in fiscal year 2010.

1 “(iv) 75 percent in fiscal year 2011.”.

2 (b) CONFORMING AMENDMENT.—Section 712(b) of
3 the Surface Mining Control and Reclamation Act of 1977
4 (30 U.S.C. 1302(b)) is amended by striking “section
5 401(c)(11)” and inserting “section 401(c)(9)”.

6 **SEC. 102. RECLAMATION FEE.**

7 (a) AMOUNTS.—

8 (1) FISCAL YEARS 2008–2012.—Effective Octo-
9 ber 1, 2007, section 402(a) of the Surface Mining
10 Control and Reclamation Act of 1977 (30 U.S.C.
11 1232(a)) is amended—

12 (A) by striking “35” and inserting “31.5”;

13 (B) by striking “15” and inserting “13.5”;

14 and

15 (C) by striking “10 cents” and inserting
16 “9 cents”.

17 (2) FISCAL YEARS 2013–2021.—Effective Octo-
18 ber 1, 2012, section 402(a) of the Surface Mining
19 Control and Reclamation Act of 1977 (30 U.S.C.
20 1232(a)) (as amended by paragraph (1)) is
21 amended—

22 (A) by striking “31.5” and inserting “28”;

23 (B) by striking “13.5” and inserting “12”;

24 and

1 (C) by striking “9 cents” and inserting “8
2 cents”.

3 (b) DURATION.—Effective September 30, 2007, sec-
4 tion 402(b) of the Surface Mining Control and Reclama-
5 tion Act of 1977 (30 U.S.C. 1232(b)) (as amended by sec-
6 tion 7007 of the Emergency Supplemental Appropriations
7 Act for Defense, the Global War on Terror, and Hurricane
8 Recovery, 2006 (Public Law 109–234; 120 Stat. 484)) is
9 amended by striking “September 30, 2007” and all that
10 follows through the end of the sentence and inserting
11 “September 30, 2021.”.

12 (c) ALLOCATION OF FUNDS.—Section 402(g) of the
13 Surface Mining Control and Reclamation Act of 1977 (30
14 U.S.C. 1232(g)) is amended—

15 (1) in paragraph (1)(D)—

16 (A) by inserting “(except for grants award-
17 ed during fiscal years 2008, 2009, and 2010 to
18 the extent not expended within 5 years)” after
19 “this paragraph”; and

20 (B) by striking “in any area under para-
21 graph (2), (3), (4), or (5)” and inserting
22 “under paragraph (5)”;

23 (2) by striking paragraph (2) and inserting:

24 “(2) In making the grants referred to in paragraph
25 (1)(C) and the grants referred to in paragraph (5), the

1 Secretary shall ensure strict compliance by the States and
2 Indian tribes with the priorities described in section
3 403(a) until a certification is made under section
4 411(a).”;

5 (3) in paragraph (3)—

6 (A) in the matter preceding subparagraph
7 (A), by striking “paragraphs (2) and” and in-
8 serting “paragraph”;

9 (B) in subparagraph (A), by striking
10 “401(c)(11)” and inserting “401(c)(9)”; and

11 (C) by adding at the end the following:

12 “(E) For the purpose of paragraph (8).”;

13 (4) in paragraph (5)—

14 (A) by inserting “(A)” after “(5)”;

15 (B) in the first sentence, by striking “40”
16 and inserting “60”;

17 (C) in the last sentence, by striking
18 “Funds allocated or expended by the Secretary
19 under paragraphs (2), (3), or (4)” and insert-
20 ing “Funds made available under paragraph (3)
21 or (4)”; and

22 (D) by adding at the end the following:

23 “(B) Any amount that is reallocated and available
24 under section 411(h)(3) shall be in addition to amounts
25 that are allocated under subparagraph (A).”; and

1 (5) by striking paragraphs (6) through (8) and
2 inserting the following:

3 “(6)(A) Any State with an approved abandoned mine
4 reclamation program pursuant to section 405 may receive
5 and retain, without regard to the 3-year limitation re-
6 ferred to in paragraph (1)(D), up to 30 percent of the
7 total of the grants made annually to the State under para-
8 graphs (1) and (5) if those amounts are deposited into
9 an acid mine drainage abatement and treatment fund es-
10 tablished under State law, from which amounts (together
11 with all interest earned on the amounts) are expended by
12 the State for the abatement of the causes and the treat-
13 ment of the effects of acid mine drainage in a comprehen-
14 sive manner within qualified hydrologic units affected by
15 coal mining practices.

16 “(B) In this paragraph, the term ‘qualified hydrologic
17 unit’ means a hydrologic unit—

18 “(i) in which the water quality has been signifi-
19 cantly affected by acid mine drainage from coal min-
20 ing practices in a manner that adversely impacts bi-
21 ological resources; and

22 “(ii) that contains land and water that are—

23 “(I) eligible pursuant to section 404 and
24 include any of the priorities described in section
25 403(a); and

1 “(II) the subject of expenditures by the
2 State from the forfeiture of bonds required
3 under section 509 or from other States sources
4 to abate and treat acid mine drainage.

5 “(7) In complying with the priorities described in sec-
6 tion 403(a), any State or Indian tribe may use amounts
7 available in grants made annually to the State or tribe
8 under paragraphs (1) and (5) for the reclamation of eligi-
9 ble land and water described in section 403(a)(3) before
10 the completion of reclamation projects under paragraphs
11 (1) and (2) of section 403(a) only if the expenditure of
12 funds for the reclamation is done in conjunction with the
13 expenditure before, on, or after the date of enactment of
14 the Surface Mining Control and Reclamation Act Amend-
15 ments of 2006 of funds for reclamation projects under
16 paragraphs (1) and (2) of section 403(a).

17 “(8)(A) In making funds available under this title,
18 the Secretary shall ensure that the grant awards total not
19 less than \$3,000,000 annually to each State and each In-
20 dian tribe having an approved abandoned mine reclama-
21 tion program pursuant to section 405 and eligible land
22 and water pursuant to section 404, so long as an alloca-
23 tion of funds to the State or tribe is necessary to achieve
24 the priorities stated in paragraphs (1) and (2) of section
25 403(a).

1 “(B) Notwithstanding any other provision of law, this
2 paragraph applies to the States of Tennessee and Mis-
3 souri.”.

4 (d) TRANSFERS OF INTEREST EARNED BY ABAN-
5 DONED MINE RECLAMATION FUND.—Section 402 of the
6 Surface Mining Control and Reclamation Act of 1977 (30
7 U.S.C. 1232) is amended by striking subsection (h) and
8 inserting the following:

9 “(h) TRANSFERS OF INTEREST EARNED BY FUND.—

10 “(1) IN GENERAL.—

11 “(A) TRANSFERS TO COMBINED BENEFIT
12 FUND.—As soon as practicable after the begin-
13 ning of fiscal year 2007 and each fiscal year
14 thereafter, and before making any allocation
15 with respect to the fiscal year under subsection
16 (g), the Secretary shall use an amount not to
17 exceed the amount of interest that the Sec-
18 retary estimates will be earned and paid to the
19 fund during the fiscal year to make the transfer
20 described in paragraph (2)(A).

21 “(B) TRANSFERS TO 1992 AND 1993
22 PLANS.—As soon as practicable after the begin-
23 ning of fiscal year 2008 and each fiscal year
24 thereafter, and before making any allocation
25 with respect to the fiscal year under subsection

1 (g), the Secretary shall use an amount not to
2 exceed the amount of interest that the Sec-
3 retary estimates will be earned and paid to the
4 fund during the fiscal year (reduced by the
5 amount used under subparagraph (A)) to make
6 the transfers described in paragraphs (2)(B)
7 and (2)(C).

8 “(2) TRANSFERS DESCRIBED.—The transfers
9 referred to in paragraph (1) are the following:

10 “(A) UNITED MINE WORKERS OF AMERICA
11 COMBINED BENEFIT FUND.—A transfer to the
12 United Mine Workers of America Combined
13 Benefit Fund equal to the amount that the
14 trustees of the Combined Benefit Fund esti-
15 mate will be expended from the fund for the fis-
16 cal year in which the transfer is made, reduced
17 by—

18 “(i) the amount the trustees of the
19 Combined Benefit Fund estimate the Com-
20 bined Benefit Fund will receive during the
21 fiscal year in—

22 “(I) required premiums; and

23 “(II) payments paid by Federal
24 agencies in connection with benefits

1 provided by the Combined Benefit
2 Fund; and

3 “(ii) the amount the trustees of the
4 Combined Benefit Fund estimate will be
5 expended during the fiscal year to provide
6 health benefits to beneficiaries who are un-
7 assigned beneficiaries solely as a result of
8 the application of section 9706(h)(1) of the
9 Internal Revenue Code of 1986, but only
10 to the extent that such amount does not
11 exceed the amounts described in subsection
12 (i)(1)(A) that the Secretary estimates will
13 be available to pay such estimated expendi-
14 tures.

15 “(B) UNITED MINE WORKERS OF AMERICA
16 1992 BENEFIT PLAN.—A transfer to the United
17 Mine Workers of America 1992 Benefit Plan, in
18 an amount equal to the difference between—

19 “(i) the amount that the trustees of
20 the 1992 UMWA Benefit Plan estimate
21 will be expended from the 1992 UMWA
22 Benefit Plan during the next calendar year
23 to provide the benefits required by the
24 1992 UMWA Benefit Plan on the date of
25 enactment of this subparagraph; minus

1 “(ii) the amount that the trustees of
2 the 1992 UMWA Benefit Plan estimate
3 the 1992 UMWA Benefit Plan will receive
4 during the next calendar year in—

5 “(I) required monthly per bene-
6 ficiary premiums, including the
7 amount of any security provided to
8 the 1992 UMWA Benefit Plan that is
9 available for use in the provision of
10 benefits; and

11 “(II) payments paid by Federal
12 agencies in connection with benefits
13 provided by the 1992 UMWA benefit
14 plan.

15 “(C) MULTIEMPLOYER HEALTH BENEFIT
16 PLAN.—A transfer to the Multiemployer Health
17 Benefit Plan established after July 20, 1992,
18 by the parties that are the settlors of the 1992
19 UMWA Benefit Plan referred to in subpara-
20 graph (B) (referred to in this subparagraph and
21 subparagraph (D) as ‘the Plan’), in an amount
22 equal to the excess (if any) of—

23 “(i) the amount that the trustees of
24 the Plan estimate will be expended from
25 the Plan during the next calendar year, to

1 provide benefits no greater than those pro-
2 vided by the Plan as of December 31,
3 2006; over

4 “(ii) the amount that the trustees es-
5 timated the Plan will receive during the
6 next calendar year in payments paid by
7 Federal agencies in connection with bene-
8 fits provided by the Plan.

9 Such excess shall be calculated by taking into
10 account only those beneficiaries actually en-
11 rolled in the Plan as of December 31, 2006,
12 who are eligible to receive benefits under the
13 Plan on the first day of the calendar year for
14 which the transfer is made.

15 “(D) INDIVIDUALS CONSIDERED EN-
16 ROLLED.—For purposes of subparagraph (C),
17 any individual who was eligible to receive bene-
18 fits from the Plan as of the date of enactment
19 of this subsection, even though benefits were
20 being provided to the individual pursuant to a
21 settlement agreement approved by order of a
22 bankruptcy court entered on or before Sep-
23 tember 30, 2004, will be considered to be actu-
24 ally enrolled in the Plan and shall receive bene-

1 fits from the Plan beginning on December 31,
2 2006.

3 “(3) ADJUSTMENT.—If, for any fiscal year, the
4 amount of a transfer under subparagraph (A), (B),
5 or (C) of paragraph (2) is more or less than the
6 amount required to be transferred under that sub-
7 paragraph, the Secretary shall appropriately adjust
8 the amount transferred under that subparagraph for
9 the next fiscal year.

10 “(4) ADDITIONAL AMOUNTS.—

11 “(A) PREVIOUSLY CREDITED INTEREST.—
12 Notwithstanding any other provision of law, any
13 interest credited to the fund that has not pre-
14 viously been transferred to the Combined Ben-
15 efit Fund referred to in paragraph (2)(A) under
16 this section—

17 “(i) shall be held in reserve by the
18 Secretary until such time as necessary to
19 make the payments under subparagraphs
20 (A) and (B) of subsection (i)(1), as de-
21 scribed in clause (ii); and

22 “(ii) in the event that the amounts de-
23 scribed in subsection (i)(1) are insufficient
24 to make the maximum payments described
25 in subparagraphs (A) and (B) of sub-

1 section (i)(1), shall be used by the Sec-
2 retary to supplement the payments so that
3 the maximum amount permitted under
4 those paragraphs is paid.

5 “(B) PREVIOUSLY ALLOCATED
6 AMOUNTS.—All amounts allocated under sub-
7 section (g)(2) before the date of enactment of
8 this subparagraph for the program described in
9 section 406, but not appropriated before that
10 date, shall be available to the Secretary to make
11 the transfers described in paragraph (2).

12 “(C) ADEQUACY OF PREVIOUSLY CRED-
13 ITED INTEREST.—The Secretary shall—

14 “(i) consult with the trustees of the
15 plans described in paragraph (2) at rea-
16 sonable intervals; and

17 “(ii) notify Congress if a determina-
18 tion is made that the amounts held in re-
19 serve under subparagraph (A) are insuffi-
20 cient to meet future requirements under
21 subparagraph (A)(ii).

22 “(D) ADDITIONAL RESERVE AMOUNTS.—
23 In addition to amounts held in reserve under
24 subparagraph (A), there is authorized to be ap-
25 propriated such sums as may be necessary for

1 transfer to the fund to carry out the purposes
2 of subparagraph (A)(ii).

3 “(E) INAPPLICABILITY OF CAP.—The limi-
4 tation described in subsection (i)(3)(A) shall
5 not apply to payments made from the reserve
6 fund under this paragraph.

7 “(5) LIMITATIONS.—

8 “(A) AVAILABILITY OF FUNDS FOR NEXT
9 FISCAL YEAR.—The Secretary may make trans-
10 fers under subparagraphs (B) and (C) of para-
11 graph (2) for a calendar year only if the Sec-
12 retary determines, using actuarial projections
13 provided by the trustees of the Combined Ben-
14 efit Fund referred to in paragraph (2)(A), that
15 amounts will be available under paragraph (1),
16 after the transfer, for the next fiscal year for
17 making the transfer under paragraph (2)(A).

18 “(B) RATE OF CONTRIBUTIONS OF OBLI-
19 GORS.—

20 “(i) IN GENERAL.—

21 “(I) RATE.—A transfer under
22 paragraph (2)(C) shall not be made
23 for a calendar year unless the persons
24 that are obligated to contribute to the
25 plan referred to in paragraph (2)(C)

1 on the date of the transfer are obli-
2 gated to make the contributions at
3 rates that are no less than those in ef-
4 fect on the date which is 30 days be-
5 fore the date of enactment of this sub-
6 section.

7 “(II) APPLICATION.—The con-
8 tributions described in subclause (I)
9 shall be applied first to the provision
10 of benefits to those plan beneficiaries
11 who are not described in paragraph
12 (2)(C)(ii).

13 “(ii) INITIAL CONTRIBUTIONS.—

14 “(I) IN GENERAL.—From the
15 date of enactment of the Surface Min-
16 ing Control and Reclamation Act
17 Amendments of 2006 through Decem-
18 ber 31, 2010, the persons that, on the
19 date of enactment of that Act, are ob-
20 ligated to contribute to the plan re-
21 ferred to in paragraph (2)(C) shall be
22 obligated, collectively, to make con-
23 tributions equal to the amount de-
24 scribed in paragraph (2)(C), less the

1 amount actually transferred due to
2 the operation of subparagraph (C).

3 “(II) FIRST CALENDAR YEAR.—
4 Calendar year 2006 is the first cal-
5 endar year for which contributions are
6 required under this clause.

7 “(III) AMOUNT OF CONTRIBU-
8 TION FOR 2006.—Except as provided
9 in subclause (IV), the amount de-
10 scribed in paragraph (2)(C) for cal-
11 endar year 2006 shall be calculated as
12 if paragraph (2)(C) had been in effect
13 during 2005.

14 “(IV) LIMITATION.—The con-
15 tributions required under this clause
16 for calendar year 2006 shall not ex-
17 ceed the amount necessary for sol-
18 vency of the plan described in para-
19 graph (2)(C), measured as of Decem-
20 ber 31, 2006 and taking into account
21 all assets held by the plan as of that
22 date.

23 “(iii) DIVISION.—The collective an-
24 nual contribution obligation required under
25 clause (ii) shall be divided among the per-

1 sons subject to the obligation, and applied
2 uniformly, based on the hours worked for
3 which contributions referred to in clause
4 (i) would be owed.

5 “(C) PHASE-IN OF TRANSFERS.—For each
6 of calendar years 2008 through 2010, the
7 transfers required under subparagraphs (B)
8 and (C) of paragraph (2) shall equal the fol-
9 lowing amounts:

10 “(i) For calendar year 2008, the Sec-
11 retary shall make transfers equal to 25
12 percent of the amounts that would other-
13 wise be required under subparagraphs (B)
14 and (C) of paragraph (2).

15 “(ii) For calendar year 2009, the Sec-
16 retary shall make transfers equal to 50
17 percent of the amounts that would other-
18 wise be required under subparagraphs (B)
19 and (C) of paragraph (2).

20 “(iii) For calendar year 2010, the
21 Secretary shall make transfers equal to 75
22 percent of the amounts that would other-
23 wise be required under subparagraphs (B)
24 and (C) of paragraph (2).

25 “(i) FUNDING.—

1 “(1) IN GENERAL.—Subject to paragraph (3),
2 out of any funds in the Treasury not otherwise ap-
3 propriated, the Secretary of the Treasury shall
4 transfer to the plans described in subsection (h)(2)
5 such sums as are necessary to pay the following
6 amounts:

7 “(A) To the Combined Fund (as defined in
8 section 9701(a)(5) of the Internal Revenue
9 Code of 1986 and referred to in this paragraph
10 as the ‘Combined Fund’), the amount that the
11 trustees of the Combined Fund estimate will be
12 expended from premium accounts maintained
13 by the Combined Fund for the fiscal year to
14 provide benefits for beneficiaries who are unas-
15 signed beneficiaries solely as a result of the ap-
16 plication of section 9706(h)(1) of the Internal
17 Revenue Code of 1986, subject to the following
18 limitations:

19 “(i) For fiscal year 2008, the amount
20 paid under this subparagraph shall equal—

21 “(I) the amount described in sub-
22 paragraph (A); minus

23 “(II) the amounts required under
24 section 9706(h)(3)(A) of the Internal
25 Revenue Code of 1986.

1 “(ii) For fiscal year 2009, the amount
2 paid under this subparagraph shall equal—

3 “(I) the amount described in sub-
4 paragraph (A); minus

5 “(II) the amounts required under
6 section 9706(h)(3)(B) of the Internal
7 Revenue Code of 1986.

8 “(iii) For fiscal year 2010, the
9 amount paid under this subparagraph shall
10 equal—

11 “(I) the amount described in sub-
12 paragraph (A); minus

13 “(II) the amounts required under
14 section 9706(h)(3)(C) of the Internal
15 Revenue Code of 1986.

16 “(B) On certification by the trustees of
17 any plan described in subsection (h)(2) that the
18 amount available for transfer by the Secretary
19 pursuant to this section (determined after ap-
20 plication of any limitation under subsection
21 (h)(5)) is less than the amount required to be
22 transferred, to the plan the amount necessary
23 to meet the requirement of subsection (h)(2).

24 “(C) To the Combined Fund, \$9,000,000
25 on October 1, 2007, \$9,000,000 on October 1,

1 voided by the Commissioner of the So-
2 cial Security Administration; and

3 “(II) was subject to a final judg-
4 ment or final settlement of litigation
5 adverse to a claim by the operator
6 that the assignment of beneficiaries
7 under section 9706 of the Internal
8 Revenue Code of 1986 was unconsti-
9 tutional as applied to the operator;
10 and

11 “(ii) on or before September 7, 2000,
12 the signatory operator (or any related per-
13 son to the operator) had paid to the Com-
14 bined Fund any premium amount that had
15 not been refunded.

16 “(2) PAYMENTS TO STATES AND INDIAN
17 TRIBES.—Subject to paragraph (3), out of any funds
18 in the Treasury not otherwise appropriated, the Sec-
19 retary of the Treasury shall transfer to the Sec-
20 retary of the Interior for distribution to States and
21 Indian tribes such sums as are necessary to pay
22 amounts described in paragraphs (1)(A) and (2)(A)
23 of section 411(h).

24 “(3) LIMITATIONS.—

1 “(A) CAP.—The total amount transferred
2 under this subsection for any fiscal year shall
3 not exceed \$490,000,000.

4 “(B) INSUFFICIENT AMOUNTS.—In a case
5 in which the amount required to be transferred
6 without regard to this paragraph exceeds the
7 maximum annual limitation in subparagraph
8 (A), the Secretary shall adjust the transfers of
9 funds so that—

10 “(i) each transfer for the fiscal year is
11 a percentage of the amount described;

12 “(ii) the amount is determined with-
13 out regard to subsection (h)(5)(A); and

14 “(iii) the percentage transferred is the
15 same for all transfers made under this sub-
16 section for the fiscal year.

17 “(4) AVAILABILITY OF FUNDS.—Funds shall be
18 transferred under paragraph (1) and (2) beginning
19 in fiscal year 2008 and each fiscal year thereafter,
20 and shall remain available until expended.”.

21 **SEC. 103. OBJECTIVES OF FUND.**

22 Section 403 of the Surface Mining Control and Rec-
23 lamation Act of 1977 (30 U.S.C. 1233) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking “(1) the protection”
2 and inserting the following:

3 “(1)(A) the protection;”;

4 (ii) in subparagraph (A) (as des-
5 ignated by clause (i)), by striking “general
6 welfare,”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(B) the restoration of land and water re-
10 sources and the environment that—

11 “(i) have been degraded by the adverse ef-
12 fects of coal mining practices; and

13 “(ii) are adjacent to a site that has been
14 or will be remediated under subparagraph
15 (A);”;

16 (B) in paragraph (2)—

17 (i) by striking “(2) the protection”
18 and inserting the following:

19 “(2)(A) the protection”;

20 (ii) in subparagraph (A) (as des-
21 ignated by clause (i), by striking “health,
22 safety, and general welfare” and inserting
23 “health and safety”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(B) the restoration of land and water re-
2 sources and the environment that—

3 “(i) have been degraded by the adverse ef-
4 fects of coal mining practices; and

5 “(ii) are adjacent to a site that has been
6 or will be remediated under subparagraph (A);
7 and”;

8 (C) in paragraph (3), by striking the semi-
9 colon at the end and inserting a period; and

10 (D) by striking paragraphs (4) and (5);

11 (2) in subsection (b)—

12 (A) by striking the subsection heading and
13 inserting “WATER SUPPLY RESTORATION.—”;
14 and

15 (B) in paragraph (1), by striking “up to
16 30 percent of the”; and

17 (3) in the second sentence of subsection (c), by
18 inserting “, subject to the approval of the Sec-
19 retary,” after “amendments”.

20 **SEC. 104. RECLAMATION OF RURAL LAND.**

21 (a) ADMINISTRATION.—Section 406(h) of the Sur-
22 face Mining Control and Reclamation Act of 1977 (30
23 U.S.C. 1236(h)) is amended by striking “Soil Conserva-
24 tion Service” and inserting “Natural Resources Conserva-
25 tion Service”.

1 (b) AUTHORIZATION OF APPROPRIATIONS FOR CAR-
2 RYING OUT RURAL LAND RECLAMATION.—Section 406 of
3 the Surface Mining Control and Reclamation Act of 1977
4 (30 U.S.C. 1236) is amended by adding at the end the
5 following:

6 “(i) There are authorized to be appropriated to the
7 Secretary of Agriculture, from amounts in the Treasury
8 other than amounts in the fund, such sums as may be
9 necessary to carry out this section.”.

10 **SEC. 105. LIENS.**

11 Section 408(a) of the Surface Mining Control and
12 Reclamation Act of 1977 (30 U.S.C. 1238) is amended
13 in the last sentence by striking “who owned the surface
14 prior to May 2, 1977, and”.

15 **SEC. 106. CERTIFICATION.**

16 Section 411 of the Surface Mining Control and Rec-
17 lamation Act of 1977 (30 U.S.C. 1240a) is amended—

18 (1) in subsection (a)—

19 (A) by inserting “(1)” before the first sen-
20 tence; and

21 (B) by adding at the end the following:

22 “(2)(A) The Secretary may, on the initiative of the
23 Secretary, make the certification referred to in paragraph
24 (1) on behalf of any State or Indian tribe referred to in
25 paragraph (1) if on the basis of the inventory referred to

1 in section 403(c) all reclamation projects relating to the
2 priorities described in section 403(a) for eligible land and
3 water pursuant to section 404 in the State or tribe have
4 been completed.

5 “(B) The Secretary shall only make the certification
6 after notice in the Federal Register and opportunity for
7 public comment.”; and

8 (2) by adding at the end the following:

9 “(h) PAYMENTS TO STATES AND INDIAN TRIBES.—

10 “(1) IN GENERAL.—

11 “(A) PAYMENTS.—

12 “(i) IN GENERAL.—Notwithstanding
13 section 401(f)(3)(B), from funds referred
14 to in section 402(i)(2), the Secretary shall
15 make payments to States or Indian tribes
16 for the amount due for the aggregate un-
17 appropriated amount allocated to the State
18 or Indian tribe under subparagraph (A) or
19 (B) of section 402(g)(1).

20 “(ii) CONVERSION AS EQUIVALENT
21 PAYMENTS.—Amounts allocated under sub-
22 paragraphs (A) or (B) of section 402(g)(1)
23 shall be reallocated to the allocation estab-
24 lished in section 402(g)(5) in amounts

1 equivalent to payments made to States or
2 Indian tribes under this paragraph.

3 “(B) AMOUNT DUE.—In this paragraph,
4 the term ‘amount due’ means the unappropri-
5 ated amount allocated to a State or Indian tribe
6 before October 1, 2007, under subparagraph
7 (A) or (B) of section 402(g)(1).

8 “(C) SCHEDULE.—Payments under sub-
9 paragraph (A) shall be made in 7 equal annual
10 installments, beginning with fiscal year 2008.

11 “(D) USE OF FUNDS.—

12 “(i) CERTIFIED STATES AND INDIAN
13 TRIBES.—A State or Indian tribe that
14 makes a certification under subsection (a)
15 in which the Secretary concurs shall use
16 any amounts provided under this para-
17 graph for the purposes established by the
18 State legislature or tribal council of the In-
19 dian tribe, with priority given for address-
20 ing the impacts of mineral development.

21 “(ii) UNCERTIFIED STATES AND IN-
22 DIAN TRIBES.—A State or Indian tribe
23 that has not made a certification under
24 subsection (a) in which the Secretary has
25 concurred shall use any amounts provided

1 under this paragraph for the purposes de-
2 scribed in section 403.

3 “(2) SUBSEQUENT STATE AND INDIAN TRIBE
4 SHARE FOR CERTIFIED STATES AND INDIAN
5 TRIBES.—

6 “(A) IN GENERAL.—Notwithstanding sec-
7 tion 401(f)(3)(B), from funds referred to in
8 section 402(i)(2), the Secretary shall pay to
9 each certified State or Indian tribe an amount
10 equal to the sum of the aggregate unappropri-
11 ated amount allocated on or after October 1,
12 2007, to the certified State or Indian tribe
13 under subparagraph (A) or (B) of section
14 402(g)(1).

15 “(B) CERTIFIED STATE OR INDIAN TRIBE
16 DEFINED.—In this paragraph the term ‘cer-
17 tified State or Indian tribe’ means a State or
18 Indian tribe for which a certification is made
19 under subsection (a) in which the Secretary
20 concurs.

21 “(3) MANNER OF PAYMENT.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), payments to States or Indian tribes
24 under this subsection shall be made without re-
25 gard to any limitation in section 401(d) and

1 concurrently with payments to States under
2 that section.

3 “(B) INITIAL PAYMENTS.—The first 3 pay-
4 ments made to any State or Indian tribe shall
5 be reduced to 25 percent, 50 percent, and 75
6 percent, respectively, of the amounts otherwise
7 required under paragraph (2)(A).

8 “(C) INSTALLMENTS.—Amounts withheld
9 from the first 3 annual installments as provided
10 under subparagraph (B) shall be paid in 2
11 equal annual installments beginning with fiscal
12 year 2018.

13 “(4) REALLOCATION.—

14 “(A) IN GENERAL.—The amount allocated
15 to any State or Indian tribe under subpara-
16 graph (A) or (B) of section 402(g)(1) that is
17 paid to the State or Indian tribe as a result of
18 a payment under paragraph (1) or (2) shall be
19 reallocated and available for grants under sec-
20 tion 402(g)(5).

21 “(B) ALLOCATION.—The grants shall be
22 allocated based on the amount of coal histori-
23 cally produced before August 3, 1977, in the
24 same manner as under section 402(g)(5).”.

1 **SEC. 107. REMINING INCENTIVES.**

2 Title IV of the Surface Mining Control and Reclama-
3 tion Act of 1977 (30 U.S.C. 1231 et seq.) is amended by
4 adding at the following:

5 **“SEC. 415. REMINING INCENTIVES.**

6 “(a) IN GENERAL.—Notwithstanding any other pro-
7 vision of this Act, the Secretary may, after opportunity
8 for public comment, promulgate regulations that describe
9 conditions under which amounts in the fund may be used
10 to provide incentives to promote remining of eligible land
11 under section 404 in a manner that leverages the use of
12 amounts from the fund to achieve more reclamation with
13 respect to the eligible land than would be achieved without
14 the incentives.

15 “(b) REQUIREMENTS.—Any regulations promulgated
16 under subsection (a) shall specify that the incentives shall
17 apply only if the Secretary determines, with the concur-
18 rence of the State regulatory authority referred to in title
19 V, that, without the incentives, the eligible land would not
20 be likely to be remined and reclaimed.

21 “(c) INCENTIVES.—

22 “(1) IN GENERAL.—Incentives that may be con-
23 sidered for inclusion in the regulations promulgated
24 under subsection (a) include, but are not limited
25 to—

1 “(A) a rebate or waiver of the reclamation
2 fees required under section 402(a); and

3 “(B) the use of amounts in the fund to
4 provide financial assurance for remining oper-
5 ations in lieu of all or a portion of the perform-
6 ance bonds required under section 509.

7 “(2) LIMITATIONS.—

8 “(A) USE.—A rebate or waiver under
9 paragraph (1)(A) shall be used only for oper-
10 ations that—

11 “(i) remove or reprocess abandoned
12 coal mine waste; or

13 “(ii) conduct remining activities that
14 meet the priorities specified in paragraph
15 (1) or (2) of section 403(a).

16 “(B) AMOUNT.—The amount of a rebate
17 or waiver provided as an incentive under para-
18 graph (1)(A) to remine or reclaim eligible land
19 shall not exceed the estimated cost of reclaim-
20 ing the eligible land under this section.”.

21 **SEC. 108. EXTENSION OF LIMITATION ON APPLICATION OF**
22 **PROHIBITION ON ISSUANCE OF PERMIT.**

23 Section 510(e) of the Surface Mining Control and
24 Reclamation Act of 1977 (30 U.S.C. 1260(e)) is amended
25 by striking the last sentence.

1 **SEC. 109. TRIBAL REGULATION OF SURFACE COAL MINING**
2 **AND RECLAMATION OPERATIONS.**

3 (a) IN GENERAL.—Section 710 of the Surface Min-
4 ing Control and Reclamation Act of 1977 (30 U.S.C.
5 1300) is amended by adding at the end the following:

6 “(j) TRIBAL REGULATORY AUTHORITY.—

7 “(1) TRIBAL REGULATORY PROGRAMS.—

8 “(A) IN GENERAL.—Notwithstanding any
9 other provision of law, an Indian tribe may
10 apply for, and obtain the approval of, a tribal
11 program under section 503 regulating in whole
12 or in part surface coal mining and reclamation
13 operations on reservation land under the juris-
14 diction of the Indian tribe using the procedures
15 of section 504(e).

16 “(B) REFERENCES TO STATE.—For pur-
17 poses of this subsection and the implementation
18 and administration of a tribal program under
19 title V, any reference to a ‘State’ in this Act
20 shall be considered to be a reference to a ‘tribe’.

21 “(2) CONFLICTS OF INTEREST.—

22 “(A) IN GENERAL.—The fact that an indi-
23 vidual is a member of an Indian tribe does not
24 in itself constitute a violation of section 201(f).

25 “(B) EMPLOYEES OF TRIBAL REGULATORY
26 AUTHORITY.—Any employee of a tribal regu-

1 latory authority shall not be eligible for a per
2 capita distribution of any proceeds from coal
3 mining operations conducted on Indian reserva-
4 tion lands under this Act.

5 “(3) SOVEREIGN IMMUNITY.—To receive pri-
6 mary regulatory authority under section 504(e), an
7 Indian tribe shall waive sovereign immunity for pur-
8 poses of section 520 and paragraph (4).

9 “(4) JUDICIAL REVIEW.—

10 “(A) CIVIL ACTIONS.—

11 “(i) IN GENERAL.—After exhausting
12 all tribal remedies with respect to a civil
13 action arising under a tribal program ap-
14 proved under section 504(e), an interested
15 party may file a petition for judicial review
16 of the civil action in the United States cir-
17 cuit court for the circuit in which the sur-
18 face coal mining operation named in the
19 petition is located.

20 “(ii) SCOPE OF REVIEW.—

21 “(I) QUESTIONS OF LAW.—The
22 United States circuit court shall re-
23 view de novo any questions of law
24 under clause (i).

1 “(II) FINDINGS OF FACT.—The
2 United States circuit court shall re-
3 view findings of fact under clause (i)
4 using a clearly erroneous standard.

5 “(B) CRIMINAL ACTIONS.—Any criminal
6 action brought under section 518 with respect
7 to surface coal mining or reclamation oper-
8 ations on Indian reservation lands shall be
9 brought in—

10 “(i) the United States District Court
11 for the District of Columbia; or

12 “(ii) the United States district court
13 in which the criminal activity is alleged to
14 have occurred.

15 “(5) GRANTS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), grants for developing, ad-
18 ministering, and enforcing tribal programs ap-
19 proved in accordance with section 504(e) shall
20 be provided to an Indian tribe in accordance
21 with section 705.

22 “(B) EXCEPTION.—Notwithstanding sub-
23 paragraph (A), the Federal share of the costs
24 of developing, administering, and enforcing an
25 approved tribal program shall be 100 percent.

1 “(j) PREPAYMENT OF PREMIUM LIABILITY.—

2 “(1) IN GENERAL.—If—

3 “(A) a payment meeting the requirements
4 of paragraph (3) is made to the Combined
5 Fund by or on behalf of—

6 “(i) any assigned operator to which
7 this subsection applies, or

8 “(ii) any related person to any as-
9 signed operator described in clause (i), and

10 “(B) the common parent of the controlled
11 group of corporations described in paragraph
12 (2)(B) is jointly and severally liable for any pre-
13 mium under this section which (but for this
14 subsection) would be required to be paid by the
15 assigned operator or related person,

16 then such common parent (and no other person)
17 shall be liable for such premium.

18 “(2) ASSIGNED OPERATORS TO WHICH SUB-
19 SECTION APPLIES.—

20 “(A) IN GENERAL.—This subsection shall
21 apply to any assigned operator if—

22 “(i) the assigned operator (or a re-
23 lated person to the assigned operator)—

24 “(I) made contributions to the
25 1950 UMWA Benefit Plan and the

1 1974 UMWA Benefit Plan for em-
2 ployment during the period covered by
3 the 1988 agreement; and

4 “(II) is not a 1988 agreement
5 operator,

6 “(ii) the assigned operator (and all re-
7 lated persons to the assigned operator) are
8 not actively engaged in the production of
9 coal as of July 1, 2005, and

10 “(iii) the assigned operator was, as of
11 July 20, 1992, a member of a controlled
12 group of corporations described in sub-
13 paragraph (B).

14 “(B) CONTROLLED GROUP OF CORPORA-
15 TIONS.—A controlled group of corporations is
16 described in this subparagraph if the common
17 parent of such group is a corporation the shares
18 of which are publicly traded on a United States
19 exchange.

20 “(C) COORDINATION WITH REPEAL OF AS-
21 SIGNMENTS.—A person shall not fail to be
22 treated as an assigned operator to which this
23 subsection applies solely because the person
24 ceases to be an assigned operator by reason of
25 section 9706(h)(1) if the person otherwise

1 meets the requirements of this subsection and
2 is liable for the payment of premiums under
3 section 9706(h)(3).

4 “(D) CONTROLLED GROUP.—For purposes
5 of this subsection, the term ‘controlled group of
6 corporations’ has the meaning given such term
7 by section 52(a).

8 “(3) REQUIREMENTS.—A payment meets the
9 requirements of this paragraph if—

10 “(A) the amount of the payment is not less
11 than the present value of the total premium li-
12 ability under this chapter with respect to the
13 Combined Fund of the assigned operators or re-
14 lated persons described in paragraph (1) or
15 their assignees, as determined by the operator’s
16 or related person’s enrolled actuary (as defined
17 in section 7701(a)(35)) using actuarial methods
18 and assumptions each of which is reasonable
19 and which are reasonable in the aggregate, as
20 determined by such enrolled actuary;

21 “(B) such enrolled actuary files with the
22 Secretary of Labor a signed actuarial report
23 containing—

24 “(i) the date of the actuarial valuation
25 applicable to the report; and

1 “(ii) a statement by the enrolled actu-
2 ary signing the report that, to the best of
3 the actuary’s knowledge, the report is com-
4 plete and accurate and that in the actu-
5 ary’s opinion the actuarial assumptions
6 used are in the aggregate reasonably re-
7 lated to the experience of the operator and
8 to reasonable expectations; and

9 “(C) 90 calendar days have elapsed after
10 the report required by subparagraph (B) is filed
11 with the Secretary of Labor, and the Secretary
12 of Labor has not notified the assigned operator
13 in writing that the requirements of this para-
14 graph have not been satisfied.

15 “(4) USE OF PREPAYMENT.—The Combined
16 Fund shall—

17 “(A) establish and maintain an account for
18 each assigned operator or related person by, or
19 on whose behalf, a payment described in para-
20 graph (3) was made,

21 “(B) credit such account with such pay-
22 ment (and any earnings thereon), and

23 “(C) use all amounts in such account ex-
24 clusively to pay premiums that would (but for

1 this subsection) be required to be paid by the
2 assigned operator.

3 Upon termination of the obligations for the premium
4 liability of any assigned operator or related person
5 for which such account is maintained, all funds re-
6 maining in such account (and earnings thereon)
7 shall be refunded to such person as may be des-
8 ignated by the common parent described in para-
9 graph (1)(B).”.

10 (b) INDIVIDUAL EMPLOYER PLANS.—Section
11 9711(c) of the Internal Revenue Code of 1986 (relating
12 to joint and several liability) is amended to read as follows:

13 “(c) JOINT AND SEVERAL LIABILITY OF RELATED
14 PERSONS.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), each related person of a last signatory op-
17 erator to which subsection (a) or (b) applies shall be
18 jointly and severally liable with the last signatory op-
19 erator for the provision of health care coverage de-
20 scribed in subsection (a) or (b).

21 “(2) LIABILITY LIMITED IF SECURITY PRO-
22 VIDED.—If—

23 “(A) security meeting the requirements of
24 paragraph (3) is provided by or on behalf of—

1 “(i) any last signatory operator which
2 is an assigned operator described in section
3 9704(j)(2), or

4 “(ii) any related person to any last
5 signatory operator described in clause (i),
6 and

7 “(B) the common parent of the controlled
8 group of corporations described in section
9 9704(j)(2)(B) is jointly and severally liable for
10 the provision of health care under this section
11 which, but for this paragraph, would be re-
12 quired to be provided by the last signatory op-
13 erator or related person,

14 then, as of the date the security is provided, such
15 common parent (and no other person) shall be liable
16 for the provision of health care under this section
17 which the last signatory operator or related person
18 would otherwise be required to provide. Security may
19 be provided under this paragraph without regard to
20 whether a payment was made under section 9704(j).

21 “(3) SECURITY.—Security meets the require-
22 ments of this paragraph if—

23 “(A) the security—

24 “(i) is in the form of a bond, letter of
25 credit, or cash escrow,

1 “(ii) is provided to the trustees of the
2 1992 UMWA Benefit Plan solely for the
3 purpose of paying premiums for bene-
4 ficiaries who would be described in section
5 9712(b)(2)(B) if the requirements of this
6 section were not met by the last signatory
7 operator, and

8 “(iii) is in an amount equal to 1 year
9 of liability of the last signatory operator
10 under this section, determined by using the
11 average cost of such operator’s liability
12 during the prior 3 calendar years;

13 “(B) the security is in addition to any
14 other security required under any other provi-
15 sion of this title; and

16 “(C) the security remains in place for 5
17 years.

18 “(4) REFUNDS OF SECURITY.—The remaining
19 amount of any security provided under this sub-
20 section (and earnings thereon) shall be refunded to
21 the last signatory operator as of the earlier of—

22 “(A) the termination of the obligations of
23 the last signatory operator under this section,
24 or

1 “(B) the end of the 5-year period described
2 in paragraph (4)(C).”.

3 (c) 1992 UMWA BENEFIT PLAN.—Section
4 9712(d)(4) of the Internal Revenue Code of 1986 (relating
5 to joint and several liability) is amended by adding at the
6 end the following new sentence: “The provisions of section
7 9711(c)(2) shall apply to any last signatory operator de-
8 scribed in such section (without regard to whether security
9 is provided under such section, a payment is made under
10 section 9704(j), or both) and if security meeting the re-
11 quirements of section 9711(c)(3) is provided, the common
12 parent described in section 9711(c)(2)(B) shall be exclu-
13 sively responsible for any liability for premiums under this
14 section which, but for this sentence, would be required to
15 be paid by the last signatory operator or any related per-
16 son.”.

17 (d) SUCCESSOR IN INTEREST.—Section 9701(c) of
18 the Internal Revenue Code of 1986 (relating to terms re-
19 lating to operators) is amended by adding at the end the
20 following new paragraph:

21 “(8) SUCCESSOR IN INTEREST.—

22 “(A) SAFE HARBOR.—The term ‘successor
23 in interest’ shall not include any person who—

1 “(i) is an unrelated person to an eligi-
2 ble seller described in subparagraph (C);
3 and

4 “(ii) purchases for fair market value
5 assets, or all of the stock, of a related per-
6 son to such seller, in a bona fide, arm’s-
7 length sale.

8 “(B) UNRELATED PERSON.—The term
9 ‘unrelated person’ means a purchaser who does
10 not bear a relationship to the eligible seller de-
11 scribed in section 267(b).

12 “(C) ELIGIBLE SELLER.—For purposes of
13 this paragraph, the term ‘eligible seller’ means
14 an assigned operator described in section
15 9704(j)(2) or a related person to such assigned
16 operator.”.

17 (e) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on the date of the enactment
19 of this Act, except that the amendment made by sub-
20 section (d) shall apply to transactions after the date of
21 the enactment of this Act.

22 **SEC. 112. TRANSFERS TO FUNDS; PREMIUM RELIEF.**

23 (a) COMBINED FUND.—

24 (1) FEDERAL TRANSFERS.—Section 9705(b) of
25 the Internal Revenue Code of 1986 (relating to

1 transfers from Abandoned Mine Reclamation Fund)
2 is amended—

3 (A) in paragraph (1), by striking “section
4 402(h)” and inserting “subsections (h) and (i)
5 of section 402”;

6 (B) by striking paragraph (2) and insert-
7 ing the following new paragraph:

8 “(2) USE OF FUNDS.—Any amount transferred
9 under paragraph (1) for any fiscal year shall be used
10 to pay benefits and administrative costs of bene-
11 ficiaries of the Combined Fund or for such other
12 purposes as are specifically provided in the Acts de-
13 scribed in paragraph (1).”; and

14 (C) by striking “FROM ABANDONED MINE
15 RECLAMATION FUND”.

16 (2) MODIFICATIONS OF PREMIUMS TO REFLECT
17 FEDERAL TRANSFERS.—

18 (A) ELIMINATION OF UNASSIGNED BENE-
19 FICIARIES PREMIUM.—Section 9704(d) of such
20 Code (establishing unassigned beneficiaries pre-
21 mium) is amended to read as follows:

22 “(d) UNASSIGNED BENEFICIARIES PREMIUM.—

23 “(1) PLAN YEARS ENDING ON OR BEFORE SEP-
24 TEMBER 30, 2006.—For plan years ending on or be-
25 fore September 30, 2006, the unassigned bene-

1 ficiaries premium for any assigned operator shall be
2 equal to the applicable percentage of the product of
3 the per beneficiary premium for the plan year multi-
4 plied by the number of eligible beneficiaries who are
5 not assigned under section 9706 to any person for
6 such plan year.

7 “(2) PLAN YEARS BEGINNING ON OR AFTER OC-
8 TOBER 1, 2006.—

9 “(A) IN GENERAL.—For plan years begin-
10 ning on or after October 1, 2006, subject to
11 subparagraph (B), there shall be no unassigned
12 beneficiaries premium, and benefit costs with
13 respect to eligible beneficiaries who are not as-
14 signed under section 9706 to any person for
15 any such plan year shall be paid from amounts
16 transferred under section 9705(b).

17 “(B) INADEQUATE TRANSFERS.—If, for
18 any plan year beginning on or after October 1,
19 2006, the amounts transferred under section
20 9705(b) are less than the amounts required to
21 be transferred to the Combined Fund under
22 subsection (h)(2)(A) or (i) of section 402 of the
23 Surface Mining Control and Reclamation Act of
24 1977 (30 U.S.C. 1232)), then the unassigned
25 beneficiaries premium for any assigned operator

1 shall be equal to the operator's applicable per-
2 centage of the amount required to be so trans-
3 ferred which was not so transferred.”.

4 (B) PREMIUM ACCOUNTS.—

5 (i) CREDITING OF ACCOUNTS.—Sec-
6 tion 9704(e)(1) of such Code (relating to
7 premium accounts; adjustments) is amend-
8 ed by inserting “and amounts transferred
9 under section 9705(b)” after “premiums
10 received”.

11 (ii) SURPLUSES ATTRIBUTABLE TO
12 PUBLIC FUNDING.—Section 9704(e)(3)(A)
13 of such Code is amended by adding at the
14 end the following new sentence: “Amounts
15 credited to an account from amounts
16 transferred under section 9705(b) shall not
17 be taken into account in determining
18 whether there is a surplus in the account
19 for purposes of this paragraph.”

20 (C) APPLICABLE PERCENTAGE.—Section
21 9704(f)(2) of such Code (relating to annual ad-
22 justments) is amended by adding at the end the
23 following new subparagraph:

24 “(C) In the case of plan years beginning
25 on or after October 1, 2007, the total number

1 of assigned eligible beneficiaries shall be re-
2 duced by the eligible beneficiaries whose assign-
3 ments have been revoked under section
4 9706(h).”.

5 (3) ASSIGNMENTS AND REASSIGNMENT.—Sec-
6 tion 9706 of the Internal Revenue Code of 1986 (re-
7 lating to assignment of eligible beneficiaries) is
8 amended by adding at the end the following:

9 “(h) ASSIGNMENTS AS OF OCTOBER 1, 2007.—

10 “(1) IN GENERAL.—Subject to the premium ob-
11 ligation set forth in paragraph (3), the Commis-
12 sioner of Social Security shall—

13 “(A) revoke all assignments to persons
14 other than 1988 agreement operators for pur-
15 poses of assessing premiums for plan years be-
16 ginning on and after October 1, 2007; and

17 “(B) make no further assignments to per-
18 sons other than 1988 agreement operators, ex-
19 cept that no individual who becomes an unas-
20 signed beneficiary by reason of subparagraph
21 (A) may be assigned to a 1988 agreement oper-
22 ator.

23 “(2) REASSIGNMENT UPON PURCHASE.—This
24 subsection shall not be construed to prohibit the re-

1 assignment under subsection (b)(2) of an eligible
2 beneficiary.

3 “(3) LIABILITY OF PERSONS DURING THREE
4 FISCAL YEARS BEGINNING ON AND AFTER OCTOBER
5 1, 2007.—In the case of each of the fiscal years be-
6 ginning on October 1, 2007, 2008, and 2009, each
7 person other than a 1988 agreement operator shall
8 pay to the Combined Fund the following percentage
9 of the amount of annual premiums that such person
10 would otherwise be required to pay under section
11 9704(a), determined on the basis of assignments in
12 effect without regard to the revocation of assign-
13 ments under paragraph (1)(A):

14 “(A) For the fiscal year beginning on Oc-
15 tober 1, 2007, 55 percent.

16 “(B) For the fiscal year beginning on Oc-
17 tober 1, 2008, 40 percent.

18 “(C) For the fiscal year beginning on Oc-
19 tober 1, 2009, 15 percent.”.

20 (4) EFFECTIVE DATE.—The amendments made
21 by this subsection shall apply to plan years of the
22 Combined Fund beginning after September 30,
23 2006.

24 (b) 1992 UMWA BENEFIT AND OTHER PLANS.—

1 (1) TRANSFERS TO PLANS.—Section 9712(a) of
2 the Internal Revenue Code of 1986 (relating to the
3 establishment and coverage of the 1992 UMWA
4 Benefit Plan) is amended by adding at the end the
5 following:

6 “(3) TRANSFERS UNDER OTHER FEDERAL
7 STATUTES.—

8 “(A) IN GENERAL.—The 1992 UMWA
9 Benefit Plan shall include any amount trans-
10 ferred to the plan under subsections (h) and (i)
11 of section 402 of the Surface Mining Control
12 and Reclamation Act of 1977 (30 U.S.C. 1232).

13 “(B) USE OF FUNDS.—Any amount trans-
14 ferred under subparagraph (A) for any fiscal
15 year shall be used to provide the health benefits
16 described in subsection (c) with respect to any
17 beneficiary for whom no monthly per bene-
18 ficiary premium is paid pursuant to paragraph
19 (1)(A) or (3) of subsection (d).

20 “(4) SPECIAL RULE FOR 1993 PLAN.—

21 “(A) IN GENERAL.—The plan described in
22 section 402(h)(2)(C) of the Surface Mining
23 Control and Reclamation Act of 1977 (30
24 U.S.C. 1232(h)(2)(C)) shall include any
25 amount transferred to the plan under sub-

1 sections (h) and (i) of the Surface Mining Con-
2 trol and Reclamation Act of 1977 (30 U.S.C.
3 1232).

4 “(B) USE OF FUNDS.—Any amount trans-
5 ferred under subparagraph (A) for any fiscal
6 year shall be used to provide the health benefits
7 described in section 402(h)(2)(C)(i) of the Sur-
8 face Mining Control and Reclamation Act of
9 1977 (30 U.S.C. 1232(h)(2)(C)(i)) to individ-
10 uals described in section 402(h)(2)(C) of such
11 Act (30 U.S.C. 1232(h)(2)(C)).”.

12 (2) PREMIUM ADJUSTMENTS.—

13 (A) IN GENERAL.—Section 9712(d)(1) of
14 such Code (relating to guarantee of benefits) is
15 amended to read as follows:

16 “(1) IN GENERAL.—All 1988 last signatory op-
17 erators shall be responsible for financing the benefits
18 described in subsection (c) by meeting the following
19 requirements in accordance with the contribution re-
20 quirements established in the 1992 UMWA Benefit
21 Plan:

22 “(A) The payment of a monthly per bene-
23 ficiary premium by each 1988 last signatory op-
24 erator for each eligible beneficiary of such oper-
25 ator who is described in subsection (b)(2) and

1 who is receiving benefits under the 1992
2 UMWA benefit plan.

3 “(B) The provision of a security (in the
4 form of a bond, letter of credit, or cash escrow)
5 in an amount equal to a portion of the pro-
6 jected future cost to the 1992 UMWA Benefit
7 Plan of providing health benefits for eligible
8 and potentially eligible beneficiaries attributable
9 to the 1988 last signatory operator.

10 “(C) If the amounts transferred under
11 subsection (a)(3) are less than the amounts re-
12 quired to be transferred to the 1992 UMWA
13 Benefit Plan under subsections (h) and (i) of
14 section 402 of the Surface Mining Control and
15 Reclamation Act of 1977 (30 U.S.C. 1232), the
16 payment of an additional backstop premium by
17 each 1988 last signatory operator which is
18 equal to such operator’s share of the amounts
19 required to be so transferred but which were
20 not so transferred, determined on the basis of
21 the number of eligible and potentially eligible
22 beneficiaries attributable to the operator.”.

23 (B) CONFORMING AMENDMENTS.—Section
24 9712(d) of such Code is amended—

1 (i) in paragraph (2)(B), by striking
2 “prefunding” and inserting “backstop”,
3 and

4 (ii) in paragraph (3), by striking
5 “paragraph (1)(B)” and inserting “para-
6 graph (1) (A)”.

7 (C) EFFECTIVE DATE.—The amendments
8 made by this paragraph shall apply to fiscal
9 years beginning on or after October 1, 2010.

10 **SEC. 113. OTHER PROVISIONS.**

11 (a) BOARD OF TRUSTEES.—Section 9702(b) of the
12 Internal Revenue Code of 1986 (relating to board of trust-
13 ees of the Combined Fund) is amended to read as follows:

14 “(b) BOARD OF TRUSTEES.—

15 “(1) IN GENERAL.—For purposes of subsection
16 (a), the board of trustees for the Combined Fund
17 shall be appointed as follows:

18 “(A) 2 individuals who represent employers
19 in the coal mining industry shall be designated
20 by the BCOA;

21 “(B) 2 individuals designated by the
22 United Mine Workers of America; and

23 “(C) 3 individuals selected by the individ-
24 uals appointed under subparagraphs (A) and
25 (B).

1 “(2) SUCCESSOR TRUSTEES.—Any successor
2 trustee shall be appointed in the same manner as
3 the trustee being succeeded. The plan establishing
4 the Combined Fund shall provide for the removal of
5 trustees.

6 “(3) SPECIAL RULE.—If the BCOA ceases to
7 exist, any trustee or successor under paragraph
8 (1)(A) shall be designated by the 3 employers who
9 were members of the BCOA on the enactment date
10 and who have been assigned the greatest number of
11 eligible beneficiaries under section 9706.”.

12 (b) ENFORCEMENT OF OBLIGATIONS.—

13 (1) FAILURE TO PAY PREMIUMS.—Section
14 9707(a) of the Internal Revenue Code of 1986 is
15 amended to read as follows:

16 “(a) FAILURES TO PAY.—

17 “(1) PREMIUMS FOR ELIGIBLE BENE-
18 FICIARIES.—There is hereby imposed a penalty on
19 the failure of any assigned operator to pay any pre-
20 mium required to be paid under section 9704 with
21 respect to any eligible beneficiary.

22 “(2) CONTRIBUTIONS REQUIRED UNDER THE
23 MINING LAWS.—There is hereby imposed a penalty
24 on the failure of any person to make a contribution
25 required under section 402(h)(5)(B)(ii) of the Sur-

1 face Mining Control and Reclamation Act of 1977 to
2 a plan referred to in section 402(h)(2)(C) of such
3 Act. For purposes of applying this section, each such
4 required monthly contribution for the hours worked
5 of any individual shall be treated as if it were a pre-
6 mium required to be paid under section 9704 with
7 respect to an eligible beneficiary.”.

8 (2) CIVIL ENFORCEMENT.—Section 9721 of
9 such Code is amended to read as follows:

10 **“SEC. 9721. CIVIL ENFORCEMENT.**

11 “The provisions of section 4301 of the Employee Re-
12 tirement Income Security Act of 1974 shall apply, in the
13 same manner as any claim arising out of an obligation
14 to pay withdrawal liability under subtitle E of title IV of
15 such Act, to any claim—

16 “(1) arising out of an obligation to pay any
17 amount required to be paid by this chapter; or

18 “(2) arising out of an obligation to pay any
19 amount required by section 402(h)(5)(B)(ii) of the
20 Surface Mining Control and Reclamation Act of
21 1977 (30 U.S.C. 1232(h)(5)(B)(ii)).”.

1 **TITLE II—GULF OF MEXICO**
2 **ENERGY SECURITY**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Gulf of Mexico Energy
5 Security Act of 2006”.

6 **SEC. 202. DEFINITIONS.**

7 In this title:

8 (1) 181 AREA.—The term “181 Area” means
9 the area identified in map 15, page 58, of the Pro-
10 posed Final Outer Continental Shelf Oil and Gas
11 Leasing Program for 1997–2002, dated August
12 1996, of the Minerals Management Service, available
13 in the Office of the Director of the Minerals Man-
14 agement Service, excluding the area offered in OCS
15 Lease Sale 181, held on December 5, 2001.

16 (2) 181 SOUTH AREA.—The term “181 South
17 Area” means any area—

18 (A) located—

19 (i) south of the 181 Area;

20 (ii) west of the Military Mission Line;

21 and

22 (iii) in the Central Planning Area;

23 (B) excluded from the Proposed Final
24 Outer Continental Shelf Oil and Gas Leasing

1 Program for 1997–2002, dated August 1996, of
2 the Minerals Management Service; and

3 (C) included in the areas considered for oil
4 and gas leasing, as identified in map 8, page 37
5 of the document entitled “Draft Proposed Pro-
6 gram Outer Continental Shelf Oil and Gas
7 Leasing Program 2007–2012”, dated February
8 2006.

9 (3) BONUS OR ROYALTY CREDIT.—The term
10 “bonus or royalty credit” means a legal instrument
11 or other written documentation, or an entry in an
12 account managed by the Secretary, that may be used
13 in lieu of any other monetary payment for—

14 (A) a bonus bid for a lease on the outer
15 Continental Shelf; or

16 (B) a royalty due on oil or gas production
17 from any lease located on the outer Continental
18 Shelf.

19 (4) CENTRAL PLANNING AREA.—The term
20 “Central Planning Area” means the Central Gulf of
21 Mexico Planning Area of the outer Continental
22 Shelf, as designated in the document entitled “Draft
23 Proposed Program Outer Continental Shelf Oil and
24 Gas Leasing Program 2007–2012”, dated February
25 2006.

1 (5) EASTERN PLANNING AREA.—The term
2 “Eastern Planning Area” means the Eastern Gulf of
3 Mexico Planning Area of the outer Continental
4 Shelf, as designated in the document entitled “Draft
5 Proposed Program Outer Continental Shelf Oil and
6 Gas Leasing Program 2007–2012”, dated February
7 2006.

8 (6) 2002–2007 PLANNING AREA.—The term
9 “2002–2007 planning area” means any area—

10 (A) located in—

11 (i) the Eastern Planning Area, as des-
12 ignated in the Proposed Final Outer Conti-
13 nental Shelf Oil and Gas Leasing Program
14 2002–2007, dated April 2002, of the Min-
15 erals Management Service;

16 (ii) the Central Planning Area, as des-
17 ignated in the Proposed Final Outer Conti-
18 nental Shelf Oil and Gas Leasing Program
19 2002–2007, dated April 2002, of the Min-
20 erals Management Service; or

21 (iii) the Western Planning Area, as
22 designated in the Proposed Final Outer
23 Continental Shelf Oil and Gas Leasing
24 Program 2002–2007, dated April 2002, of
25 the Minerals Management Service; and

1 (B) not located in—

2 (i) an area in which no funds may be
3 expended to conduct offshore preleasing,
4 leasing, and related activities under sec-
5 tions 104 through 106 of the Department
6 of the Interior, Environment, and Related
7 Agencies Appropriations Act, 2006 (Public
8 Law 109–54; 119 Stat. 521) (as in effect
9 on August 2, 2005);

10 (ii) an area withdrawn from leasing
11 under the “Memorandum on Withdrawal
12 of Certain Areas of the United States
13 Outer Continental Shelf from Leasing Dis-
14 position”, from 34 Weekly Comp. Pres.
15 Doc. 1111, dated June 12, 1998; or

16 (iii) the 181 Area or 181 South Area.

17 (7) GULF PRODUCING STATE.—The term “Gulf
18 producing State” means each of the States of Ala-
19 bama, Louisiana, Mississippi, and Texas.

20 (8) MILITARY MISSION LINE.—The term “Mili-
21 tary Mission Line” means the north-south line at
22 86°41′ W. longitude.

23 (9) QUALIFIED OUTER CONTINENTAL SHELF
24 REVENUES.—

1 (A) IN GENERAL.—The term “qualified
2 outer Continental Shelf revenues” means—

3 (i) in the case of each of fiscal years
4 2007 through 2016, all rentals, royalties,
5 bonus bids, and other sums due and pay-
6 able to the United States from leases en-
7 tered into on or after the date of enact-
8 ment of this Act for—

9 (I) areas in the 181 Area located
10 in the Eastern Planning Area; and

11 (II) the 181 South Area; and

12 (ii) in the case of fiscal year 2017 and
13 each fiscal year thereafter, all rentals, roy-
14 alties, bonus bids, and other sums due and
15 payable to the United States received on or
16 after October 1, 2016, from leases entered
17 into on or after the date of enactment of
18 this Act for—

19 (I) the 181 Area;

20 (II) the 181 South Area; and

21 (III) the 2002–2007 planning
22 area.

23 (B) EXCLUSIONS.—The term “qualified
24 outer Continental Shelf revenues” does not
25 include—

1 (i) revenues from the forfeiture of a
2 bond or other surety securing obligations
3 other than royalties, civil penalties, or roy-
4 alties taken by the Secretary in-kind and
5 not sold; or

6 (ii) revenues generated from leases
7 subject to section 8(g) of the Outer Conti-
8 nental Shelf Lands Act (43 U.S.C.
9 1337(g)).

10 (10) COASTAL POLITICAL SUBDIVISION.—The
11 term “coastal political subdivision” means a political
12 subdivision of a Gulf producing State any part of
13 which political subdivision is—

14 (A) within the coastal zone (as defined in
15 section 304 of the Coastal Zone Management
16 Act of 1972 (16 U.S.C. 1453)) of the Gulf pro-
17 ducing State as of the date of enactment of this
18 Act; and

19 (B) not more than 200 nautical miles from
20 the geographic center of any leased tract.

21 (11) SECRETARY.—The term “Secretary”
22 means the Secretary of the Interior.

1 **SEC. 203. OFFSHORE OIL AND GAS LEASING IN 181 AREA**
2 **AND 181 SOUTH AREA OF GULF OF MEXICO.**

3 (a) 181 AREA LEASE SALE.—Except as provided in
4 section __04, the Secretary shall offer the 181 Area for
5 oil and gas leasing pursuant to the Outer Continental
6 Shelf Lands Act (43 U.S.C. 1331 et seq.) as soon as prac-
7 ticable, but not later than 1 year, after the date of enact-
8 ment of this Act.

9 (b) 181 SOUTH AREA LEASE SALE.—The Secretary
10 shall offer the 181 South Area for oil and gas leasing pur-
11 suant to the Outer Continental Shelf Lands Act (43
12 U.S.C. 1331 et seq.) as soon as practicable after the date
13 of enactment of this Act.

14 (c) LEASING PROGRAM.—The 181 Area and 181
15 South Area shall be offered for lease under this section
16 notwithstanding the omission of the 181 Area or the 181
17 South Area from any outer Continental Shelf leasing pro-
18 gram under section 18 of the Outer Continental Shelf
19 Lands Act (43 U.S.C. 1344).

20 (d) CONFORMING AMENDMENT.—Section 105 of the
21 Department of the Interior, Environment, and Related
22 Agencies Appropriations Act, 2006 (Public Law 109–54;
23 119 Stat. 522) is amended by inserting “(other than the
24 181 South Area (as defined in section __02 of the Gulf
25 of Mexico Energy Security Act of 2006))” after “lands
26 located outside Sale 181”.

1 **SEC. 204. MORATORIUM ON OIL AND GAS LEASING IN CER-**
2 **TAIN AREAS OF GULF OF MEXICO.**

3 (a) IN GENERAL.—Effective during the period begin-
4 ning on the date of enactment of this Act and ending on
5 June 30, 2022, the Secretary shall not offer for leasing,
6 preleasing, or any related activity—

7 (1) any area east of the Military Mission Line
8 in the Gulf of Mexico;

9 (2) any area in the Eastern Planning Area that
10 is within 125 miles of the coastline of the State of
11 Florida; or

12 (3) any area in the Central Planning Area that
13 is—

14 (A) within—

15 (i) the 181 Area; and

16 (ii) 100 miles of the coastline of the
17 State of Florida; or

18 (B)(i) outside the 181 Area;

19 (ii) east of the western edge of the Pensa-
20 cola Official Protraction Diagram (UTM X co-
21 ordinate 1,393,920 (NAD 27 feet)); and

22 (iii) within 100 miles of the coastline of
23 the State of Florida.

24 (b) MILITARY MISSION LINE.—Notwithstanding sub-
25 section (a), the United States reserves the right to des-
26 ignate by and through the Secretary of Defense, with the

1 approval of the President, national defense areas on the
2 outer Continental Shelf pursuant to section 12(d) of the
3 Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

4 (c) EXCHANGE OF CERTAIN LEASES.—

5 (1) IN GENERAL.—The Secretary shall permit
6 any person that, as of the date of enactment of this
7 Act, has entered into an oil or gas lease with the
8 Secretary in any area described in paragraph (2) or
9 (3) of subsection (a) to exchange the lease for a
10 bonus or royalty credit that may only be used in the
11 Gulf of Mexico.

12 (2) VALUATION OF EXISTING LEASE.—The
13 amount of the bonus or royalty credit for a lease to
14 be exchanged shall be equal to—

15 (A) the amount of the bonus bid; and

16 (B) any rental paid for the lease as of the
17 date the lessee notifies the Secretary of the de-
18 cision to exchange the lease.

19 (3) REVENUE DISTRIBUTION.—No bonus or
20 royalty credit may be used under this subsection in
21 lieu of any payment due under, or to acquire any in-
22 terest in, a lease subject to the revenue distribution
23 provisions of section 8(g) of the Outer Continental
24 Shelf Lands Act (43 U.S.C. 1337(g)).

1 (4) REGULATIONS.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall promulgate regulations that shall provide a
4 process for—

5 (A) notification to the Secretary of a deci-
6 sion to exchange an eligible lease;

7 (B) issuance of bonus or royalty credits in
8 exchange for relinquishment of the existing
9 lease;

10 (C) transfer of the bonus or royalty credit
11 to any other person; and

12 (D) determining the proper allocation of
13 bonus or royalty credits to each lease interest
14 owner.

15 **SEC. 205. DISPOSITION OF QUALIFIED OUTER CONTI-**
16 **NENTAL SHELF REVENUES FROM 181 AREA,**
17 **181 SOUTH AREA, AND 2002–2007 PLANNING**
18 **AREAS OF GULF OF MEXICO.**

19 (a) IN GENERAL.—Notwithstanding section 9 of the
20 Outer Continental Shelf Lands Act (43 U.S.C. 1338) and
21 subject to the other provisions of this section, for each ap-
22 plicable fiscal year, the Secretary of the Treasury shall
23 deposit—

1 (1) 50 percent of qualified outer Continental
2 Shelf revenues in the general fund of the Treasury;
3 and

4 (2) 50 percent of qualified outer Continental
5 Shelf revenues in a special account in the Treasury
6 from which the Secretary shall disburse—

7 (A) 75 percent to Gulf producing States in
8 accordance with subsection (b); and

9 (B) 25 percent to provide financial assist-
10 ance to States in accordance with section 6 of
11 the Land and Water Conservation Fund Act of
12 1965 (16 U.S.C. 4601–8), which shall be consid-
13 ered income to the Land and Water Conserva-
14 tion Fund for purposes of section 2 of that Act
15 (16 U.S.C. 4601–5).

16 (b) ALLOCATION AMONG GULF PRODUCING STATES
17 AND COASTAL POLITICAL SUBDIVISIONS.—

18 (1) ALLOCATION AMONG GULF PRODUCING
19 STATES FOR FISCAL YEARS 2007 THROUGH 2016.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), effective for each of fiscal years
22 2007 through 2016, the amount made available
23 under subsection (a)(2)(A) shall be allocated to
24 each Gulf producing State in amounts (based
25 on a formula established by the Secretary by

1 regulation) that are inversely proportional to
2 the respective distances between the point on
3 the coastline of each Gulf producing State that
4 is closest to the geographic center of the appli-
5 cable leased tract and the geographic center of
6 the leased tract.

7 (B) MINIMUM ALLOCATION.—The amount
8 allocated to a Gulf producing State each fiscal
9 year under subparagraph (A) shall be at least
10 10 percent of the amounts available under sub-
11 section (a)(2)(A).

12 (2) ALLOCATION AMONG GULF PRODUCING
13 STATES FOR FISCAL YEAR 2017 AND THEREAFTER.—

14 (A) IN GENERAL.—Subject to subpara-
15 graphs (B) and (C), effective for fiscal year
16 2017 and each fiscal year thereafter—

17 (i) the amount made available under
18 subsection (a)(2)(A) from any lease en-
19 tered into within the 181 Area or the 181
20 South Area shall be allocated to each Gulf
21 producing State in amounts (based on a
22 formula established by the Secretary by
23 regulation) that are inversely proportional
24 to the respective distances between the
25 point on the coastline of each Gulf pro-

1 ducing State that is closest to the geo-
2 graphic center of the applicable leased
3 tract and the geographic center of the
4 leased tract; and

5 (ii) the amount made available under
6 subsection (a)(2)(A) from any lease en-
7 tered into within the 2002–2007 planning
8 area shall be allocated to each Gulf pro-
9 ducing State in amounts that are inversely
10 proportional to the respective distances be-
11 tween the point on the coastline of each
12 Gulf producing State that is closest to the
13 geographic center of each historical lease
14 site and the geographic center of the his-
15 torical lease site, as determined by the Sec-
16 retary.

17 (B) MINIMUM ALLOCATION.—The amount
18 allocated to a Gulf producing State each fiscal
19 year under subparagraph (A) shall be at least
20 10 percent of the amounts available under sub-
21 section (a)(2)(A).

22 (C) HISTORICAL LEASE SITES.—

23 (i) IN GENERAL.—Subject to clause
24 (ii), for purposes of subparagraph (A)(ii),
25 the historical lease sites in the 2002–2007

1 planning area shall include all leases en-
2 tered into by the Secretary for an area in
3 the Gulf of Mexico during the period be-
4 ginning on October 1, 1982 (or an earlier
5 date if practicable, as determined by the
6 Secretary), and ending on December 31,
7 2015.

8 (ii) ADJUSTMENT.—Effective January
9 1, 2022, and every 5 years thereafter, the
10 ending date described in clause (i) shall be
11 extended for an additional 5 calendar
12 years.

13 (3) PAYMENTS TO COASTAL POLITICAL SUB-
14 DIVISIONS.—

15 (A) IN GENERAL.—The Secretary shall pay
16 20 percent of the allocable share of each Gulf
17 producing State, as determined under para-
18 graphs (1) and (2), to the coastal political sub-
19 divisions of the Gulf producing State.

20 (B) ALLOCATION.—The amount paid by
21 the Secretary to coastal political subdivisions
22 shall be allocated to each coastal political sub-
23 division in accordance with subparagraphs (B),
24 (C), and (E) of section 31(b)(4) of the Outer

1 Continental Shelf Lands Act (43 U.S.C.
2 1356a(b)(4)).

3 (c) TIMING.—The amounts required to be deposited
4 under paragraph (2) of subsection (a) for the applicable
5 fiscal year shall be made available in accordance with that
6 paragraph during the fiscal year immediately following the
7 applicable fiscal year.

8 (d) AUTHORIZED USES.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 each Gulf producing State and coastal political sub-
11 division shall use all amounts received under sub-
12 section (b) in accordance with all applicable Federal
13 and State laws, only for 1 or more of the following
14 purposes:

15 (A) Projects and activities for the purposes
16 of coastal protection, including conservation,
17 coastal restoration, hurricane protection, and
18 infrastructure directly affected by coastal wet-
19 land losses.

20 (B) Mitigation of damage to fish, wildlife,
21 or natural resources.

22 (C) Implementation of a federally-approved
23 marine, coastal, or comprehensive conservation
24 management plan.

1 (D) Mitigation of the impact of outer Con-
2 tinental Shelf activities through the funding of
3 onshore infrastructure projects.

4 (E) Planning assistance and the adminis-
5 trative costs of complying with this section.

6 (2) LIMITATION.—Not more than 3 percent of
7 amounts received by a Gulf producing State or
8 coastal political subdivision under subsection (b)
9 may be used for the purposes described in paragraph
10 (1)(E).

11 (e) ADMINISTRATION.—Amounts made available
12 under subsection (a)(2) shall—

13 (1) be made available, without further appro-
14 priation, in accordance with this section;

15 (2) remain available until expended; and

16 (3) be in addition to any amounts appropriated
17 under—

18 (A) the Outer Continental Shelf Lands Act
19 (43 U.S.C. 1331 et seq.);

20 (B) the Land and Water Conservation
21 Fund Act of 1965 (16 U.S.C. 4601–4 et seq.);

22 or

23 (C) any other provision of law.

24 (f) LIMITATIONS ON AMOUNT OF DISTRIBUTED
25 QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the total amount of qualified outer Continental Shelf
3 revenues made available under subsection (a)(2)
4 shall not exceed \$500,000,000 for each of fiscal
5 years 2016 through 2055.

6 (2) EXPENDITURES.—For the purpose of para-
7 graph (1), for each of fiscal years 2016 through
8 2055, expenditures under subsection (a)(2) shall be
9 net of receipts from that fiscal year from any area
10 in the 181 Area in the Eastern Planning Area and
11 the 181 South Area.

12 (3) PRO RATA REDUCTIONS.—If paragraph (1)
13 limits the amount of qualified outer Continental
14 Shelf revenue that would be paid under subpara-
15 graphs (A) and (B) of subsection (a)(2)—

16 (A) the Secretary shall reduce the amount
17 of qualified outer Continental Shelf revenue
18 provided to each recipient on a pro rata basis;
19 and

20 (B) any remainder of the qualified outer
21 Continental Shelf revenues shall revert to the
22 general fund of the Treasury.

1 **TITLE III—TEMPORARY MORA-**
2 **TORIUM ON REGULATION OF**
3 **AGRICULTURAL DUST**

4 **SEC. 301. TEMPORARY MORATORIUM ON REGULATION OF**
5 **AGRICULTURAL DUST.**

6 Notwithstanding any other provision of law, for the
7 5-year period beginning on September 20, 2006, no na-
8 tional ambient air quality standard for particulate matter
9 promulgated pursuant to the Clean Air Act (42 U.S.C.
10 7401 et seq.) shall be enforced by the Federal Govern-
11 ment, or required by the Federal Government to be en-
12 forced by any State or local government, with respect to
13 particulate matter deposited in the ambient air as a result
14 of the conduct of an agricultural activity (as that term
15 is defined by the Secretary of Agriculture).

16 **DIVISION C—TARIFF AND TRADE**
17 **PROVISIONS**

18 **SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.**

19 (a) **SHORT TITLE.**— This division may be cited as
20 the “Miscellaneous Trade and Technical Corrections Act
21 of 2006”.

22 (b) **TABLE OF CONTENTS.**—The table of contents for
23 this division is as follows:

Sec. 1001. Short title; table of contents.

Sec. 1002. Reference; expired provisions.

Subtitle A—New Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS

- Sec. 1111. Diethyl sulfate.
- Sec. 1112. Sorafenib.
- Sec. 1113. Prohexadione calcium.
- Sec. 1114. Methyl methoxy acetate.
- Sec. 1115. Methoxyacetic acid.
- Sec. 1116. N-Methylpiperidine.
- Sec. 1117. Quinclorac technical.
- Sec. 1118. Pyridaben.
- Sec. 1119. Certain rubber or plastic footwear.
- Sec. 1120. Sodium ortho-phenylphenol.
- Sec. 1121. Certain chemical.
- Sec. 1122. Baypure CX.
- Sec. 1123. Isoeicosane.
- Sec. 1124. Isododecane.
- Sec. 1125. Isohexadecane.
- Sec. 1126. Aminoguanidine bicarbonate.
- Sec. 1127. o-Chlorotoluene.
- Sec. 1128. Bayderm bottom DLV-N.
- Sec. 1129. 2,3-Dichloronitrobenzene.
- Sec. 1130. 1-Methoxy-2-propanol.
- Sec. 1131. Basic Red 1 dye.
- Sec. 1132. Basic Red 1:1 dye.
- Sec. 1133. Basic Violet 11 dye.
- Sec. 1134. Basic Violet 11:1 dye.
- Sec. 1135. N-Cyclohexylthiophthalimide.
- Sec. 1136. 4,4'-Dithiodimorpholine.
- Sec. 1137. Tetraethylthiuram disulfide.
- Sec. 1138. Certain tetramethylthiuram disulfide.
- Sec. 1139. Certain aerosol valves.
- Sec. 1140. 4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one.
- Sec. 1141. Ethoxyquin.
- Sec. 1142. Trichlorobenzene.
- Sec. 1143. Benzoic acid, 3,4,5-trihydroxy-, propyl ester.
- Sec. 1144. 2-Cyanopyridine.
- Sec. 1145. Mixed xylidines.
- Sec. 1146. Certain reception apparatus not containing a clock or clock timer, incorporating only AM radio.
- Sec. 1147. Pigment Yellow 219.
- Sec. 1148. Pigment Blue 80.
- Sec. 1149. 1-Oxa-3, 20-diazadispiro-[5.1.11.2] heneicosan-21-one 2,2,4,4-tetramethyl-,hydrochloride, reaction products with epichlorohydrin, hydrolyzed and polymerized.
- Sec. 1150. Isobutyl parahydroxybenzoic acid and its sodium salt.
- Sec. 1151. Phosphinic acid, diethyl-, aluminum salt.
- Sec. 1152. Exolit OP 1312.
- Sec. 1153. Sodium hypophosphite.
- Sec. 1154. Cyanuric chloride.
- Sec. 1155. Certain leather footwear for persons other than men or women.
- Sec. 1156. Certain other work footwear.
- Sec. 1157. Certain turn or turned footwear.

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- Sec. 1158. Certain work footwear with outer soles of leather.
- Sec. 1159. Certain footwear with outer soles of rubber or plastics and with open toes or heels.
- Sec. 1160. Certain athletic footwear.
- Sec. 1161. Certain work footwear.
- Sec. 1162. Certain footwear.
- Sec. 1163. 1-Naphthyl methylcarbamate.
- Sec. 1164. Certain 16-inch variable speed scroll saw machines.
- Sec. 1165. 3,4-Dimethoxybenzaldehyde.
- Sec. 1166. 2-Aminothiophenol.
- Sec. 1167. Solvent Red 227.
- Sec. 1168. Mixtures of formaldehyde polymer and toluene.
- Sec. 1169. 1,2-Bis(3-aminopropyl)ethylenediamine, polymer with N-butyl-2,2,6,6-tetramethyl-4-piperidinamine and 2,4,6-trichloro-1,3,5-triazine.
- Sec. 1170. Mixture of barium carbonate, strontium carbonate, calcium carbonate, methoxy-2-propanolacetate-1, for use as emitter suspension cathode coating.
- Sec. 1171. Resin cement.
- Sec. 1172. Phosphor yox, yttrium oxide phosphor, activated by europium.
- Sec. 1173. Phosphor-bag-barium magnesium aluminate phosphor.
- Sec. 1174. Yttrium vanadate phosphor.
- Sec. 1175. Phosphor scap strontium chloroapatite-europium.
- Sec. 1176. Phosphor zinc silicate.
- Sec. 1177. Strontium magnesium phosphate-tin doped.
- Sec. 1178. Phosphor-yof flu pdr yox; yttrium oxide phosphor, activated by europium.
- Sec. 1179. Calcium chloride phosphate phosphor.
- Sec. 1180. Ceramic frit powder.
- Sec. 1181. Phosphor lite white and phosphor blue halo.
- Sec. 1182. Phosphor-sca, strontium halophosphate doped with europium.
- Sec. 1183. Phosphor-cool white small particle calcium halophosphate phosphor activated by manganese and antimony.
- Sec. 1184. Phosphor lap lanthanum phosphate phosphor, activated by cerium and terbium.
- Sec. 1185. Kashmir.
- Sec. 1186. Certain articles of platinum.
- Sec. 1187. Nickel alloy wire.
- Sec. 1188. Titanium mononitride.
- Sec. 1189. High accuracy, metal, marine sextants, used for navigating by celestial bodies.
- Sec. 1190. Electrically operated pencil sharpeners.
- Sec. 1191. Valve assemblies (vacuum relief).
- Sec. 1192. Seals, aerodynamic, fireproof.
- Sec. 1193. Wing illumination lights.
- Sec. 1194. Exterior emergency lights.
- Sec. 1195. Magnesium peroxide.
- Sec. 1196. Certain footwear other than for men.
- Sec. 1197. Grass shears with rotating blade.
- Sec. 1198. Cerium sulfide pigments.
- Sec. 1199. Kresoxim methyl.
- Sec. 1200. 4-piece or 5-piece fireplace tools of iron or steel.
- Sec. 1201. RSD 1235.
- Sec. 1202. MCPB acid and MCPB sodium salt.
- Sec. 1203. Gibberellie acid.

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- Sec. 1204. Triphenyltin hydroxide.
- Sec. 1205. Bromoxynil octanoate.
- Sec. 1206. Methyl 3-(trifluoromethyl)benzoate.
- Sec. 1207. 4-(Trifluoromethoxy)phenyl isocyanate.
- Sec. 1208. 4-Methylbenzotrile.
- Sec. 1209. Diaminodecane.
- Sec. 1210. Certain compounds of lanthanum phosphates.
- Sec. 1211. Certain compounds of yttrium europium oxide coprecipitates.
- Sec. 1212. Certain compounds of lanthanum, cerium, and terbium phosphates.
- Sec. 1213. Certain compounds of yttrium cerium phosphates.
- Sec. 1214. Canned, boiled oysters, not smoked.
- Sec. 1215. Boots.
- Sec. 1216. Vinylidene chloride-methyl methacrylate-acrylonitrile copolymer.
- Sec. 1217. 1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized, reduced hydrolyzed.
- Sec. 1218. 1-Propene, 1,1,2,3,3,3-hexafluoro-oxidized, polymerized.
- Sec. 1219. 1-Propene, 1,1,2,3,3,3-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, ethyl ester, hydrolyzed.
- Sec. 1220. Infrared absorbing dye.
- Sec. 1221. 1,1,2-2-Tetrafluoroethene, oxidized, polymerized.
- Sec. 1222. Methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene.
- Sec. 1223. Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated.
- Sec. 1224. Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced, ethoxylated.
- Sec. 1225. Oxiranemethanol, polymers with reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene.
- Sec. 1226. Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced.
- Sec. 1227. Certain light-absorbing photo dyes.
- Sec. 1228. Certain specialty monomers.
- Sec. 1229. Suspension of duty on exoflex F BX7011.
- Sec. 1230. Triphenyl phosphine.
- Sec. 1231. Certain golf bag bodies.
- Sec. 1232. Dichlorprop-p acid, dichlorprop-p dimethylamine salt, and dichlorprop-p 2-ethylhexyl ester.
- Sec. 1233. 2,4-db acid and 2,4-db dimethylamine salt.
- Sec. 1234. Filament fiber tow of rayon.
- Sec. 1235. Parts for use in the manufacture of certain high-performance loudspeakers.
- Sec. 1236. Certain plastic lamp-holder housings containing sockets.
- Sec. 1237. Certain porcelain lamp-holder housings containing sockets.
- Sec. 1238. Certain aluminum lamp-holder housings containing sockets.
- Sec. 1239. Certain brass lamp-holder housings containing sockets.
- Sec. 1240. Staple fibers of viscose rayon, not carded.
- Sec. 1241. Staple fibers of rayon, carded, combed, or otherwise processed.
- Sec. 1242. Mini DVD camcorder with 680K pixel CCD.
- Sec. 1243. Mini DVD camcorder with 20G HDD.
- Sec. 1244. Metal halide lamp.
- Sec. 1245. Hand-held electronic can openers.
- Sec. 1246. Electric knives.
- Sec. 1247. Toaster ovens with single-slot traditional toaster opening on top of oven.
- Sec. 1248. Ice shavers.
- Sec. 1249. Dual-press sandwich makers with floating upper lid and lock.

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- Sec. 1250. Electric juice extractors greater than 300 watts but less than 400 watts.
- Sec. 1251. Electric juice extractors not less than 800 watts.
- Sec. 1252. Open-top electric indoor grills.
- Sec. 1253. Automatic drip coffeemakers other than those with clocks.
- Sec. 1254. Automatic drip coffeemakers with electronic clocks.
- Sec. 1255. Electric under-the-cabinet mounting can openers.
- Sec. 1256. Dimethyl malonate.
- Sec. 1257. Lightweight digital camera lenses.
- Sec. 1258. Digital zoom camera lenses.
- Sec. 1259. Color flat panel screen monitors.
- Sec. 1260. Color monitors with a video display diagonal of 35.56 cm or greater.
- Sec. 1261. Color monitors.
- Sec. 1262. Black and white monitors.
- Sec. 1263. 6 V lead-acid storage batteries.
- Sec. 1264. Zirconyl chloride.
- Sec. 1265. Naphthol AS-CA.
- Sec. 1266. Naphthol AS-KB.
- Sec. 1267. Basic Violet 1.
- Sec. 1268. Basic Blue 7.
- Sec. 1269. 3-Amino-4-methylbenzamide.
- Sec. 1270. Acetoacetyl-2,5-dimethoxy-4-chloroanilide.
- Sec. 1271. Phenyl salicylate (benzoic acid, 2-hydroxy-, phenyl ester).
- Sec. 1272. Synthetic indigo powder.
- Sec. 1273. 1,3,5-Triazine-2,4-diamine, 6-[2-(2-methyl-1H-imidazol-1-yl)ethyl]-.
- Sec. 1274. 50/50 Mixture of 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2r)-oxiranylmethyl]- and 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2s)-oxiranylmethyl]-.
- Sec. 1275. 9H-Thioxanthene-2-carboxaldehyde, 9-oxo-, 2-(o-acetyloxime).
- Sec. 1276. 1H-Imidazole, 2-ethyl-4-methyl-.
- Sec. 1277. 1H-Imidazole-4-methanol, 5-methyl-2-phenyl-.
- Sec. 1278. 4-Cyclohexene-1,2-dicarboxylic acid, compd. With 1,3,5-triazine-2,4,6-triamine (1:1).
- Sec. 1279. 1,3,5-Triazine-2,4-diamine, 6-[2-(2-undecyl-1H-imidazol-1-yl)ethyl]-.
- Sec. 1280. Certain footwear valued over \$20 a pair with coated or laminated textile fabrics.
- Sec. 1281. Certain women's footwear with coated or laminated textile fabrics.
- Sec. 1282. Certain men's footwear with coated or laminated textile fabrics.
- Sec. 1283. Certain men's footwear valued over \$20 a pair with coated or laminated textile fabrics.
- Sec. 1284. Certain women's footwear valued over \$20 a pair with coated or laminated textile fabrics.
- Sec. 1285. Certain other footwear valued over \$20 a pair with coated or laminated textile fabrics.
- Sec. 1286. Certain footwear with coated or laminated textile fabrics.
- Sec. 1287. Certain other footwear covering the ankle with coated or laminated textile fabrics.
- Sec. 1288. Certain women's footwear covering the ankle with coated or laminated textile fabrics.
- Sec. 1289. Certain women's footwear not covering the ankle with coated or laminated textile fabrics.
- Sec. 1290. Felt-bottom boots for use in fishing waders.
- Sec. 1291. Lug bottom boots for use in fishing waders.
- Sec. 1292. Certain parts and accessories for measuring or checking instruments.

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- Sec. 1293. Certain printed circuit assemblies.
- Sec. 1294. Certain subassemblies for measuring equipment for telecommunications.
- Sec. 1295. Chloroneb.
- Sec. 1296. p-Nitrobenzoic acid (PNBA).
- Sec. 1297. Allyl pentaerythritol (APE).
- Sec. 1298. Butyl ethyl propanediol (BEP).
- Sec. 1299. BEPD70L.
- Sec. 1300. Boltorn-1 (bolt-1).
- Sec. 1301. Boltorn-2 (bolt-2).
- Sec. 1302. Cyclic TMP formal (CTF).
- Sec. 1303. DITMP.
- Sec. 1304. Polyol DPP (DPP).
- Sec. 1305. Hydroxypivalic acid (HPA).
- Sec. 1306. TMPDE.
- Sec. 1307. TMPME.
- Sec. 1308. TMP oxetane (TMPO).
- Sec. 1309. TMPO ethoxylate (TMPOE).
- Sec. 1310. Amyl-anthraquinone.
- Sec. 1311. T-butyl acrylate.
- Sec. 1312. 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1R,6R)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt.
- Sec. 1313. Mixtures of phosphate ammonium salt derivatives of a fluorochemical.
- Sec. 1314. 1-(3H)-isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-.
- Sec. 1315. Mixture of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidiny]imino]-1,6-hexanediy] [(2,2,6,6-tetramethyl-4-piperidiny]imino)] and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate.
- Sec. 1316. Certain bitumen-coated polyethylene sleeves specifically designed to protect in-ground wood posts.
- Sec. 1317. Nylon woolpacks used to package wool.
- Sec. 1318. Magnesium zinc aluminum hydroxide carbonate hydrate.
- Sec. 1319. C12-18 alkenes.
- Sec. 1320. Acrypet UT100.
- Sec. 1321. 5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)-(trifluoromethyl)-sulfinyl]-1H-pyrazole-3-carbonitrile (Fipronil).
- Sec. 1322. 2,3-Pyridinedicarboxylic acid.
- Sec. 1323. Mixtures of 2-amino-2,3-dimethylbutylnitrile and toluene.
- Sec. 1324. 2,3-Quinolinedicarboxylic acid.
- Sec. 1325. 3,5-Difluoroaniline.
- Sec. 1326. Clomazone.
- Sec. 1327. Chloropivaloyl chloride.
- Sec. 1328. N,N'-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionamide)).
- Sec. 1329. Reactive Red 268.
- Sec. 1330. Reactive Red 270.
- Sec. 1331. Certain glass thermo bulbs.
- Sec. 1332. Pyriproxyfen.
- Sec. 1333. Uniconazole-P.
- Sec. 1334. Bispyribac-sodium.
- Sec. 1335. Dinotefuran.
- Sec. 1336. Etoxazole.
- Sec. 1337. Bioallethrin.

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- Sec. 1338. S-Bioallethrin.
Sec. 1339. Tetramethrin.
Sec. 1340. Tralomethrin.
Sec. 1341. Flumiclorac-pentyl.
Sec. 1342. 1-Propene-2-methyl homopolymer.
Sec. 1343. Acronal-S-600.
Sec. 1344. Lucirin TPO.
Sec. 1345. Sokalan PG IME.
Sec. 1346. Lycopene 10 percent.
Sec. 1347. Mixtures of CAS Nos. 181274-15-7 and 208465-21-8.
Sec. 1348. 2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)-1-propanone.
Sec. 1349. 1,6-Hexanediamine, N,N- bis(2,2,6,6-tetramethyl-4- piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with n-butyl-1-butanamine and N-butyl- 2,2,6,6-tetramethyl-4-piperidinamine.
Sec. 1350. Vat Black 25.
Sec. 1351. Acid Orange 162.
Sec. 1352. Methyl salicylate.
Sec. 1353. 1,2-Octanediol.
Sec. 1354. Menthone glycerin acetal.
Sec. 1355. Pontamine Green 2b.
Sec. 1356. Bayderm bottom 10 UD.
Sec. 1357. Bayderm finish DLH.
Sec. 1358. Levagard DMPP.
Sec. 1359. Bayderm bottom DLV.
Sec. 1360. Certain ethylene-vinyl acetate copolymers.
Sec. 1361. Cyazofamid.
Sec. 1362. Flonicamid.
Sec. 1363. Zeta-cypermethrin.
Sec. 1364. 2-Ethylhexyl 4-methoxycinnamate.
Sec. 1365. Certain flame retardant plasticizers.
Sec. 1366. Baypure DS.
Sec. 1367. Bayowet C4.
Sec. 1368. Certain bicycle parts.
Sec. 1369. Other cycles.
Sec. 1370. Certain bicycle parts.
Sec. 1371. Certain bicycle parts.
Sec. 1372. (2-Chloroethyl)phosphonic acid (Ethephon).
Sec. 1373. Preparations containing, 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexene-1-one (Clethodim).
Sec. 1374. Urea, polymer with formaldehyde (pergopak).
Sec. 1375. Ortho nitroaniline.
Sec. 1376. 2,2 -(2,5-thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole).
Sec. 1377. Certain chemicals and chemical mixtures.
Sec. 1378. Acid Red 414.
Sec. 1379. Solvent Yellow 163.
Sec. 1380. 4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt.
Sec. 1381. Reactive Red 123.
Sec. 1382. Reactive Blue 250.
Sec. 1383. Reactive Black 5.

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- Sec. 1384. 5-[(2-Cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile.
- Sec. 1385. Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]-acetic acid, pentyl ester.
- Sec. 1386. [(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]]]bisbenzenesulfonic acid, disodium salt.
- Sec. 1387. [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b']difuran-3-yl)phenoxy]-acetic acid, 2-ethoxyethyl ester.
- Sec. 1388. 3-Phenyl-7-(4-propoxyphenyl)-benzo[1,2-b:4,5-b']difuran-2,6-dione.
- Sec. 1389. 2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt.
- Sec. 1390. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt.
- Sec. 1391. 7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl)amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt.
- Sec. 1392. 4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt.
- Sec. 1393. [4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b']difuran-3-yl]phenoxy]-acetic acid, 2-ethoxyethyl ester.
- Sec. 1394. Basic Yellow 40 chloride based.
- Sec. 1395. Direct Yellow 119.
- Sec. 1396. Naugard 412s.
- Sec. 1397. Triacetoneamine.
- Sec. 1398. Ipeconazole.
- Sec. 1399. Omite tech.
- Sec. 1400. Pantera technical.
- Sec. 1401. p-Toluenesulfonyl chloride.
- Sec. 1402. Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide.
- Sec. 1403. p-Aminobenzamide (4-aminobenzamide).
- Sec. 1404. p-Chloroaniline.
- Sec. 1405. 4-Chloro-2-nitroaniline.
- Sec. 1406. o-Chloro-p-toluidine (3-chloro-4-methylaniline).
- Sec. 1407. 2-Chloroacetoacetanilide.
- Sec. 1408. p-Acetoacetanisidide.
- Sec. 1409. 1-Hydroxy-2-naphthoic acid.
- Sec. 1410. Pigment Green 7 crude, not ready for use as a pigment.
- Sec. 1411. 1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione).
- Sec. 1412. Diisopropyl succinate.
- Sec. 1413. 2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol.
- Sec. 1414. Direct Black 22.
- Sec. 1415. Methylene bis-benzotriazolyl tetramethylbutylphenol.
- Sec. 1416. Bis-ethylhexyloxyphenol methoxyphenol triazine.
- Sec. 1417. Reactive Orange 132.
- Sec. 1418. Acid Black 244.
- Sec. 1419. Certain cores used in remanufacture.
- Sec. 1420. ADTP.
- Sec. 1421. DCBTF.

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- Sec. 1422. Noviflumuron.
- Sec. 1423. Parachlorobenzotrifluoride.
- Sec. 1424. Mixtures of insecticide.
- Sec. 1425. Mixture of fungicide.
- Sec. 1426. 1,2-Benzisothiazol-3(2H)-one.
- Sec. 1427. Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6CI) beads with low ash.
- Sec. 1428. Mixtures of fungicide.
- Sec. 1429. 2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt.
- Sec. 1430. Charge control agent 7.
- Sec. 1431. Pro-jet Black 820 liquid feed.
- Sec. 1432. Pro-jet Magenta M700.
- Sec. 1433. Pro-jet Fast Black 287 NA liquid feed.
- Sec. 1434. Pro-jet Fast Black 286 stage.
- Sec. 1435. Pro-jet Cyan 485 stage.
- Sec. 1436. Pro-jet Black 661 liquid feed.
- Sec. 1437. Pro-jet Black Cyan 854 liquid feed.
- Sec. 1438. Erasers.
- Sec. 1439. Artificial flowers.
- Sec. 1440. Suspension system stabilizer bars.
- Sec. 1441. Rattan webbing.
- Sec. 1442. Tractor body parts.
- Sec. 1443. AC electric motors of an output exceeding 74.6 W but not exceeding 85 W.
- Sec. 1444. AC electric motors of an output exceeding 74.6 W but not exceeding 105 W.
- Sec. 1445. AC electric motors of an output exceeding 74.6 W but not exceeding 95 W.
- Sec. 1446. Certain AC electric motors.
- Sec. 1447. Viscose rayon yarn.
- Sec. 1448. Certain twisted yarn of viscose rayon.
- Sec. 1449. Allyl ureido monomer.
- Sec. 1450. Synthetic elastic staple fiber.
- Sec. 1451. Certain fiberglass sheets.
- Sec. 1452. Halophosphor calcium diphosphate.
- Sec. 1453. Certain rayon staple fibers.
- Sec. 1454. Synthetic quartz or fused silica photomask substrates.
- Sec. 1455. Certain integrated machines for manufacturing pneumatic tires.
- Sec. 1456. Tramway cars.
- Sec. 1457. Certain artificial filament single yarn (other than sewing thread).

CHAPTER 2—REDUCTIONS

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

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- Sec. 1470. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning.
- Sec. 1471. Certain women's footwear.
- Sec. 1472. Numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material.
- Sec. 1473. Tetrakis.
- Sec. 1474. Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoriodoethane-tetrafluoroethylene telomer.
- Sec. 1475. Diethyl ketone.
- Sec. 1476. Acephate.
- Sec. 1477. Flumioxazin.
- Sec. 1478. Garenoxacin mesylate.
- Sec. 1479. Butylated hydroxyethylbenzene.
- Sec. 1480. Certain automotive catalytic converter mats.
- Sec. 1481. 3,3'-Dichlorobenzidine dihydrochloride.
- Sec. 1482. TMC114.
- Sec. 1483. Biaxially oriented polypropylene dielectric film.
- Sec. 1484. Biaxially oriented polyethylene terephthalate dielectric film.
- Sec. 1485. Certain bicycle parts.
- Sec. 1486. Certain bicycle parts.
- Sec. 1487. Bifenthrin.
- Sec. 1488. Reduced Vat 1.
- Sec. 1489. 4-Chlorobenzonitrile.
- Sec. 1490. Nail clippers and nail files.
- Sec. 1491. Electric automatic shower cleaners.
- Sec. 1492. Mesotrione technical.
- Sec. 1493. Certain crank-gear and other bicycle parts.
- Sec. 1494. Electrical transformers.
- Sec. 1495. Temporary duty reductions for certain cotton shirting fabric.

Subtitle B—Existing Suspensions and Reductions

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

Subtitle C—Effective Date

- Sec. 1511. Effective date.

TITLE II—RELIQUIDATIONS

- Sec. 2001. Reliquidation of certain entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania.
- Sec. 2002. Certain entries of pasta.
- Sec. 2003. Clarification of reliquidation provision.
- Sec. 2004. Reliquidation of certain drawback claim.

TITLE III—TECHNICAL CORRECTIONS AND OTHER PROVISIONS

Subtitle A—Technical corrections

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

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Sec. 3007. Cellar treatment of wine.

Subtitle B—Other Provisions

Sec. 3011. Effective date for AGOA.

Sec. 3012. Consideration of certain civil actions delayed because of the terrorist attacks of September 11, 2001.

TITLE IV—TRADE EXTENSION PROVISIONS

Sec. 4001. Extension of Generalized System of Preferences (GSP) Program.

Sec. 4002. Extension of Andean Trade Preference Act.

Sec. 4003. Extension of benefits under the African Growth and Opportunity Act.

Sec. 4004. Effective date of modifications to the Harmonized Tariff Schedule.

Sec. 4005. Extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam.

Sec. 4006. Cotton Trust Fund.

TITLE V—HAITI

Sec. 5001. Short title.

Sec. 5002. Trade benefits for Haiti.

Sec. 5003. ITC Study.

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

Sec. 5005. Technical amendments.

Sec. 5006. Effective date.

1 **TITLE I—TARIFF PROVISIONS**

2 **SEC. 1001. REFERENCE; EXPIRED PROVISIONS.**

3 (a) REFERENCE.—Except as otherwise expressly pro-
4 vided, whenever in this title, title II, and title III of this
5 division an amendment or repeal is expressed in terms of
6 an amendment to, or repeal of, a chapter, subchapter,
7 note, additional U.S. note, heading, subheading, or other
8 provision, the reference shall be considered to be made to
9 a chapter, subchapter, note, additional U.S. note, heading,
10 subheading, or other provision of the Harmonized Tariff
11 Schedule of the United States (19 U.S.C. 3007).

12 (b) EXPIRED PROVISIONS.—Subchapter II of chapter
13 99 is amended by striking the following headings:

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	9902.32.20
9902.05.34	9902.32.23
9902.06.01	9902.32.24
9902.06.62	9902.32.25
9902.08.10	9902.32.44 (relating to CAS No. 201932-24-3)
9902.19.80	9902.32.44 (relating to CAS No. 186537-30-4)
9902.20.05	9902.32.46
9902.21.06	9902.32.50
9902.21.42	9902.32.53
9902.26.11	9902.32.58
9902.28.40	9902.32.59
9902.28.94	9902.32.60
9902.29.01	9902.32.64
9902.29.04	9902.32.65
9902.29.05	9902.32.66
9902.29.06 (relating to racemic dl-menthol)	9902.32.67
9902.29.13	9902.32.80
9902.29.14	9902.32.81
9902.29.27	9902.32.84
9902.29.30	9902.32.86
9902.29.31	9902.32.88
9902.29.33	9902.32.96
9902.29.39	9902.32.98
9902.29.40	9902.37.01
9902.29.41	9902.37.02
9902.29.42	9902.38.00
9902.29.47	9902.38.01
9902.29.56	9902.38.02
9902.29.63	9902.38.03
9902.29.68	9902.38.13
9902.29.69	9902.38.20
9902.29.75	9902.38.22
9902.29.76	9902.38.24
9902.29.78	9902.38.29
9902.29.79	9902.38.30
9902.29.84	9902.38.50
9902.29.85	9902.38.51
9902.29.86	9902.38.53
9902.29.88	9902.39.07
9902.29.92	9902.39.31
9902.29.94	9902.39.32
9902.29.96	9902.52.01
9902.29.97	9902.52.03
9902.29.99	9902.70.01
9902.30.08	9902.84.00
9902.30.11	9902.84.16
9902.30.13	9902.84.19
9902.30.46	9902.84.30
9902.32.05	9902.84.40
9902.32.06	9902.84.70
9902.32.09	9902.85.00
9902.32.10	9902.90.20
9902.32.15	9902.98.07
9902.32.17	

1 **Subtitle A—New Duty Suspensions**
 2 **and Reductions**

3 **CHAPTER 1—NEW DUTY SUSPENSIONS**

4 **SEC. 1111. DIETHYL SULFATE.**

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.22.01	Diethyl sulfate (CAS No. 64-67-5) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1112. SORAFENIB.**

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.22.02	4-(4-{3-[4-Chloro-3-(trifluoromethyl)phenyl]ureido}phenoxy)-N-2-methylpyridine-2-carboxamide 4-methylbenzenesulfonate (Sorafenib tosylate) (CAS No. 475207-59-1) (provided for in subheading 2933.39.41)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1113. PROHEXADIONE CALCIUM.**

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.22.03	Prohexadione calcium (calcium 3-oxido-5-oxo-4-propionylcyclohexa-3-enecarboxylate) (CAS No. 127277-53-6) (provided for in subheading 2918.30.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1114. METHYL METHOXYACETATE.**

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new heading:

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“	9902.22.04	Methyl methoxyacetate (CAS No. 6290–49–9) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1115. METHOXYACETIC ACID.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.22.05	Methoxyacetic acid (CAS No. 625–45–6) (provided for in subheading 2918.90.50) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1116. N-METHYLPYPERIDINE.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.22.06	N-Methylpyperidine (CAS No. 626–67–5) (provided for in subheading 2933.39.61) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1117. QUINCLORAC TECHNICAL.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.22.07	3,7-Dichloroquinoline-8-carboxylic acid (Quinclorac) (CAS No. 84087–01–4) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1118. PYRIDABEN.

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.22.08	2-Tert-butyl-5-(4-tert-butylbenzylthio)-4-chloropyridazin-3(2H)-one (Pyridaben) (CAS No. 96489–71–3) (provided for in subheading 2933.99.22) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1119. CERTAIN RUBBER OR PLASTIC FOOTWEAR.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.22.09	Footwear for persons other than women, with outer soles of leather or composition leather and with uppers of textile materials (provided for in subheading 6404.20.60)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1120. SODIUM ORTHO-PHENYLPHENOL.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.22.10	2-Phenylphenol sodium salt (CAS No. 132-27-4) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1121. CERTAIN CHEMICAL.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.22.11	Adsorbent resin comprised of a macroporous polymer of diethenylbenzene (CAS No. 9003-69-4) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1122. BAYPURE CX.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.22.12	Iminodisuccinic acid, triammonium salt, in aqueous solutions (CAS No. 415719-09-04) (provided for in subheading 2922.49.80)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1123. ISOEICOSANE.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.22.13	Isoeicosane (CAS No. 93685-79-1) (provided for in subheading 2710.19.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1124. ISODODECANE.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.22.14	Isododecane (CAS No. 31807-55-3) (provided for in subheading 2710.11.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1125. ISOHEXADECANE.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.22.15	Isohexadecane (CAS No. 60908-77-2) (provided for in subheading 2710.19.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1126. AMINO GUANIDINE BICARBONATE.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.22.16	Aminoguanidine bicarbonate (CAS No. 2582-30-1) (provided for in subheading 2928.00.50) ..	Free	No change	No change	On or before 12/31/2009	”.
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13 SEC. 1127. O-CHLOROTOLUENE.

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new headings:

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“	9902.22.17	2-Chlorotoluene (CAS No. 95-49-8) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	”.
	9902.22.18	Chloromethylbenzene (CAS No. 25168-05-2) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	”.

1 SEC. 1128. BAYDERM BOTTOM DLV-N.

2 Subchapter II of chapter 99 is amended by inserting

3 in numerical sequence the following new heading:

“	9902.22.19	Aqueous polyurethane dispersions containing 38 percent to 42 percent solids content of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with 2-[(2-aminoethyl)amino]ethanesulfonic acid monosodium salt, 1,6-diisocyanatohexane, dimethyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, and α -hydro- ω -hydroxypoly[oxy(methyl-1,2-ethanediyl)], polyethylene-polypropylene glycol monobutyl ether blocked (CAS No. 841251-36-3) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1129. 2,3-DICHLORONITROBENZENE.

5 Subchapter II of chapter 99 is amended by inserting

6 in numerical sequence the following new heading:

“	9902.22.20	2,3-Dichloronitrobenzene (CAS No. 3209-22-1) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1130. 1-METHOXY-2-PROPANOL.

8 Subchapter II of chapter 99 is amended by inserting

9 in numerical sequence the following new heading:

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“	9902.22.21	1-Methoxy-2-propanol (CAS No. 107-98-2) (provided for in subheading 2909.49.60) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1131. BASIC RED 1 DYE.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.22.22	Basic Red 1 (CAS No. 989-38-8) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1132. BASIC RED 1:1 DYE.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.22.23	Basic Red 1:1 (CAS No. 3068-39-1) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1133. BASIC VIOLET 11 DYE.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.22.24	Basic Violet 11 (CAS No. 2390-63-8) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1134. BASIC VIOLET 11:1 DYE.

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.22.25	Basic Violet 11:1 (CAS No. 39393-39-0) (provided for in subheading 3204.13.80) ..	Free	No change	No change	On or before 12/31/2009	”.
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13 SEC. 1135. N-CYCLOHEXYLTHIOPHTHALIMIDE.

14 Subchapter II of chapter 99 is amended by inserting
15 in numerical sequence the following new heading:

206

“	9902.22.26	N-Cyclohexylthiophthalimide (CAS No. 17796-82-6) (provided for in subheading 2930.90.24)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1136. 4,4'-DITHIODIMORPHOLINE.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.22.27	4,4'-Dithiodimorpholine (CAS No. 103-34-4) (pro- vided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1137. TETRAETHYLTHIURAM DISULFIDE.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.22.28	Tetraethylthiuram disulfide (CAS No. 97-77-8) (pro- vided for in subheading 2930.30.60)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1138. CERTAIN TETRAMETHYLTHIURAM DISULFIDE.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.22.29	Tetramethylthiuram disul- fide (CAS No. 137-26-8) (provided for in subheading 2930.30.60)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1139. CERTAIN AEROSOL VALVES.

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.22.30	Aerosol valves designed to deliver a metered dose (50 microliters) of a pressurized liquid pharmaceutical product, having a mounting cup with inside diameter of 20.1 mm and height (skirt to shoulder) of 7.49 mm with a stem outside diameter of 2.79 mm, with such components of stainless steel and buna rubber and with a retaining cup of aluminum (provided for in subheading 8481.80.30)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1140. 4-METHYL-5-N-PROPOXY-2,4-DIHYDRO-1,2,4-
2 TRIAZOL-3-ONE.

3 Subchapter II of chapter 99 is amended by inserting
4 in numerical sequence the following new heading:

“	9902.22.31	4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one (CAS No. 145027-96-9) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2009	”.
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5 SEC. 1141. ETHOXYQUIN.

6 Subchapter II of chapter 99 is amended by inserting
7 in numerical sequence the following new heading:

“	9902.22.32	Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) (CAS No. 91-53-2) (provided for in subheading 2933.49.10) ..	Free	No change	No change	On or before 12/31/2009	”.
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8 SEC. 1142. TRICHLORO BENZENE.

9 Subchapter II of chapter 99 is amended by inserting
10 in numerical sequence the following new heading:

“	9902.22.33	1,2,4-Trichlorobenzene (CAS No. 120-82-1) (provided for in subheading 2903.69.10) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1143. BENZOIC ACID, 3,4,5-TRIHYDROXY-, PROPYL**
 2 **ESTER.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.22.34	Benzoic acid, 3,4,5-trihydroxy-, propyl ester (CAS No. 121-79-9) (propyl gallate) (provided for in subheading 2918.29.75) ..	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1144. 2-CYANOPYRIDINE.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.22.35	2-Cyanopyridine (CAS No. 100-70-9) (provided for in subheading 2933.39.91)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1145. MIXED XYLIDINES.**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.22.36	Mixed xylidines (CAS No. 1300-73-8) (provided for in subheading 2921.49.50)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1146. CERTAIN RECEPTION APPARATUS NOT CON-**
 12 **TAINING A CLOCK OR CLOCK TIMER, INCOR-**
 13 **PORATING ONLY AM RADIO.**

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new heading:

“	9902.22.37	Radiobroadcast receivers capable of operating without an external source of power, not containing a clock or clock timer in the same housing, each containing only an AM radiobroadcast receiver (provided for in subheading 8527.19.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1147. PIGMENT YELLOW 219.**

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.22.38	Pigment Yellow 219 (CAS No. 347174–87–2) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1148. PIGMENT BLUE 80.**

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.22.39	Pigment Blue 80 (CAS No. 391663–82–4) (provided for in subheading 3204.17.60) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1149. 1-OXA-3, 20-DIAZADISPIRO-[5.1.11.2]-HENEICOSAN-**
 8 **21-ONE, 2,2,4,4-TETRAMETHYL-**
 9 **,HYDROCHLORIDE, REACTION PRODUCTS**
 10 **WITH EPICHLOROHYDRIN, HYDROLYZED, PO-**
 11 **LYMERIZED.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.22.40	1-Oxa-3,20-diazadispiro-[5.1.11.2]-heneicosan-21-one,2,2,4,4-tetramethyl-,hydrochloride, reaction products with epichlorohydrin, hydrolyzed, polymerized (CAS No. 202483–55–4) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1150. ISOBUTYL PARAHYDROXYBENZOIC ACID AND ITS**
 2 **SODIUM SALT.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.22.41	Isobutyl 4-hydroxybenzoate (CAS No. 4247-02-3) and its sodium salt (CAS No. 84930-15-4) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1151. PHOSPHINIC ACID, DIETHYL-, ALUMINUM SALT.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.22.42	Phosphinic acid, diethyl-, aluminum salt (CAS No. 225789-38-8) (provided for in subheading 2931.00.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1152. EXOLIT OP 1312.**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.22.43	Phosphinic acid, diethyl-, aluminum salt (CAS No. 225789-38-8) with synergists and encapsulating agents (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1153. SODIUM HYPOPHOSPHITE.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.22.44	Sodium hypophosphite monohydrate (CAS No. 10039-56-2) (provided for in subheading 2835.10.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1154. CYANURIC CHLORIDE.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.22.45	Cyanuric chloride (CAS No. 108-77-0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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**4 SEC. 1155. CERTAIN LEATHER FOOTWEAR FOR PERSONS
5 OTHER THAN MEN OR WOMEN.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.22.46	Other footwear with uppers of leather or composition leather, for persons other than for men or women (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2009	”.
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8 SEC. 1156. CERTAIN OTHER WORK FOOTWEAR.

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.22.47	Other work footwear for women, with outer soles and uppers of rubber or plastics, other than house slippers and other than tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6402.99.18)	Free	No change	No change	On or before 12/31/2009	”.
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11 SEC. 1157. CERTAIN TURN OR TURNED FOOTWEAR.

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.22.48	Turn or turned footwear with outer soles of leather and uppers of leather, other than for men or women (provided for in subheading 6403.59.15)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1158. CERTAIN WORK FOOTWEAR WITH OUTER SOLES**
 2 **OF LEATHER.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.22.49	Footwear with outer soles of leather and uppers of leather, covering the ankle, other than for women (provided for in subheading 6403.51.90)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1159. CERTAIN FOOTWEAR WITH OUTER SOLES OF**
 6 **RUBBER OR PLASTICS AND WITH OPEN TOES**
 7 **OR HEELS.**

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.22.50	Footwear with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels, the foregoing other than house slippers and other than footwear for women (provided for in subheading 6404.19.30)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1160. CERTAIN ATHLETIC FOOTWEAR.**

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.22.51	Footwear with outer soles of leather or composition leather and uppers of textile materials, valued over \$2.50 per pair, the foregoing other than for men or women (provided for in subheading 6404.20.40)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1161. CERTAIN WORK FOOTWEAR.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.22.52	Work footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather, not covering the ankle (provided for in subheading 6403.99.60 or 6403.99.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1162. CERTAIN FOOTWEAR.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.22.53	Footwear with outer soles and uppers of rubber or plastics, incorporating a protective metal toecap, having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is rubber or plastics (provided for in subheading 6402.30.30) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1163. 1-NAPHTHYL METHYLCARBAMATE.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.22.54	1-Naphthyl methylearbamate (Carbaryl) (CAS No. 63-25-2) (provided for in subheading 2924.29.47) ..	Free	No change	No change	On or before 12/31/2009	”.
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**10 SEC. 1164. CERTAIN 16-INCH VARIABLE SPEED SCROLL SAW
 11 MACHINES.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.22.55	Variable speed scroll sawing machines each having a throat depth of approximately 406 mm, new (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1165. 3,4-DIMETHOXYBENZALDEHYDE.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.22.56	3,4-Dimethoxybenzaldehyde (CAS No. 120-14-9) (provided for in subheading 2912.49.25)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1166. 2-AMINOTHIOPHENOL.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.22.57	2-Aminothiophenol (CAS No. 137-07-5) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1167. SOLVENT RED 227.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.22.58	Solvent Red 227 (CI 60510) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2009	”.
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**10 SEC. 1168. MIXTURES OF FORMALDEHYDE POLYMER AND
11 TOLUENE.**

12 Subchapter II of chapter 99 is amended by inserting
13 in numerical sequence the following new heading:

“	9902.22.59	Formaldehyde, polymer with toluene (CAS No. 25155-81-1) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1169. 1,2-BIS(3-AMINOPROPYL)ETHYLENEDIAMINE,**
 2 **POLYMER WITH N-BUTYL-2,2,6,6-**
 3 **TETRAMETHYL-4-PIPERIDINAMINE AND 2,4,6-**
 4 **TRICHLORO-1,3,5-TRIAZINE.**

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.22.60	1,2-Bis(3-aminopropyl)ethylenediamine, polymer with N-butyl-2,2,6,6-tetramethyl-4-piperidinamine and 2,4,6-trichloro-1,3,5-triazine (CAS No. 136504-96-6) (provided for in subheading 3812.30.60)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1170. MIXTURE OF BARIUM CARBONATE, STRONTIUM**
 8 **CARBONATE, CALCIUM CARBONATE, 1-**
 9 **METHOXY-2-PROPANANOL ACETATE, FOR USE**
 10 **AS EMITTER SUSPENSION CATHODE COAT-**
 11 **ING.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.22.61	A mixture of barium carbonate, strontium carbonate, calcium carbonate, and 1-methoxy-2-propanol acetate, for use as emitter suspension cathode coating (CAS Nos. 513-77-9, 1633-05-2, 471-34-1, and 108-65-6) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.
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14 **SEC. 1171. RESIN CEMENT.**

15 Subchapter II of chapter 99 is amended by inserting
 16 in numerical sequence the following new heading:

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“	9902.22.62	Resin cement based on calcium carbonate and silicone resins (CAS Nos. 471-34-1 and 68037-83-2) (provided for in subheading 3214.10.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1172. PHOSPHOR YOX, YTTRIUM OXIDE PHOSPHOR,
2 ACTIVATED BY EUROPIUM.

3 Subchapter II of chapter 99 is amended by inserting
4 in numerical sequence the following new heading:

“	9902.22.63	Yttrium oxide phosphor, activated by europium of a kind used as a luminophore (CAS No. 68585-82-0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 SEC. 1173. PHOSPHOR-BAG-BARIUM MAGNESIUM ALU-
6 MINATE PHOSPHOR.

7 Subchapter II of chapter 99 is amended by inserting
8 in numerical sequence the following new heading:

“	9902.22.64	Compound of barium magnesium aluminate phosphor, activated by europium or manganese, of a kind used as luminophores (CAS Nos. 63774-55-0 and 1308-96-9) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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9 SEC. 1174. YTTRIUM VANADATE PHOSPHOR.

10 Subchapter II of chapter 99 is amended by inserting
11 in numerical sequence the following new heading:

“	9902.22.65	Yttrium vanadate phosphor, of a kind used as a luminophore (CAS No. 6874-82-7) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1175. PHOSPHOR SCAP STRONTIUM CHLOROAPATITE-**
 2 **EUROPIUM.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.22.66	Compound of strontium chloroapatite-europium, of a kind used as a luminophore (CAS No. 68784-77-0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1176. PHOSPHOR ZINC SILICATE.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.22.67	Phosphor of zinc silicate, of a kind used as a luminophore (CAS No. 68611-47-2) (provided for in subheading 3206.50.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1177. STRONTIUM MAGNESIUM PHOSPHATE-TIN**
 9 **DOPED.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.22.68	Strontium magnesium phosphate-tin doped inorganic products of a kind used as luminophores (CAS Nos. 1314-11-0, 1314-56-3, 1309-48-4, and 18282-10-5) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1178. PHOSPHOR-YOF FLU PDR YOX; YTTRIUM OXIDE**
 13 **PHOSPHOR, ACTIVATED BY EUROPIUM.**

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new heading:

“	9902.22.69	Yttrium oxide phosphor, activated by europium used as a luminophore (CAS No. 68585-82-0) (provided for in subheading 3206.50.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1179. CALCIUM CHLORIDE PHOSPHATE PHOSPHOR.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.22.70	Calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore (CAS No. 75535-31-8) (provided for in subheading 3206.50.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1180. CERAMIC FRIT POWDER.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.22.71	A mixture of aluminum oxide, calcium oxide, barium oxide, magnesium oxide, boron oxide, butylmethacrylate resin and C.I. Solvent Red 24 used in the manufacture of ceramic are tubes (CAS Nos. 1344-28-1, 1305-78-8, 1304-28-5, 1309-48-4, 1303-86-2, 9003-63-8, and 85-83-6) (provided for in subheading 3824.90.91) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1181. PHOSPHOR LITE WHITE AND PHOSPHOR BLUE

8 HALO.

9 Subchapter II of chapter 99 is amended by inserting
10 in numerical sequence the following new heading:

“	9902.22.72	Calcium chloride phosphate phosphor used as a luminophore (CAS No. 75535-31-8) (provided for in subheading 3206.50.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1182. PHOSPHOR-SCA, STRONTIUM HALOPHOSPHATE**
 2 **DOPED WITH EUROPIUM.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.22.73	Strontium halophosphate doped with europium used as a luminophore (CAS Nos. 109037-74-3 and 1312-81-8) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1183. PHOSPHOR-COOL WHITE SMALL PARTICLE CAL-**
 6 **CIUM HALOPHOSPHATE PHOSPHOR ACTI-**
 7 **VATED BY MANGANESE AND ANTIMONY.**

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.22.74	Small particle calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore (CAS No. 75535-31-8) (provided for in subheading 3206.50.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1184. PHOSPHOR LAP LANTHANUM PHOSPHATE PHOS-**
 11 **PHOR, ACTIVATED BY CERIUM AND TERBIUM.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.22.75	Lanthanum phosphate phosphor, activated by cerium and terbium, inorganic used as luminophores (CAS Nos. 13778-59-1, 13454-71-2, and 13863-48-4 or 95823-34-0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1185. KASHMIR.**

2 (a) IN GENERAL.—Subchapter II of chapter 99 is
 3 amended by inserting in numerical sequence the following
 4 new headings:

“	9902.22.76	Fine animal hair of Kashmir (cashmere) goats, not processed in any manner beyond the degreased or carbonized condition (provided for in subheading 5102.11.10)	Free	No change	No change	On or before 12/31/2009	”.
“	9902.22.77	Fine animal hair of Kashmir (cashmere) goats (provided for in subheading 5102.11.90)	Free	No change	No change	On or before 12/31/2009	”.

5 (b) CONFORMING AMENDMENT.—Subchapter II of
 6 chapter 99 is amended by striking headings 9902.51.15
 7 (relating to articles provided for in subheading
 8 5102.11.10) and 9902.51.16 (relating to articles provided
 9 for in subheading 5102.11.90).

10 **SEC. 1186. CERTAIN ARTICLES OF PLATINUM.**

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.22.78	Spheres of platinum, containing approximately 18 percent by weight of iridium, of a kind used in manufacturing electrodes for spark plugs (provided for in subheading 7115.90.60)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1187. NICKEL ALLOY WIRE.**

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new heading:

221

“	9902.22.79	Cold-formed wire of nickel alloys containing 0.09 percent or more but not more than 1.6 percent by weight of silicon, certified by the importer to be used in the manufacture of spark plug electrodes, the foregoing either round wire measuring 1.7 mm or more but not over 4.9 mm in cross-sectional diameter or flat wire of rectangular cross section measuring 0.9 mm or more but not over 2.2 mm in thickness and 1.7 mm or more but not over 3.3 mm in width (provided for in subheading 7505.22.10)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1188. TITANIUM MONONITRIDE.**

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.22.80	Titanium mononitride (CAS No. 25583-20-4) (provided for in subheading 2850.00.07)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1189. HIGH ACCURACY, METAL, MARINE SEXTANTS,**
5 **USED FOR NAVIGATING BY CELESTIAL BOD-**
6 **IES.**

7 Subchapter II of chapter 99 is amended by inserting
8 in numerical sequence the following new heading:

“	9902.22.81	Marine sextants of metal, designed for use in navigating by celestial bodies (provided for in subheading 9014.80.10)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1190. ELECTRICALLY OPERATED PENCIL SHARP-**
10 **ENERS.**

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.22.82	Electrically operated pencil sharpeners (provided for in subheading 8472.90.40)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1191. VALVE ASSEMBLIES (VACUUM RELIEF).**

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.22.83	Pedestal assemblies for vacuum relief valves, designed for use in aircraft (provided for in subheading 8481.40.00)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1192. SEALS, AERODYNAMIC, FIREPROOF.**

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.22.84	Seals of polyester fabric bonded over a silicone core, designed for use in airplanes (provided for in subheading 3926.90.00 or 5911.90.00)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1193. WING ILLUMINATION LIGHTS.**

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.22.85	Wing illumination lights, designed for use on airplanes (provided for in subheading 9405.60.40)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1194. EXTERIOR EMERGENCY LIGHTS.**

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.22.86	Exterior emergency lights, designed for use on airplanes (provided for in subheading 9405.60.40)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1195. MAGNESIUM PEROXIDE.**

14 Subchapter II of chapter 99 is amended by inserting
15 in numerical sequence the following new heading:

“	9902.22.87	Magnesium peroxide, minimum 25 percent purity (CAS No. 1335-26-8) (provided for in subheading 2816.10.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1196. CERTAIN FOOTWEAR OTHER THAN FOR MEN.

2 Subchapter II of chapter 99 is amended by inserting

3 in numerical sequence the following new heading:

“	9902.22.88	Footwear, other than for men, with outer soles of leather or composition leather and uppers of textile materials, valued not over \$2.50 per pair (provided for in subheading 6404.20.20) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1197. GRASS SHEARS WITH ROTATING BLADE.

5 Subchapter II of chapter 99 is amended by inserting

6 in numerical sequence the following new heading:

“	9902.22.89	Grass shears with swiveling heads and with rotating vertical and horizontal cutting blades of steel (provided for in subheading 8201.90.30)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1198. CERIUM SULFIDE PIGMENTS.

8 Subchapter II of chapter 99 is amended by inserting

9 in numerical sequence the following new heading:

“	9902.22.90	Cerium sulfide pigments (CAS Nos. 12014-93-6 and 12031-49-1) (provided for in subheading 3206.49.50)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1199. KRESOXIM METHYL.

11 Subchapter II of chapter 99 is amended by inserting

12 in numerical sequence the following new heading:

“	9902.22.91	Mixtures of methyl (E)-methoxyimino-[α -(o-tolyloxy)-o-tolyl]acetate (Kresoxim methyl) (CAS No. 143390-89-0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1200. 4-PIECE OR 5-PIECE FIREPLACE TOOLS OF IRON**
 2 **OR STEEL.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.22.92	Packages containing 4 or 5 different fireplace tools, such tools of iron or steel, intended for sale to the ultimate consumer in such packages (provided for in subheading 8205.51.30)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1201. RSD 1235.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.22.93	3-Pyrrolidinol, 1-[(1R,2R)-2-[2-(3,4-dimethoxyphenyl)ethoxy]cyclohexyl]-hydrochloride, (3R) (CAS No. 748810-28-8) (provided for in subheading 2933.99.53)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1202. MCPB ACID AND MCPB SODIUM SALT.**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.22.94	4-(4-Chloro-2-methylphenoxy) butanoic acid (CAS No. 94-81-5); 4-(4-chloro-2-methylphenoxy)butanoic acid, sodium salt (CAS No. 6062-26-6) (provided for in subheading 2918.90.20)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1203. GIBBERELIC ACID.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.22.95	Gibberellic acid (GA3) (CAS No. 77-06-5) and a mixture of gibberellin A4 (CAS No. 468-44-0) and gibberellin A7 (CAS No. 510-75-8) (provided for in subheading 2932.29.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1204. TRIPHENYLTIN HYDROXIDE.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.22.96	Triphenyltin hydroxide (CAS No. 76-87-9) (provided for in subheading 2931.00.25)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1205. BROMOXYNIL OCTONOATE.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.22.97	3,5-Dibromo-4-hydroxybenzointrile octonoate (CAS No. 1689-84-5) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1206. METHYL 3-(TRIFLUOROMETHYL)BENZOATE.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.22.98	Methyl 3-(trifluoromethyl)benzoate (CAS No. 2557-13-3) (provided for in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1207. 4-(TRIFLUOROMETHOXY)PHENYL ISOCYANATE.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.22.99	4-(Trifluoromethoxy)phenyl isocyanate (CAS No. 35037-73-1) (provided for in subheading 2929.10.55)	Free	No change	No change	On or before 12/31/2009	”.
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13 SEC. 1208. 4-METHYLBENZONITRILE.

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new heading:

“	9902.23.01	4-Methylbenzointrile (CAS No. 104-85-8) (provided for in subheading 2926.90.43)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1209. DIAMINODECANE.**

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.23.02	Diaminodecane (CAS No. 646-25-3) (provided for in subheading 2921.29.00)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1210. CERTAIN COMPOUNDS OF LANTHANUM**
5 **PHOSPHATES.**

6 Subchapter II of chapter 99 is amended by inserting
7 in numerical sequence the following new heading:

“	9902.23.03	Lanthanum phosphate (CAS No. 13778- 59-1) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1211. CERTAIN COMPOUNDS OF YTTRIUM EUROPIUM**
9 **OXIDE COPRECIPITATES.**

10 Subchapter II of chapter 99 is amended by inserting
11 in numerical sequence the following new heading:

“	9902.23.04	Mixtures or coprecipitates of yttrium oxide (CAS No. 1314-36-9) and euro- pium oxide (CAS No. 1308-96-9) having a yttrium oxide content of at least 90 percent (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1212. CERTAIN COMPOUNDS OF LANTHANUM, CERIUM,**
13 **AND TERBIUM PHOSPHATES.**

14 Subchapter II of chapter 99 is amended by inserting
15 in numerical sequence the following new heading:

“	9902.23.05	Mixtures or coprecipitates of lanthanum phosphate, cerium phosphate, and ter- bium phosphate (CAS Nos. 13778-59-1, 13454-71-2, and 13863-48-4 or 95823-34-0) (provided for in sub- headings 2846.10.00 and 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1213. CERTAIN COMPOUNDS OF YTTRIUM CERIUM**
 2 **PHOSPHATES.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.23.06	Mixtures or coprecipitates of yttrium phosphate (CAS No. 13990-54-0) and cerium phosphate (CAS No. 13454-71-2) (provided for in subheadings 2846.10.00 and 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1214. CANNED, BOILED OYSTERS, NOT SMOKED.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.23.07	Oysters (other than smoked), prepared or preserved (provided for in subheading 1605.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1215. BOOTS.**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.23.08	Boots constructed by hand of natural rubber, the foregoing with steel toes and incorporating ballistic nylon for cut protection, with self-cleaning lug soles or with “eaulked” soles for slip and fall protection (provided for in subheading 6401.10.00)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1216. VINYLIDENE CHLORIDE-METHYL METHACRY-**
 12 **LATE-ACRYLONITRILE COPOLYMER.**

13 Subchapter II of chapter 99 is amended by inserting
 14 in numerical sequence the following new heading:

“	9902.23.09	Vinylidene chloride-methyl methacrylate-acrylonitrile copolymer (CAS No. 25214-39-5) (provided for in subheading 3904.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1217. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED,**
 2 **POLYMERIZED, REDUCED HYDROLYZED.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.23.10	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized, reduced hydrolyzed (CAS No. 161075-14-5) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1218. 1-PROPENE,1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED,**
 6 **POLYMERIZED.**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new heading:

“	9902.23.11	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized (CAS No. 69991-67-9) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1219. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, TELOMER**
 10 **WITH CHLOROTRIFLUOROETHENE,**
 11 **OXIDIZED, REDUCED, ETHYL ESTER,**
 12 **HYDROLYZED.**

13 Subchapter II of chapter 99 is amended by inserting
 14 in numerical sequence the following new heading:

“	9902.23.12	1-Propene, 1,1,2,3,3,3-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, ethyl ester, hydrolyzed (CAS No. 220182-27-4) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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15 **SEC. 1220. INFRARED ABSORBING DYE.**

16 Subchapter II of chapter 99 is amended by inserting
 17 in numerical sequence the following new heading:

“	9902.23.13	1H-Benz[e]indolium, 2-[2-[2-chloro-3-[(1,3-dihydro-1,1,3-trimethyl-2H-benz[e]indol-2-ylidene)ethylidene]-1-cyclohexen-1-yl]ethenyl]-1,1,3-trimethyl-, salt with 4-methylbenzenesulfonic acid (1:1) (CAS No. 134127-48-3) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2009	”.
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**1 SEC. 1221. 1,1,2-2-TETRAFLUOROETHENE, OXIDIZED, POLYM-
2 ERIZED.**

3 Subchapter II of chapter 99 is amended by inserting
4 in numerical sequence the following new heading:

“	9902.23.14	1,1,2-2-Tetrafluoroethene, oxidized, polymerized (CAS No. 69991-61-3) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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**5 SEC. 1222. METHOXYCARBONYL-TERMINATED
6 PERFLUORINATED POLYOXYMETHYLENE-
7 POLYOXYETHYLENE.**

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.23.15	Methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene (CAS No. 107852-49-3) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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**10 SEC. 1223. ETHENE, TETRAFLUORO, OXIDIZED, POLYM-
11 ERIZED, REDUCED, DECARBOXYLATED.**

12 Subchapter II of chapter 99 is amended by inserting
13 in numerical sequence the following new heading:

“	9902.23.16	Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated (CAS No. 161075-02-1) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1224. ETHENE, TETRAFLUORO, OXIDIZED, POLYM-**
 2 **ERIZED REDUCED, METHYL ESTERS, RE-**
 3 **DUCTION, ETHOXYLATED.**

4 Subchapter II of chapter 99 is amended by inserting
 5 in numerical sequence the following new heading:

“	9902.23.17	Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced, ethoxylated (CAS No. 162492-15-1) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1225. OXIRANEMETHANOL, POLYMERS WITH REDUCED**
 7 **METHYL ESTERS OF REDUCED POLYMERIZED**
 8 **OXIDIZED TETRAFLUOROETHYLENE.**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.23.18	Oxiranemethanol, polymers with reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene (CAS No. 156559-18-1) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1226. ETHENE, TETRAFLUORO, OXIDIZED, POLYM-**
 12 **ERIZED REDUCED, METHYL ESTERS, RE-**
 13 **DUCTION.**

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new heading:

“	9902.23.19	Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced (CAS No. 88645-29-8) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1227. CERTAIN LIGHT-ABSORBING PHOTO DYES.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.23.20	Morpholine, 4-[4,5-dihydro-4-[3-[5-hydroxy-1-methyl-3-(4-morpholinylcarbonyl)-1H-pyrazol-4-yl]-2-propenylidene]-1-methyl-5-oxo-1H-pyrazol-3-yl]carbonyl]-, potassium salt (CAS No. 183196-57-8) (provided for in subheading 2934.99.90); 1,4-benzenedisulfonic acid, 2-[4-[5-[1-(2,5-disulfophenyl)-1,5-dihydro-3-[(methylamino)carbonyl]-5-oxo-4H-pyrazol-4-ylidene]-3-(2-oxo-1-pyrrolidinyl)-1,3-pentadienyl]-5-hydroxy-3-[(methylamino)carbonyl]-1H-pyrazol-1-yl]-, pentapotassium salt (CAS No. 202482-44-8) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1228. CERTAIN SPECIALTY MONOMERS.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.23.21	3,4-Dimethylbenzene, 1,1'-[2,2,2-trifluoro-1-(trifluoromethyl)ethylidene]bis- (CAS No. 65294-20-4) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1229. SUSPENSION OF DUTY ON EXOFLEX F BX7011.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.23.22	1,4-Benzenedicarboxylic acid, dimethyl ester, polymer with 1,4-butanediol and hexanedioic acid (CAS No. 55231-08-8) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1230. TRIPHENYL PHOSPHINE.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.23.23	Triphenyl phosphine (CAS No. 603-35-0) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1231. CERTAIN GOLF BAG BODIES.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.23.24	Golf bag bodies made of woven fabrics of nylon or polyester, sewn together with rainhoods, pockets, dividers, and graphite shaft protection (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1232. DICHLORPROP-P ACID, DICHLORPROP-P DI-**
5 **METHYLAMINE SALT, AND DICHLORPROP-P 2-**
6 **ETHYLHEXYL ESTER.**

7 Subchapter II of chapter 99 is amended by inserting
8 in numerical sequence the following new heading:

“	9902.23.25	(+)-(R)-2-(2,4-Dichlorophenoxy) propanoic acid (CAS No. 15165-67-0); (+)-(R)-2-(2,4-dichlorophenoxy) propanoic acid, 2-ethylhexyl ester (CAS No. 79270-78-3) (provided for in subheading 2918.90.20), and (+)-(R)-2-(2,4-dichlorophenoxy)propanoic acid, dimethylamine salt (CAS No. 104786-87-0) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1233. 2,4-DB ACID AND 2,4-DB DIMETHYLAMINE SALT.**

10 Subchapter II of chapter 99 is amended by inserting
11 in numerical sequence the following new heading:

“	9902.23.26	4-(2,4-Dichlorophenoxy) butyric acid (CAS No. 94-82-6) (provided for in subheading 2918.90.20); and 4-(2,4-dichlorophenoxy)butyric acid, dimethylamine salt (CAS No. 2758-42-1) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1234. FILAMENT FIBER TOW OF RAYON.**

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.23.27	Filament tow of rayon (provided for in heading 5502.00.00)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1235. PARTS FOR USE IN THE MANUFACTURE OF CER-**
5 **TAIN HIGH-PERFORMANCE LOUDSPEAKERS.**

6 Subchapter II of chapter 99 is amended by inserting
7 in numerical sequence the following new heading:

“	9902.23.28	Parts (provided for in subheading 8518.90.80) certified by the importer as for use exclusively in the manufacture of loudspeakers which (when not mounted in their enclosures) meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands when tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1236. CERTAIN PLASTIC LAMP-HOLDER HOUSINGS**
9 **CONTAINING SOCKETS.**

10 Subchapter II of chapter 99 is amended by inserting
11 in numerical sequence the following new heading:

“	9902.23.29	Lamp-holder housings of plastics, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1237. CERTAIN PORCELAIN LAMP-HOLDER HOUSINGS**
13 **CONTAINING SOCKETS.**

14 Subchapter II of chapter 99 is amended by inserting
15 in numerical sequence the following new heading:

“	9902.23.30	Lamp-holder housings of porcelain, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1238. CERTAIN ALUMINUM LAMP-HOLDER HOUSINGS**
 2 **CONTAINING SOCKETS.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.23.31	Lamp-holder housings of aluminum, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1239. CERTAIN BRASS LAMP-HOLDER HOUSINGS CON-**
 6 **TAINING SOCKETS.**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new heading:

“	9902.23.32	Lamp-holder housings of brass, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1240. STAPLE FIBERS OF VISCOSE RAYON, NOT**
 10 **CARDED.**

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.23.33	Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning, measuring 1.67 to 16.67 decitex and having a fiber length each measuring 20 mm or more but not over 150 mm (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1241. STAPLE FIBERS OF RAYON, CARDED, COMBED,**
 14 **OR OTHERWISE PROCESSED.**

15 Subchapter II of chapter 99 is amended by inserting
 16 in numerical sequence the following new heading:

“	9902.23.34	Staple fibers of rayon, carded, combed, or otherwise processed for spinning, the foregoing presented in the form of top (provided for in heading 5507.00.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1242. MINI DVD CAMCORDER WITH 680K PIXEL CCD.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.23.35	Camcorders each capable of recording and reproducing video images on mini-DVD media in all the following formats: DVD-R, DVD-RW, DVD-RAM, or DVD+RW, the foregoing each with 25 power optical zoom and a lens diameter of 34 mm (provided for in subheading 8525.40.80)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1243. MINI DVD CAMCORDER WITH 20G HDD.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.23.36	Camcorders each capable of recording and reproducing video images on mini-DVD media in all the following formats: DVD-R, DVD-RW, DVD-RAM, or DVD+RW, the foregoing each with an internal 20 gigabyte (20G) hard disk drive and a USB 2.0 port (provided for in subheading 8525.40.80)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1244. METAL HALIDE LAMP.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.23.37	Metal halide lamps designed for use in video projectors (provided for in subheading 8539.32.00)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1245. HAND-HELD ELECTRONIC CAN OPENERS.

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.23.38	Hand-held electromechanical can openers, with self-contained electric motor (provided for in subheading 8509.80.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1246. ELECTRIC KNIVES.**

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.23.39	Electromechanical knives, with self-contained electric motor (provided for in subheading 8509.80.00)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1247. TOASTER OVENS WITH SINGLE-SLOT TRADI-**
5 **TIONAL TOASTER OPENING ON TOP OF OVEN.**

6 Subchapter II of chapter 99 is amended by inserting
7 in numerical sequence the following new heading:

“	9902.23.40	Electrothermic toaster ovens, each incorporating a single-slot toaster opening on top of the oven (provided for in subheading 8516.72.00)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1248. ICE SHAVERS.**

9 Subchapter II of chapter 99 is amended by inserting
10 in numerical sequence the following new heading:

“	9902.23.41	Electromechanical ice shavers, with self-contained electric motor (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1249. DUAL-PRESS SANDWICH MAKERS WITH FLOAT-**
12 **ING UPPER LID AND LOCK.**

13 Subchapter II of chapter 99 is amended by inserting
14 in numerical sequence the following new heading:

“	9902.23.42	Dual-grid electric sandwich grillers, each with lock and floating upper lid (provided for in subheading 8516.60.60)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1250. ELECTRIC JUICE EXTRACTORS GREATER THAN**
 2 **300 WATTS BUT LESS THAN 400 WATTS.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.23.43	Electromechanical juice extractors, each with a self-contained 2-speed electric motor rated over 300 W but not over 400 W (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1251. ELECTRIC JUICE EXTRACTORS NOT LESS THAN**
 6 **800 WATTS.**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new heading:

“	9902.23.44	Electromechanical juice extractors, each with a self-contained 2-speed electric motor rated at 800 W or higher (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1252. OPEN-TOP ELECTRIC INDOOR GRILLS.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.23.45	Open-top electric grills designed for indoor use (provided for in subheading 8516.60.60)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1253. AUTOMATIC DRIP COFFEEMAKERS OTHER THAN**
 13 **THOSE WITH CLOCKS.**

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new heading:

“	9902.23.46	Electrothermic automatic drip coffeemakers without electronic clock, each with self-contained coffee holding chamber and designed to be used without separate carafe (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1254. AUTOMATIC DRIP COFFEEMAKERS WITH ELEC-**
 2 **TRONIC CLOCKS.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.23.47	Electrothermic automatic drip coffeemakers each with electronic clock and with self-contained coffee holding chamber, the foregoing designed to be used without separate carafe (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1255. ELECTRIC UNDER-THE-CABINET MOUNTING CAN**
 6 **OPENERS.**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new heading:

“	9902.23.48	Electromechanical can openers, with self-contained electric motor, the foregoing designed to be mounted below kitchen cabinets (provided for in subheading 8509.80.00)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1256. DIMETHYL MALONATE.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.23.49	Dimethyl malonate (CAS No. 108-59-8) (provided for in subheading 2917.19.70)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1257. LIGHTWEIGHT DIGITAL CAMERA LENSES.**

13 Subchapter II of chapter 99 is amended by inserting
 14 in numerical sequence the following new heading:

“	9902.23.50	Lenses designed for digital cameras, the foregoing with focal length 55 mm or more but not over 200 mm and not exceeding 255.2 g in weight (provided for in subheading 9002.11.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1258. DIGITAL ZOOM CAMERA LENSES.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.23.51	Lenses designed for digital cameras, the foregoing with focal length 17 mm or more but not over 55 mm and not exceeding 765.5 g in weight (provided for in subheading 9002.11.90)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1259. COLOR FLAT PANEL SCREEN MONITORS.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.23.52	Color video monitors each having a flat panel screen, BNC input connection and video loop-thru connector, the foregoing with a video display diagonal of either 41.9 cm or more but not more than 44.5 cm, or 47 cm or more but not more than 49.5 cm (provided for in subheading 8528.21.70)	Free	No change	No change	On or before 12/31/2009	”.
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**7 SEC. 1260. COLOR MONITORS WITH A VIDEO DISPLAY DI-
 8 AGONAL OF 35.56 CM OR GREATER.**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.23.53	Color video monitors each having a cathode-ray tube and a video display diagonal exceeding 35.56 cm (provided for in subheading 8528.21.39)	Free	No change	No change	On or before 12/31/2009	”.
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11 SEC. 1261. COLOR MONITORS.

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.23.54	Color video monitors, each having a cathode-ray tube and a video display diagonal of more than 34.29 cm but not more than 35.56 cm (provided for in subheading 8528.21.29)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1262. BLACK AND WHITE MONITORS.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.23.55	Black and white or other monochrome monitors with cathode-ray tubes, the foregoing each with a video display diagonal of either 21.6 cm or more but not more than 24.1 cm, 29.2 cm or more but not more than 31.8 cm or 41.9 cm or more but not more than 44.5 cm (provided for in subheading 8528.22.00)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1263. 6 V LEAD-ACID STORAGE BATTERIES.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.23.56	6 V lead-acid storage batteries with a maximum length of 8.89 cm, maximum width of 5.08 cm and maximum height of 11.43 cm, rated at less than 10 ampere-hours, certified by the importer as intended for use as the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1264. ZIRCONYL CHLORIDE.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.23.57	Zirconium oxychloride (zirconyl chloride or zirconium dichloride oxide) (CAS No. 15461-27-5) (provided for in subheading 2827.49.50)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1265. NAPHTHOL AS-CA.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.23.58	5'-Chloro-3-hydroxy-2'-methoxy-2-naphthanilide (CAS No. 137-52-0) (provided for in subheading 2924.29.36)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1266. NAPHTHOL AS-KB.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.23.59	5'-Chloro-3-hydroxy-2'-methyl-2-naphthylidene (CAS No. 135-63-7) (provided for in subheading 2924.29.36)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1267. BASIC VIOLET 1.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.23.60	Basic Violet 1 (CAS No. 8004-87-3) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1268. BASIC BLUE 7.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.23.61	Basic Blue 7 (CAS No. 2390-60-5) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1269. 3-AMINO-4-METHYLBENZAMIDE.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.23.63	3-Amino-4-methylbenzamide (CAS No. 19406-86-1) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.
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13 SEC. 1270. ACETOACETYL-2,5-DIMETHOXY-4-
14 CHLOROANILIDE.

15 Subchapter II of chapter 99 is amended by inserting
 16 in numerical sequence the following new heading:

“	9902.23.64	Acetoacetyl-2,5-dimethoxy-4-chloroanilide (CAS No. 4433-79-8) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1271. PHENYL SALICYLATE (BENZOIC ACID, 2-HY-
2 DROXY-, PHENYL ESTER).

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.23.65	Phenyl salicylate (benzoic acid, 2-hydroxy-, phenyl ester) (CAS No. 118-55-8) (provided for in subheading 2918.23.10)	Free	No change	No change	On or before 12/31/2009	”.
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5 SEC. 1272. SYNTHETIC INDIGO POWDER.

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.23.66	Synthetic indigo powder, (3H-indol-3-one, 2-(1,3-dihydro-3-oxo-2H-indol-2-ylidene)-1,2-dihydro-) (CAS No. 482-89-3) (provided for in subheading 3204.15.10)	Free	No change	No change	On or before 12/31/2009	”.
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8 SEC. 1273. 1,3,5-TRIAZINE-2,4-DIAMINE, 6-[2-(2-METHYL-1H-
9 IMIDAZOL-1-YL)ETHYL]-.

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.23.67	1,3,5-Triazine-2,4-diamine, 6-[2-(2-methyl-1H-imidazol-1-yl)ethyl]- (CAS No. 38668-46-1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1274. 50/50 MIXTURE OF 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-**
 2 **TRIONE, 1,3,5-TRIS[(2R)-OXIRANYLMETHYL]-**
 3 **AND 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE,**
 4 **1,3,5-TRIS[(2S)-OXIRANYLMETHYL]-.**

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.23.68	50/50 Mixture of 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2R)-oxiranylmethyl]- and 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2S)-oxiranylmethyl]- (CAS Nos. 240408-78-0 and 240408-81-5) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1275. 9H-THIOXANTHENE-2-CARBOXALDEHYDE, 9-OXO-,**
 8 **2-(O-ACETYLOXIME).**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.23.69	9H-Thioxanthene-2-carboxaldehyde, 9-oxo-, 2-(o-acetyloxime) (CAS No. 362624-80-4) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1276. 1H-IMIDAZOLE, 2-ETHYL-4-METHYL-.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.23.70	1H-Imidazole, 2-ethyl-4-methyl- (CAS No. 931-36-2) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2009	”.
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14 **SEC. 1277. 1H-IMIDAZOLE-4-METHANOL, 5-METHYL-2-**
 15 **PHENYL-.**

16 Subchapter II of chapter 99 is amended by inserting
 17 in numerical sequence the following new heading:

9902.23.71	1H-Imidazole-4-methanol, 5-methyl-2-phenyl- (CAS No. 13682-32-1) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2009
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1 SEC. 1278. 4-CYCLOHEXENE-1,2-DICARBOXYLIC ACID,
2 COMPD. WITH 1,3,5-TRIAZINE-2,4,6-TRIAMINE
3 (1:1).

4 Subchapter II of chapter 99 is amended by inserting
 5 in numerical sequence the following new heading:

9902.23.72	4-Cyclohexene-1,2-dicarboxylic acid, compd. with 1,3,5-triazine-2,4,6-triamine (1:1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009
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6 SEC. 1279. 1,3,5-TRIAZINE-2,4-DIAMINE, 6-[2-(2-UNDECYL-1H-
7 IMIDAZOL-1-YL)ETHYL]-.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

9902.23.73	1,3,5-Triazine-2,4-diamine, 6-[2-(2-undecyl-1H-imidazol-1-yl)ethyl]- (CAS No. 50729-75-4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009
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10 SEC. 1280. CERTAIN FOOTWEAR VALUED OVER \$20 A PAIR
11 WITH COATED OR LAMINATED TEXTILE FAB-
12 RICS.

13 Subchapter II of chapter 99 is amended by inserting
 14 in numerical sequence the following new heading:

“	9902.23.74	Footwear (other than for men or women, and other than vulcanized footwear and footwear with water-proof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1281. CERTAIN WOMEN’S FOOTWEAR WITH COATED OR
2 LAMINATED TEXTILE FABRICS.

3 Subchapter II of chapter 99 is amended by inserting
4 in numerical sequence the following new heading:

“	9902.23.75	Women’s footwear with outer soles and uppers of rubber or plastics (except footwear of vulcanized rubber and footwear with water-proof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1282. CERTAIN MEN’S FOOTWEAR WITH COATED OR**
 2 **LAMINATED TEXTILE FABRICS.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.23.76	Men’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in sub-heading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1283. CERTAIN MEN’S FOOTWEAR VALUED OVER \$20 A**
 6 **PAIR WITH COATED OR LAMINATED TEXTILE**
 7 **FABRICS.**

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.23.77	Men’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in sub-heading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1284. CERTAIN WOMEN'S FOOTWEAR VALUED OVER**
 2 **\$20 A PAIR WITH COATED OR LAMINATED**
 3 **TEXTILE FABRICS.**

4 Subchapter II of chapter 99 is amended by inserting
 5 in numerical sequence the following new heading:

“	9902.23.78	Women's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1285. CERTAIN OTHER FOOTWEAR VALUED OVER \$20 A**
 7 **PAIR WITH COATED OR LAMINATED TEXTILE**
 8 **FABRICS.**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.23.79	Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1286. CERTAIN FOOTWEAR WITH COATED OR LAMI-**
 2 **NATED TEXTILE FABRICS.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.23.80	Footwear (other than for men or women and other than vulcanized footwear and footwear with water-proof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in sub-heading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1287. CERTAIN OTHER FOOTWEAR COVERING THE**
 6 **ANKLE WITH COATED OR LAMINATED TEX-**
 7 **TILE FABRICS.**

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.23.81	Footwear (other than for men or women, and other than vulcanized footwear and footwear with water-proof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1288. CERTAIN WOMEN’S FOOTWEAR COVERING THE**
2 **ANKLE WITH COATED OR LAMINATED TEX-**
3 **TILE FABRICS.**

4 Subchapter II of chapter 99 is amended by inserting
5 in numerical sequence the following new heading:

“	9902.23.82	Women’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1289. CERTAIN WOMEN’S FOOTWEAR NOT COVERING**
 2 **THE ANKLE WITH COATED OR LAMINATED**
 3 **TEXTILE FABRICS.**

4 Subchapter II of chapter 99 is amended by inserting
 5 in numerical sequence the following new heading:

“	9902.23.83	Women’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1290. FELT-BOTTOM BOOTS FOR USE IN FISHING WAD-**
 7 **ERS.**

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.23.84	Vulcanized rubber felt-bottom boots for actual use in fishing waders (provided for in subheading 6405.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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10 **SEC. 1291. LUG BOTTOM BOOTS FOR USE IN FISHING WAD-**
 11 **ERS.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.23.85	Vulcanized rubber lug bottom boots for actual use in fishing waders (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1292. CERTAIN PARTS AND ACCESSORIES FOR MEAS-**
 2 **URING OR CHECKING INSTRUMENTS.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.23.86	Parts or accessories of instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.88) (but not including subassemblies containing one or more printed circuit assemblies for such instruments or apparatus (provided for in subheading 9030.90.88))	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1293. CERTAIN PRINTED CIRCUIT ASSEMBLIES.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.23.87	Printed circuit assemblies for instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.68)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1294. CERTAIN SUBASSEMBLIES FOR MEASURING**
 9 **EQUIPMENT FOR TELECOMMUNICATIONS.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.23.88	Subassemblies containing one or more printed circuit assemblies for instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.88)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1295. CHLORONEB.**

13 Subchapter II of chapter 99 is amended by inserting
 14 in numerical sequence the following new heading:

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“	9902.23.89	1,4-Dichloro-2,5-dimethoxybenzene (Chloroneb) (CAS No. 2675-77-6) (provided for in subheading 2909.30.30)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1296. P-NITROBENZOIC ACID (PNBA).

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.23.90	p-Nitrobenzoic acid (CAS No. 62-23-7) (provided for in subheading 2916.39.75) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1297. ALLYL PENTAERYTHRITOL (APE).

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.23.91	Allyl pentaerythritol (CAS No. 91648-24-7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1298. BUTYL ETHYL PROPANEDIOL (BEP).

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.23.92	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115-84-4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1299. BEPD70L.

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.23.93	Mixture of 2-butyl-2-ethylpropane-1,3-diol (CAS No. 115-84-4) and neopentyl glycol (CAS No. 126-30-7) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1300. BOLTORN-1 (BOLT-1).

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.23.94	Polymers of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane (CAS No. 326794-48-3) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1301. BOLTORN-2 (BOLT-2).

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.23.95	Polymer of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane, decanoate octanoate (CAS No. 326794-49-4) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1302. CYCLIC TMP FORMAL (CTF).

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.23.96	1,3-Dioxane-5-methanol, 5-ethyl- (CAS No. 5187-23-5) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1303. DITMP.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.23.97	Ditrimethylol propane (CAS No. 23235-61-2) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1304. POLYOL DPP (DPP).

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.23.98	Poly(oxy-1,2-ethanediyl), α -hydro- ω -hydroxy-ether with 2,2'-(oxybis(methylene)) bis(2-hydroxymethyl)-1,3-propanediol (6:1) (CAS No. 50977-32-7) (provided for in subheading 3907.20.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1305. HYDROXYPIVALIC ACID (HPA).

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.23.99	Hydroxypivalic acid (CAS No. 4835-90-9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1306. TMPDE.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.24.01	Trimethylolpropane diallyl ether (CAS No. 682-09-7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1307. TMPME.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.24.02	Trimethylolpropane monoallyl ether (CAS No. 682-11-1) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1308. TMP OXETANE (TMPO).

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.24.03	3-Ethyl-3-oxetanemethanol (trimethylolpropane oxetane) (CAS No. 3047-32-3) (pro- vided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1309. TMPO ETHOXYLATE (TMPOE).

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.24.04	Poly(oxy-1,2-ethanediyl), α - (3-ethyl-3-oxetanyl) meth- yl)- ω -hydroxy- (CAS No. 76996-65-1) (provided for in subheading 3907.20.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1310. AMYL-ANTHRAQUINONE.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.24.05	9, 10-Anthracenedione, 2 pentyl- (CAS No. 13936- 21-5) (provided for in sub- heading 2914.69.90) or in organic solution (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1311. T-BUTYL ACRYLATE.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.24.06	Acrylic acid, tert-butyl ester (CAS No. 1663-39-4) (pro- vided for in subheading 2916.12.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1312. 3-CYCLOHEXENE-1-CARBOXYLIC ACID, 6-[(DI-2-**
 2 **PROPENYLAMINO)CARBONYL]-, REL-(1R,6R)-,**
 3 **REACTION PRODUCTS WITH**
 4 **PENTAFLUOROiodoETHANE-TETRAFLUORO-**
 5 **ETHYLENE TELOMER, AMMONIUM SALT.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.24.07	3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1R,6R)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt (CAS No. 392286-82-7) (provided for in subheading 3809.92.50) ..	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1313. MIXTURES OF PHOSPHATE AMMONIUM SALT DE-**
 9 **RIVATIVES OF A FLUOROCHEMICAL.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.24.08	5,5-Bis[(γ,ω-perfluoro(C4-20)alkylthio)methyl]-2-hydroxy-2-oxo-1,3,2-dioxaphosphorinane, ammonium salt (CAS No. 148240-85-1) and 2,2-bis[(γ,ω-perfluoro(C4-20)alkylthio)methyl]-3-hydroxypropyl phosphate, diammonium salt (CAS No. 148240-87-3) and di-[2,2-bis[(γ,ω-perfluoro(C4-20)alkylthio)methyl]]-3-hydroxypropyl phosphate, ammonium salt (CAS No. 148240-89-5) and 2,2-bis[(γ,ω-perfluoro(C4-20)alkylthio)methyl]-1,3-dihydrogenphosphate)propane, tetraammonium salt (provided for in subheading 3809.92.50) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1314. 1-(3H)-ISOBENZOFURANONE, 3,3-BIS(2-METHYL-1-**
 2 **OCTYL-1H-INDOL-3-YL)-.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.24.09	1-(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H- indol-3-yl)- (CAS No. 50292-95-0) (provided for in subheading 3204.19.40) ..	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1315. MIXTURE OF POLY[[6-[(1,1,3,3-**
 6 **TETRAMETHYLBUTYL)AMINO]-1,3,5-TRIAZINE-**
 7 **2,4-DIYL] [2,2,6,6-TETRAMETHYL-4-**
 8 **PIPERIDINYL)IMINO]-1,6-HEXANEDIYL[(2,2,6,6-**
 9 **TETRAMETHYL-4-PIPERIDINYL)IMINO]]) AND**
 10 **BIS(2,2,6,6-TETRAMETHYL-4-PIPERIDYL) SEBA-**
 11 **CATE.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.24.10	Mixture of poly[[6-[(1,1,3,3- tetramethylbutyl)amino]- 1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4- piperidinyl)imino]-1,6- hexanedyl[(2,2,6,6- tetramethyl-4- piperidinyl)imino]]) and bis(2,2,6,6-tetramethyl-4- piperidyl) sebaeate (CAS Nos. 71878-19-8 and 52829-07-9) (provided for in subheading 3812.30.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1316. CERTAIN BITUMEN-COATED POLYETHYLENE**
 2 **SLEEVES SPECIFICALLY DESIGNED TO PRO-**
 3 **TECT IN-GROUND WOOD POSTS.**

4 Subchapter II of chapter 99 is amended by inserting
 5 in numerical sequence the following new heading:

“	9902.24.11	Bitumen-coated shrink-wrap polyethylene boots for the protection of in-ground wood posts (provided for in sub-heading 3926.90.98)	Free	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1317. NYLON WOOLPACKS USED TO PACKAGE WOOL.**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new heading:

“	9902.24.12	Sacks and bags, of undyed woven fabric of nylon multifilament yarns not to exceed 10 decitex, used for packing wool for transport, storage, or sale (provided for in sub-heading 6305.39.00)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1318. MAGNESIUM ZINC ALUMINUM HYDROXIDE CAR-**
 10 **BONATE HYDRATE.**

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.24.13	Magnesium zinc aluminum hydroxide carbonate hydrate (CAS No. 169314-88-9) coated with an organic fatty acid (provided for in sub-heading 3812.30.90)	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1319. C12-18 ALKENES.**

14 (a) IN GENERAL.—Subchapter II of chapter 99 is
 15 amended by inserting in numerical sequence the following
 16 new heading:

“	9902.24.14	C12–18 alkenes, polymers (TPX) with 4-methyl-1-pentene (CAS Nos. 25155–83–3, 81229–87–0, and 103908–22–1) (provided for in subheading 3902.90.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 (b) CONFORMING AMENDMENT.—Subchapter II of
2 chapter 99 is amended by striking heading 9902.03.86.

3 **SEC. 1320. ACRYPET UT100.**

4 Subchapter II of chapter 99 is amended by inserting
5 in numerical sequence the following new heading:

“	9902.24.15	2-Propenoic acid, 2-methyl-, methyl ester, polymer with 1-cyclohexyl-1 <i>H</i> -pyrrole-2,5-dione, ethenylbenzene and (1-methylethenyl)benzene (CAS No. 107194–09–2) (provided for in subheading 3906.90.20) ..	Free	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1321. 5-AMINO-1-[2,6-DICHLORO-4-**
7 **(TRIFLUOROMETHYL)PHENYL]-4-[(1R,S)-**
8 **(TRIFLUOROMETHYL)-SULFINYL]-1H-PYR-**
9 **AZOLE-3-CARBONITRILE (FIPRONIL).**

10 Subchapter II of chapter 99 is amended by inserting
11 in numerical sequence the following new heading:

“	9902.24.16	5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)-(trifluoromethyl)sulfinyl]-1 <i>H</i> -pyrazole-3-carbonitrile (Fipronil) (CAS No. 120068–37–3) (provided for in subheading 2933.19.23) ..	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1322. 2,3-PYRIDINEDICARBOXYLIC ACID.**

13 Subchapter II of chapter 99 is amended by inserting
14 in numerical sequence the following new heading:

260

“	9902.24.17	2,3-Pyridinedicarboxylic acid (CAS No. 89-00-9) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1323. MIXTURES OF 2-AMMINO-2,3-
2 DIMETHYLBUTYLNITRILE AND TOLUENE.

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.24.18	Mixtures of 2-amino-2,3-dimethylbutanenitrile (CAS No. 13893-53-3) and toluene (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.
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5 SEC. 1324. 2,3-QUINOLINEDICARBOXYLIC ACID.

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.24.19	2,3-Quinolinedicarboxylic acid (CAS No. 643-38-9) (provided for in subheading 2933.49.60)	Free	No change	No change	On or before 12/31/2009	”.
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8 SEC. 1325. 3,5-DIFLUOROANILINE.

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.24.20	3,5-Difluoroaniline (CAS No. 372-39-4) (provided for in subheading 2921.42.65) ..	Free	No change	No change	On or before 12/31/2009	”.
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11 SEC. 1326. CLOMAZONE.

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

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“	9902.24.21	2-[(2-Chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone (Clomazone) (CAS No. 81777-89-1) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1327. CHLOROPIVALOYL CHLORIDE.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.24.22	3-Chloropivaloyl chloride (CAS No. 4300-97-4) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1328. N,N'-HEXANE-1,6-DIYLBIS(3-(3,5-DI-TERT-BUTYL-4-**
5 **HYDROXYPHENYLPROPIONAMIDE)).**

6 Subchapter II of chapter 99 is amended by inserting
7 in numerical sequence the following new heading:

“	9902.24.23	N,N'-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)) (CAS No. 23128-74-7) (provided for in subheading 2924.29.31)	Free	No change	No change	On or before 12/31/2009	”.
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8 SEC. 1329. REACTIVE RED 268.

9 Subchapter II of chapter 99 is amended by inserting
10 in numerical sequence the following new heading:

“	9902.24.24	Reactive Red 268 (CAS No. 152397-21-2) (provided for in subheading 3204.16.30) ..	Free	No change	No change	On or before 12/31/2009	”.
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11 SEC. 1330. REACTIVE RED 270.

12 Subchapter II of chapter 99 is amended by inserting
13 in numerical sequence the following new heading:

“	9902.24.25	Reactive Red 270 (CAS No. 155522-05-7) (provided for in subheading 3204.16.30) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1331. CERTAIN GLASS THERMO BULBS.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.24.26	Liquid-filled glass bulbs designed for sprinkler systems and other release devices (provided for in subheading 7020.00.60) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1332. PYRIPROXYFEN.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.24.27	2-[1-Methyl-2-(4-phenoxyphenoxy)ethoxy]pyridine (Pyriproxyfen) (CAS No. 95737-68-1) (provided for in subheading 2933.39.27) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1333. UNICONAZOLE-P.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.24.28	(E)-(+)-(S)-1-(4-Chlorophenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pent-1-en-3-ol (Uniconazole-P) (CAS No. 83657-17-4) (provided for in subheading 2933.69.60) ..	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1334. BISPYRIBAC-SODIUM.

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

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“	9902.24.29	Sodium 2,6-bis[(4,6-dimethoxypyrimidin-2-yl)oxy]benzoate (Bispyribac-sodium) (CAS No. 125401-92-5) (provided for in subheading 2933.59.10)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1335. DINOTEFURAN.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.24.30	N-Methyl-N' -nitro-N''-[(tetrahydro-3-furanyl)methyl]guanidine (Dinotefuran) (CAS No. 165252-70-0) (provided for in subheading 2932.19.50) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1336. ETOXAZOLE.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.24.31	2-(2,6-Difluorophenyl)-4-[4-(1,1-dimethylethyl)-2-ethoxyphenyl]-4,5-dihydrooxazole (Etoxazole) (CAS No. 153233-91-1) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1337. BIOALLETHRIN.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.24.32	[1RS-[1 α (S*),3 β]]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylate (Bioallethrin) (CAS No. 584-79-2) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1338. S-BIOALLETHRIN.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.24.33	[1R-[1a(S*),3b]]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (S-Bioallethrin) (CAS No. 28434-00-6) (provided for in subheading 2916.20.50) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1339. TETRAMETHRIN.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.24.34	(1,3,4,5,6,7-Hexahydro-1,3-dioxo-2H-isoindol-2-yl)methyl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (CAS No. 7696-12-0) (Tetramethrin) (provided for in subheading 2925.19.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1340. TRALOMETHRIN.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.24.35	Cyano(3-phenoxyphenyl)methyl 2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)-cyclopropanecarboxylate (Tralomethrin) (CAS No. 66841-25-6) and application adjuvants (provided for in subheading 3808.10.25) ..	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1341. FLUMICLORAC-PENTYL.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

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“	9902.24.36	Pentyl [2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (Flumiclorac-pentyl) (CAS No. 87547-04-4) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1342. 1-PROPENE-2-METHYL HOMOPOLYMER.

2 Subchapter II of chapter 99 is amended by inserting

3 in numerical sequence the following new heading:

“	9902.24.37	1-Propene-2-methyl homopolymer (CAS No. 9003-27-4) (provided for in subheading 3902.30.00)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1343. ACRONAL-S-600.

5 Subchapter II of chapter 99 is amended by inserting

6 in numerical sequence the following new heading:

“	9902.24.38	2-Propenoic acid, polymer with ethenylbenzene and 2-ethylhexyl 2-propenoate (CAS No. 25085-19-2) (provided for in subheading 3903.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1344. LUCIRIN TPO.

8 Subchapter II of chapter 99 is amended by inserting

9 in numerical sequence the following new heading:

“	9902.24.39	Diphenyl (2,4,6-trimethylbenzoyl) phosphine oxide (CAS No. 75980-60-8) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1345. SOKALAN PG IME.

11 Subchapter II of chapter 99 is amended by inserting

12 in numerical sequence the following new heading:

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“	9902.24.40	1H-Imidazole, polymer with (chloromethyl) oxirane (CAS No. 68797-57-9) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1346. LYCOPENE 10 PERCENT.**

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.24.41	Lycopene 10 percent (CAS No. 502-65-8) (provided for in subheading 2106.90.95) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1347. MIXTURES OF CAS NOS. 181274-15-7 AND 208465-**
5 **21-8.**

6 Subchapter II of chapter 99 is amended by inserting
7 in numerical sequence the following new heading:

“	9902.24.42	Mixtures of methyl 2-(4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-yl)carboxamidosulfonylbenzoate, sodium salt (Propoxy carbazone-sodium) (CAS No. 181274-15-7), 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]- α -(methanesulfonamido)-p-toluic acid, methyl ester (Mesosulfuron-methyl) (CAS No. 208465-21-8), and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1348. 2-METHYL-1-[4-(METHYLTHIO)PHENYL]-2-(4-**
9 **MORPHOLINYL)-1-PROPANONE.**

10 Subchapter II of chapter 99 is amended by inserting
11 in numerical sequence the following new heading:

“	9902.24.43	2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)-1-propanone (CAS No. 71868-10-5) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1349. 1,6-HEXANEDIAMINE, N,N- BIS(2,2,6,6-**
2 **TETRAMETHYL-4- PIPERIDINYL)-, POLYMER**
3 **WITH 2,4,6-TRICHLORO-1,3,5-TRIAZINE, REAC-**
4 **TION PRODUCTS WITH N-BUTYL-1-**
5 **BUTANAMINE AND N-BUTYL- 2,2,6,6-**
6 **TETRAMETHYL-4- PIPERIDINAMINE.**

7 Subchapter II of chapter 99 is amended by inserting
8 in numerical sequence the following new heading:

“	9902.24.44	1,6-Hexanediamine, N,N-bis(2,2,6,6-tetramethyl-4-piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl-1-butanamine and N-butyl- 2,2,6,6-tetramethyl-4-piperidinamine (CAS No. 192268-64-7) (provided for in subheading 3911.90.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1350. VAT BLACK 25.**

10 Subchapter II of chapter 99 is amended by inserting
11 in numerical sequence the following new heading:

“	9902.24.45	Vat Black 25 (CAS No. 4395-53-3) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1351. ACID ORANGE 162.**

13 Subchapter II of chapter 99 is amended by inserting
14 in numerical sequence the following new heading:

“	9902.24.46	Acid Orange 162 (CAS No. 73612-40-5) (provided for in subheading 3204.12.45) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1352. METHYL SALICYLATE.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.24.47	Methyl salicylate (CAS No. 119-36-8) (provided for in subheading 2918.23.20)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1353. 1,2-OCTANEDIOL.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.24.48	1,2-Octanediol (CAS No. 1117-86-8) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1354. MENTHONE GLYCERIN ACETAL.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.24.49	Menthone glycerin acetal (CAS No. 63187-91-7) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1355. PONTAMINE GREEN 2B.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.24.50	Dyestuff containing as active ingredient 2,7-naphthalenedisulfonic acid, 3,3'-[carbonylbis(imino-4,1-phenyleneazo)]bis[4-amino-5-hydroxy-6-(phenylazo)-, tetrasodium salt (CAS No. 59262-64-5) (provided for in subheading 3204.14.50) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1356. BAYDERM BOTTOM 10 UD.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.24.51	Aqueous polyurethane dispersions containing 29 percent to 31 percent solids content of hexanedioic acid, polymer with N-(2-aminoethyl)-1,2-ethanediamine, 2-butene-1,4-diol, 1,6-diisocyanatohexane, 1,2-ethanediol, 1,3-isobenzofurandione, methyloxirane, oxirane and sodium hydrogen sulfite, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 100486-94-0) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1357. BAYDERM FINISH DLH.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.24.52	Hexanedioic acid, polymer with 1,4-butanediol, 1,6-diisocyanatohexane and 1,6-hexanediol, 2-((2-aminoethyl)amino) ethanesulfonic acid, of 38 to 42 percent solids content in aqueous dispersion (CAS No. 68037-41-2) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1358. LEVAGARD DMPP.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.24.53	Dimethyl propylphosphonate (CAS No. 18755-43-6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1359. BAYDERM BOTTOM DLV.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.24.54	Aqueous polyurethane dispersions containing 38 percent to 42 percent solids content of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with 2-[(2-aminoethyl)amino]ethanesulfonic acid, monosodium salt, 1,6-diisocyanatohexane, diphenyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, methyloxirane, oxirane and 1,2-propanediol, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 137898-95-4) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.
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**4 SEC. 1360. CERTAIN ETHYLENE-VINYL ACETATE COPOLY-
5 MERS.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.24.55	Ethylene-vinyl acetate copolymers, other than those in aqueous dispersions, containing 50 percent or more by weight vinyl acetate monomer (CAS No. 24937-78-8) (provided for in subheading 3905.29.00)	Free	No change	No change	On or before 12/31/2009	”.
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8 SEC. 1361. CYAZOFAMID.

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.24.56	Mixtures of 4-chloro-2-cyano-N,N-dimethyl-5-(4-methylphenyl)-1H-imidazole-1-sulfonamide (Cyazofamid) (CAS No. 120116-88-3) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1362. FLONICAMID.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.24.57	N-(Cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide (Flonicamid) (CAS No. 158062-67-0) (provided for in subheading 2933.39.27) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1363. ZETA-CYPERMETHRIN.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.24.58	(S)-Cyano-(3-phenoxyphenyl)methyl (+)eis-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate and (S)-cyano-(3-phenoxyphenyl)methyl (+)trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (Zeta-cypermethrin) (CAS No. 52315-07-8) (provided for in subheading 2926.90.30) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1364. 2-ETHYLHEXYL 4-METHOXYCINNAMATE.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.24.60	2-Ethylhexyl 4-methoxycinnamate (CAS No. 5466-77-3) (provided for in subheading 2918.90.43) ..	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1365. CERTAIN FLAME RETARDANT PLASTICIZERS.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new headings:

“	9902.24.61	Plasticizers containing diphenyl cresyl phosphate (CAS No. 26444-49-5), triphenyl phosphate (CAS No. 115-86-6), trieresyl phosphate (CAS No. 1330-78-5), and phenyl dieresyl phosphate (CAS No. 26446-73-1) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2009	”.
	9902.24.62	Phosphoric acid, tris (2-ethylhexyl) ester (CAS No. 78-42-2) (provided for in subheading 2919.00.50)	Free	No change	No change	On or before 12/31/2009	”.

1 SEC. 1366. BAYPURE DS.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.24.63	Polyaspartic acid, sodium salt, in aqueous solution (CAS No. 181828-06-8) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1367. BAYOWET C4.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.24.64	1,1,2,2,3,3,4,4,4-Nonafluorobutanesulfonic acid, potassium salt (CAS No. 29420-49-3) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1368. CERTAIN BICYCLE PARTS.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.24.65	Bicycle speedometers (provided for in subheading 9029.20.20)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1369. OTHER CYCLES.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.24.67	Unicycles (provided for in subheading 8712.00.50)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1370. CERTAIN BICYCLE PARTS.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.24.68	Sets of steel tubing cut to exact length and each set having the number of tubes needed for the assembly (with other parts) into the frame and fork of one bicycle (provided for in subheading 8714.91.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1371. CERTAIN BICYCLE PARTS.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.24.71	Brakes designed for bicycles (other than drum brakes, caliper and cantilever brakes, and coaster brakes) and parts thereof (provided in subheading 8714.94.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1372. (2-CHLOROETHYL)PHOSPHONIC ACID
11 (ETHEPHON).

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.24.73	(2-Chloroethyl)phosphonic acid (Ethephon) (CAS No. 16672-87-0) (provided for in subheading 2931.00.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1373. PREPARATIONS CONTAINING 2-(1-(((3-CHLORO-2-**
 2 **PROPENYL)OXY)IMINO)PROPYL)-5-(2-**
 3 **(ETHYLTHIO)PROPYL)-3-HYDROXY-2-**
 4 **CYCLOHEXENE-1-ONE (CLETHODIM).**

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.24.74	Preparations containing 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexene-1-one (Clethodim) (CAS No. 99129-21-2) and application adjuvants (provided for in subheading 3808.30.20) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1374. UREA, POLYMER WITH FORMALDEHYDE**
 8 **(PERGOPAK).**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.24.75	Urea, polymer with formaldehyde (Pergopak) (CAS No. 9011-05-6) (provided for in subheading 3909.10.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1375. ORTHO NITROANILINE.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.24.76	2-Nitroaniline (CAS No. 88-74-4) (provided for in subheading 2921.42.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1376. 2,2 -(2,5-THIOPHENEDIYL)BIS(5-(1,1-**
 2 **DIMETHYLETHYL)BENZOXAZOLE).**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.24.77	2,2 -(2,5- Thiophenediyl)bis(5-(1,1- dimethylethyl)benzoxazole) (CAS No. 7128-64-5) (pro- vided for in subheading 3204.20.80)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1377. CERTAIN CHEMICALS AND CHEMICAL MIX-**
 6 **TURES.**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new headings:

9902.24.78	3-[(2-Chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine (Thiamethoxam) (CAS No. 153719-23-4) (provided for in subheading 2934.10.90) ..	Free	No change	No change	On or before 12/31/2009
9902.24.79	Mixtures of (±)-(cis and trans)-1-(2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxalan-2-yl)methyl-1H-1,2,4-triazole (Propiconazole) (CAS No. 60207-90-1) and 3-iodo-2-propynyl butylcarbamate (CAS No. 55406-53-6), and application adjuvants (provided for in subheading 3808.20.15) ..	Free	No change	No change	On or before 12/31/2009
9902.24.80	Mixtures of 4,6-dimethyl-N-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112-28-0), (±)-1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1H-imidazole sulfate (Imazalil Sulfate) (CAS No. 58595-72-2) and application adjuvants (provided for in subheading 3808.20.15) ..	Free	No change	No change	On or before 12/31/2009
9902.24.81	(±)-3-[2-[4-(6-Fluoro-1,2-benzisoxazol-3-yl)-1-piperidinyl]ethyl]-6,7,8,9-tetrahydro-9-hydroxy-2-methyl-4H-pyrido[1,2-a]pyrimidin-4-one (CAS No. 144598-75-4) (provided for in subheading 2934.99.39) ..	Free	No change	No change	On or before 12/31/2009
9902.24.82	3-Benzo[b]thien-2-yl-5, 6-dihydro-1,4,2-oxathiazine 4-oxide (Bethoxazin) (CAS No. 163269-30-5) (provided for in subheading 2934.99.12) ..	Free	No change	No change	On or before 12/31/2009
9902.24.83	4-Bromo-2-(4-chlorophenyl)-1-(ethoxymethyl)-5-(trifluoromethyl)-1H-pyrrole-3-carbonitrile (Chlorfenapyr) (CAS No. 122453-73-0) (provided for in subheading 2933.99.17) ..	Free	No change	No change	On or before 12/31/2009
9902.24.84	2-(p-Chlorophenyl)-3-cyano-4-bromo-5-trifluoromethylpyrrole (Tralopyril) (CAS No. 122454-29-9) (provided for in subheading 2933.99.22) ..	Free	No change	No change	On or before 12/31/2009
9902.24.85	Mixtures of 4,6-dimethyl-N-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112-28-0) and application adjuvants (provided for in subheading 3808.20.15) ..	Free	No change	No change	On or before 12/31/2009

1 SEC. 1378. ACID RED 414.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.24.86	Acid Red 414 (CAS No. 152287-09-7) (provided for in subheading 3204.12.45) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1379. SOLVENT YELLOW 163.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.24.87	Solvent Yellow 163 (CAS No. 13676-91-0) (provided for in subheading 3204.19.20) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1380. 4-AMINO-3,6-BIS[[5-[[4-CHLORO-6-[METHYL[2-
8 (METHYLAMINO)-2-OXOETHYL]AMINO]-1,3,5-
9 TRIAZIN-2-YL]AMINO]-2-SULFOPHENYL]AZO]-5-
10 HYDROXY-2,7-NAPHTHALENEDISULFONIC
11 ACID, LITHIUM POTASSIUM SODIUM SALT.

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.24.88	4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt (CAS No. 205764-96-1) (provided for in subheading 3204.16.30) ..	Free	No change	No change	On or before 12/31/2009	”.
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14 SEC. 1381. REACTIVE RED 123.

15 Subchapter II of chapter 99 is amended by inserting
 16 in numerical sequence the following new heading:

“	9902.24.89	Reactive Red 123 (CAS No. 85391-83-9) (provided for in subheading 3204.16.20) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1382. REACTIVE BLUE 250.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.24.90	Reactive Blue 250 (CAS No. 93951-21-4) (provided for in subheading 3204.16.30) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1383. REACTIVE BLACK 5.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.24.91	Reactive Black 5 (CAS No. 17095-24-8) (provided for in subheading 3204.16.50) ..	Free	No change	No change	On or before 12/31/2009	”.
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**7 SEC. 1384. 5-[(2-CYANO-4-NITROPHENYL)AZO]-2-[[2-(2-
8 HYDROXYETHOXY)ETHYL]AMINO]-4-METHYL-
9 6-(PHENYLAMINO)-3-
10 PYRIDINECARBONITRILE.**

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.24.93	5-[(2-Cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile (CAS No. 149988-44-3) (provided for in subheading 3204.11.50) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1385. CYANO[3-[(6-METHOXY-2-**
 2 **BENZOTHIAZOLYL)AMINO]-1H-ISOINDOL-1-**
 3 **YLIDENE]-ACETIC ACID, PENTYL ESTER.**

4 Subchapter II of chapter 99 is amended by inserting
 5 in numerical sequence the following new heading:

“	9902.24.94	Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]acetic acid, pentyl ester (CAS No. 173285-74-0) (provided for in subheading 3204.11.50) ..	Free	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1386. [(9,10-DIHYDRO-9,10-DIOXO-1,4-**
 7 **ANTHRACENEDIYL)BIS[IMINO[3-(2-**
 8 **METHYLPROPYL)-3,1-**
 9 **PROPANEDIYL]]]BISBENZENESULFONIC ACID,**
 10 **DISODIUM SALT.**

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.24.95	[(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]]]bisbenzenesulfonic acid, disodium salt (CAS No. 72749-90-7) (provided for in subheading 3204.12.20) ..	Free	No change	No change	On or before 12/31/2009	”.
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13 **SEC. 1387. [4-(2,6-DIHYDRO-2,6-DIOXO-7-PHENYLBENZO[1,2-**
 14 **B:4,5-B']DIFURAN-3-YL)PHENOXY]ACETIC**
 15 **ACID, 2-ETHOXYETHYL ESTER.**

16 Subchapter II of chapter 99 is amended by inserting
 17 in numerical sequence the following new heading:

“	9902.24.96	[4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b']difuran-3-yl)phenoxy]acetic acid, 2-ethoxyethyl ester (CAS No. 126877-05-2) (provided for in subheading 3204.11.35) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1388. 3-PHENYL-7-(4-PROPOXYPHENYL)BENZO[1,2-B:4,5-**
2 **B']DIFURAN-2,6-DIONE.**

3 Subchapter II of chapter 99 is amended by inserting
4 in numerical sequence the following new heading:

“	9902.24.97	3-Phenyl-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b']difuran-2,6-dione (CAS No. 79694-17-0) (provided for in subheading 3204.11.35) ..	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1389. 2-[[[2, 5-DICHLORO-4-(2-METHYL-1H-INDOL-3-**
6 **YL)AZO]PHENYL]SULFONYL]AMINO]-**
7 **ETHANESULFONIC ACID, MONOSODIUM SALT.**

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.24.98	2-[[[2, 5-Dichloro-4-(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt (CAS No. 68959-19-3) (provided for in subheading 3204.12.45) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1390. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-**
 2 **CHLORO-6-[(3-SULFOPHENYL)AMINO]-1,3,5-**
 3 **TRIAZIN-2-YL]AMINO]-4-HYDROXY-3-[[4-[[2-**
 4 **(SULFOXY)ETHYL]SULFONYL]PHENYL]AZO]-,**
 5 **SODIUM SALT.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.24.99	2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt. (CAS No. 78952-61-1) (provided for in sub-heading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1391. 7-[[2-[(AMINOCARBONYL)AMINO]-4-[[4-[[2-[[4-[[3-**
 9 **[(AMINOCARBONYL) AMINO]-4-[(3,6,8-**
 10 **TRISULFO-2-**
 11 **NAPHTHALENYL)AZO]PHENYL]AMINO]-6-**
 12 **CHLORO-1,3,5-TRIAZIN-2-YL]AMINO]ETHYL]- 1-**
 13 **PIPERAZINYL]-6-CHLORO-1,3,5-TRIAZIN-2-**
 14 **YL]AMINO]PHENYL]AZO]-1,3,6-**
 15 **NAPHTHALENETRISULFONIC ACID, LITHIUM**
 16 **POTASSIUM SODIUM SALT.**

17 Subchapter II of chapter 99 is amended by inserting
 18 in numerical sequence the following new heading:

“	9902.25.01	7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl) amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt (CAS No. 202667-43-4) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1392. 4-[[3-(ACETYLAMINO)PHENYL]AMINO]-1-AMINO-**
2 **9,10-DIHYDRO-9,10-DIOXO-2-**
3 **ANTHRACENESULFONIC ACID, MONOSODIUM**
4 **SALT.**

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.25.02	4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt (CAS No. 70571-81-2) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1393. [4-[2,6-DIHYDRO-2,6-DIOXO-7-(4-**
8 **PROPOXYPHENYL)BENZO[1,2-B:4,5-B**
9 **]DIFURAN-3-YL]PHENOXY]ACETIC ACID, 2-**
10 **ETHOXYETHYL ESTER.**

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.25.03	[4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b']difuran-3-yl]phenoxy]acetic acid, 2-ethoxyethyl ester (CAS No. 126877-06-3) (provided for in subheading 3204.11.35) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1394. BASIC YELLOW 40 CHLORIDE BASED.

2 Subchapter II of chapter 99 is amended by inserting

3 in numerical sequence the following new heading:

“	9902.25.04	Basic Yellow 40 chloride based (CAS No. 29556-33-0) (provided for in subheading 3204.13.10)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1395. DIRECT YELLOW 119.

5 Subchapter II of chapter 99 is amended by inserting

6 in numerical sequence the following new heading:

“	9902.25.05	Direct Yellow 119 (CAS No. 4121-67-9) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1396. NAUGARD 412S.

8 Subchapter II of chapter 99 is amended by inserting

9 in numerical sequence the following new heading:

“	9902.25.06	Pentaerythritol tetrakis[3-(dodecylthio)propionate] (CAS No. 29598-76-3) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1397. TRIACETONAMINE.

11 Subchapter II of chapter 99 is amended by inserting

12 in numerical sequence the following new heading:

“	9902.25.07	2,2,6,6-Tetramethyl-4-piperidinone (CAS No. 826-36-8) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1398. IPCONAZOLE.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.25.08	2-[(4-Chlorophenyl)methyl]-5-(1-methylethyl)-1-(1H-1,2,4-triazol-1-ylmethyl)cyclopentanol (Ipeconazole) (CAS No. 125225-28-7) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1399. OMITE TECH.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.25.09	2-(4-Tert-butylphenoxy)cyclohexylprop-2-ynyl sulfite (Propargite) (CAS No. 2312-35-8) (provided for in subheading 2920.90.10)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1400. PANTERA TECHNICAL.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.25.10	(+)-Tetrahydrofurfuryl-(R)-2-[4-(6-chloroquinoxalin-2-yloxy)phenoxy]propionate (Quizalofop p-tefuryl) (CAS No. 119738-06-6) (provided for in subheading 2934.99.15) and any formulations containing such compound (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1401. P-TOLUENESULFONYL CHLORIDE.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.25.11	p-Toluenesulfonyl chloride (CAS No. 98-59-9) (provided for in subheading 2904.10.10)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1402. PREFORMED PELLETS OF A MIXTURE OF SO-**
 2 **DIUM IODIDE, THALLIUM IODIDE, DYSPRO-**
 3 **SIUM TRI-IODIDE, HOLMIUM TRI-IODIDE,**
 4 **THULIUM TRI-IODIDE, AND SOMETIMES CAL-**
 5 **CIUM IODIDE.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.25.12	Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide (CAS Nos. 7681-82-5, 7790-30-9, 15474-63-2, 13813-41-7, 1381-43-9, or 10102-68-8) (provided for in subheading 2827.60.50)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1403. P-AMINOBENZAMIDE (4-AMINOBENZAMIDE).**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.25.13	p-Aminobenzamide (4-aminobenzamide) (CAS No. 2835-68-9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.
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11 **SEC. 1404. P-CHLOROANILINE.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.25.14	p-Chloroaniline (CAS No. 106-47-8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2009	”.
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14 **SEC. 1405. 4-CHLORO-2-NITROANILINE.**

15 Subchapter II of chapter 99 is amended by inserting
 16 in numerical sequence the following new heading:

“	9902.25.15	4-Chloro-2-nitroaniline (CAS No. 89-63-4) (provided for in subheading 2921.42.55) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1406. O-CHLORO-P-TOLUIDINE (3-CHLORO-4-
2 METHYLANILINE).

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.25.16	o-Chloro-p-toluidine (3-chloro-4-methylaniline) (CAS No. 95-74-9) (provided for in subheading 2921.43.90) ..	Free	No change	No change	On or before 12/31/2009	”.
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5 SEC. 1407. 2-CHLOROACETOACETANILIDE.

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.25.17	2-Chloroacetoacetanilide (CAS No. 93-70-9) (provided for in subheading 2924.29.76) ..	Free	No change	No change	On or before 12/31/2009	”.
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8 SEC. 1408. P-ACETOACETANISIDIDE.

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.25.18	p-Acetoacetanisidide (CAS No. 5437-98-9) (provided for in subheading 2924.29.71) ..	Free	No change	No change	On or before 12/31/2009	”.
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11 SEC. 1409. 1-HYDROXY-2-NAPHTHOIC ACID.

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.25.19	1-Hydroxy-2-naphthoic acid (CAS No. 86-48-6) (provided for in subheading 2918.29.04) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1410. PIGMENT GREEN 7 CRUDE, NOT READY FOR USE**
 2 **AS A PIGMENT.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.25.20	Copper Phthalocyanine Green 7, Crude (CAS No. 1328–53–6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1411. 1,8-NAPHTHALIMIDE (1H-**
 6 **BENZ[DE]ISOQUINOLINE-1,3(2H)-DIONE).**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new heading:

“	9902.25.21	1,8-Naphthalimide (1H- benz[de]isoquinoline- 1,3(2H)-dione) (CAS No. 81–83–4) (provided for in subheading 2925.19.42)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1412. DIISOPROPYL SUCCINATE.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.25.22	Diisopropyl succinate (CAS No. 924–88–9) (provided for in subheading 2917.19.70) ..	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1413. 2,4-DI-TERT-BUTYL-6-(5-CHLOROBENZOTRIAZOL-**
 13 **2-YL)PHENOL.**

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new heading:

“	9902.25.23	2,4-Di-tert-butyl-6-(5- chlorobenzotriazol-2- yl)phenol (CAS No. 3864– 99–1) (provided for in sub- heading 2933.99.12)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1414. DIRECT BLACK 22.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.25.25	Direct Black 22 (CAS No. 6473-13-8) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1415. METHYLENE BIS-BENZOTRIAZOLYL**
 5 **TETRAMETHYLBUTYLPHENOL.**

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.25.26	2,2'-Methylenebis[6-(2H-benzotriazol-2-yl)-4-(1,1,3,3-tetramethylbutyl)phenol] (CAS No. 103597-45-1) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.
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8 **SEC. 1416. BIS-ETHYLHEXYLOXYPHENOL METHOXYPHENOL**
 9 **TRIAZINE.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.25.27	2,2'-(6-(4-Methoxyphenyl)-1,3,5-triazine-2,4-diyl)bis((2-ethylhexyl)oxy)phenol (CAS No. 187393-00-6) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.
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12 SEC. 1417. REACTIVE ORANGE 132.

13 Subchapter II of chapter 99 is amended by inserting
 14 in numerical sequence the following new heading:

“	9902.25.28	Reactive Orange 132 (CAS No. 149850-31-7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1418. ACID BLACK 244.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.25.29	Acid Black 244 (CAS No. 30785-74-1) (provided for in subheading 3204.12.45) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1419. CERTAIN CORES USED IN REMANUFACTURE.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new headings:

“	9902.25.30	Used fuel, lubricating or cooling medium pumps for internal combustion piston engines (provided for in subheading 8413.30.10 or 8413.30.90)	Free	No change	No change	On or before 12/31/2009
	9902.25.31	Used compression-ignition internal combustion piston engines to be installed in vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8408.20.20)	Free	No change	No change	On or before 12/31/2009
	9902.25.32	Used gear boxes for the vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8708.40.10)	Free	No change	No change	On or before 12/31/2009	”.

7 SEC. 1420. ADTP.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.25.33	2-Amino-5,8-dimethoxy-(1,2,4)triazolo(1,5-e)pyrimidine (CAS No. 219715-62-5) (provided for in subheading 2933.59.95) ..	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1421. DCBTF.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

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“	9902.25.34	3,4-Dichlorobenzotrifluoride (CAS No. 328-84-7) (provided for in subheading 2903.69.08)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1422. NOVIFLUMURON.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.25.35	N-[[[3,5-Dichloro-2-fluoro-4-(1,1,2,3,3,3-hexafluoropropoxy)phenyl]amino]carbonyl]-2,6-difluorobenzamide (Noviflumuron) (CAS No. 121451-02-3) (provided for in subheading 2924.29.52) ..	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1423. PARACHLOROBENZOTRIFLUORIDE.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.25.36	1-Chloro-4-(trifluoromethyl)benzene (CAS No. 98-56-6) (provided for in subheading 2903.69.08)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1424. MIXTURES OF INSECTICIDE.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.25.37	Mixtures of insecticide containing gamma-cyhalothrin ((S)- α -cyano-3-phenoxybenzyl (Z)-(1R,3R)-3-(2-chloro-3,3,3-trifluoropropenyl)-2,2-dimethyl cyclopropanecarboxylate) as the active ingredient and application adjuvants (CAS No. 76703-62-3) (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1425. MIXTURE OF FUNGICIDE.**

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.25.38	Mixture of quinoxifen (5,7-dichloro-4-(4-fluorophenoxyquinoline)) and application adjuvants (CAS No. 124495-18-7) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1426. 1,2-BENZISOTHIAZOL-3(2H)-ONE.**

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.25.39	1,2-Benzisothiazol-3(2H)-one (CAS No. 2634-33-5) (provided for in subheading 3808.40.10)	Free	No change	No change	On or before 12/31/2009	”.
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7 **SEC. 1427. STYRENE, AR-ETHYL-, POLYMER WITH**
 8 **DIVINYLBENZENE AND STYRENE (6CI) BEADS**
 9 **WITH LOW ASH.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.25.40	Styrene, ar-ethyl-, polymer with divinylbenzene and styrene beads having low ash content and specifically manufactured for use as a specialty filler in lost wax mold casting applications and in a variety of other specialty filler applications (CAS No. 9052-95-3) (provided for in subheading 3903.90.50)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1428. MIXTURES OF FUNGICIDE.**

13 Subchapter II of chapter 99 is amended by inserting
 14 in numerical sequence the following new heading:

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“	9902.25.41	Mixtures of myclobutanil (α -Butyl- α -(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile, and application adjuvants (CAS No. 88671-89-0) (provided for in subheading 3808.20.15) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1429. 2-METHYL-4-CHLOROPHENOXY-ACETIC ACID, DI-
2 METHYLAMINE SALT.

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.25.42	2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039-46-5) (provided for in subheading 2921.11.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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5 SEC. 1430. CHARGE CONTROL AGENT 7.

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.25.43	Charge control agent 7 Chromate(1-),bis{1-[(5-chloro-2-hydroxyphenyl)azo]-2-naphthalenolato(2-)-}hydrogen (provided for in subheading 2942.00.10) ..	Free	No change	No change	On or before 12/31/2009	”.
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8 SEC. 1431. PRO-JET BLACK 820 LIQUID FEED.

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.25.44	Substituted naphthalene [[substituted pyridinyl azo]alkoxyphenyl azo]azo, potassium / sodium salt (PMN No. P04-390) (provided for in subheading 3204.14.30) ..	Free	No change	No change	On or before 12/31/2009	”.
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11 SEC. 1432. PRO-JET MAGENTA M700.

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.25.45	Nickel [substituted naphthenyl azo] substituted triazole, sodium salt (PMN No. P-03-307) (provided for in subheading 3204.14.30) ..	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1433. PRO-JET FAST BLACK 287 NA LIQUID FEED.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.25.46	Pro-jet fast black 287 NA liquid feed [(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt (PMN No. P-90-391) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1434. PRO-JET FAST BLACK 286 STAGE.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.25.47	Pro-jet fast black 286 stage [(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt (PMN No. P-90-394) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1435. PRO-JET CYAN 485 STAGE.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.25.48	Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonamides, sodium salt (PMN No. P-99-105) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1436. PRO-JET BLACK 661 LIQUID FEED.

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

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“	9902.25.49	Aryl substituted pyrazonyl [[[substituted phenyl azo]substituted naphthenyl] Azo phenyl]azo, sodium salt (PMN No. P-03-78) (pro- vided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1437. PRO-JET BLACK CYAN 854 LIQUID FEED.

2 Subchapter II of chapter 99 is amended by inserting

3 in numerical sequence the following new heading:

“	9902.25.50	Copper phthalocyanine sub- stituted with sulphonic acids and alkyl sulphonamides, sodium/ammonium salts (PMN No. P02-893) (pro- vided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1438. ERASERS.

5 Subchapter II of chapter 99 is amended by inserting

6 in numerical sequence the following new heading:

“	9902.25.51	Erasers of vulcanized rubber other than hard rubber or cellular rubber (provided for in subheading 4016.92.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1439. ARTIFICIAL FLOWERS.

8 Subchapter II of chapter 99 is amended by inserting

9 in numerical sequence the following new heading:

“	9902.25.53	Artificial flowers of man- made fibers (provided for in subheading 6702.90.35)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1440. SUSPENSION SYSTEM STABILIZER BARS.

11 Subchapter II of chapter 99 is amended by inserting

12 in numerical sequence the following new heading:

295

“	9902.25.77	Suspension system stabilizer bars of alloy steel of Japanese JIS grade SCM525S (26CrMo4) or SCM435H (34CrMo4), each weighing approximately 42 kg, comprising one rod measuring approximately 98.8 cm in length at each end of which is welded at approximately right angles to a rod measuring approximately 51 cm in length (provided for in subheading 8708.99.70), the foregoing designed for use in Class 7 and 8 trucks only	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1441. RATTAN WEBBING.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.25.78	Rattan webbing (provided for in subheading 4601.91.20)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1442. TRACTOR BODY PARTS.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.25.79	Parts and accessories of bodies (including cabs) for tractors for agricultural use (provided for in subheadings 8708.29.10, 8708.29.15, 8708.29.25, or 8708.29.50)	Free	No change	No change	On or before 12/31/2009	”.
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**7 SEC. 1443. AC ELECTRIC MOTORS OF AN OUTPUT EXCEED-
8 ING 74.6 W BUT NOT EXCEEDING 85 W.**

9 Subchapter II of chapter 99 is amended by inserting
10 in numerical sequence the following new heading:

“	9902.85.06	AC electric motors of an output exceeding 74.6 W but not exceeding 85 W, single phase; each equipped with a capacitor, a speed control mechanism, a motor mount of plastics and a self-contained gear mechanism for oscillation (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1444. AC ELECTRIC MOTORS OF AN OUTPUT EXCEED-**
 2 **ING 74.6 W BUT NOT EXCEEDING 105 W.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.85.07	AC electric motors of an output exceeding 74.6 W but not exceeding 105 W, single phase; each equipped with a capacitor, a rotary speed control mechanism, and a motor mounting cooling ring (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1445. AC ELECTRIC MOTORS OF AN OUTPUT EXCEED-**
 6 **ING 74.6 W BUT NOT EXCEEDING 95 W.**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new heading:

“	9902.85.08	AC electric motors of an output exceeding 74.6 W but not exceeding 95 W, single phase, each equipped with a capacitor and a speed control mechanism (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1446. CERTAIN AC ELECTRIC MOTORS.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.85.09	AC electric motors of an output exceeding 37.5 W but not exceeding 72 W, single phase; each equipped with a capacitor, a speed control mechanism, a motor mount of plastics and a self-contained gear mechanism for oscillation (provided for in subheading 8501.40.20)	Free	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1447. VISCOSE RAYON YARN.**

13 Subchapter II of chapter 99 is amended by inserting
 14 in numerical sequence the following new heading:

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“	9902.54.03	Single yarn of viscose rayon, untwisted or with a twist not exceeding 120 turns/m (provided for in subheading 5403.31.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1448. CERTAIN TWISTED YARN OF VISCOSE RAYON.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.54.04	Single yarn of viscose rayon, with a twist exceeding 120 turns/m (provided for in subheading 5403.32.00)	Free	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1449. ALLYL UREIDO MONOMER.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.06.02	2-Imidazolidinone, 1-(2-aminoethyl)-, reaction product with oxirane, ((2-propenyloxy)methyl)- (CAS No. 90412-00-3) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2007	”.
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7 SEC. 1450. SYNTHETIC ELASTIC STAPLE FIBER.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.55.03	Bi-component staple fibers of elasterell-p, measuring less than 3.5 decitex (provided for in subheading 5503.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1451. CERTAIN FIBERGLASS SHEETS.

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

“	9902.70.19	Thin smooth nonwoven fiberglass sheets, approximately .0125 inches thick, comprised principally of glass fibers bound together in a polyvinyl alcohol matrix, of a type primarily used as acoustical facing for ceiling panels provided for in subheading 7019.32.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1452. HALOPHOSPHOR CALCIUM DIPHOSPHATE.**

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.32.33	Halophosphor calcium diphosphate; inorganic product of a kind used as luminophores (CAS No. 7790-76-3) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1453. CERTAIN RAYON STAPLE FIBERS.**

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.55.04	Viscose rayon filaments having a decitex of less than 5.0 and a multi-limbed cross-section, the limbs having a length-to-width aspect ratio of at least 2:1 (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2008	”.
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7 **SEC. 1454. SYNTHETIC QUARTZ OR FUSED SILICA**
 8 **PHOTOMASK SUBSTRATES.**

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.70.60	Synthetic fused silica (100 percent SiO ₂) photomask blank substrates in squares having a surface area of 150 cm ² or more but not over 522 cm ² and a thickness of 2.2 mm or more but not over 6.45 mm (provided for in subheading 7006.00.40)	Free	No change	No change	On or before 12/31/2008	”.
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11 **SEC. 1455. CERTAIN INTEGRATED MACHINES FOR MANU-**
 12 **FACTURING PNEUMATIC TIRES.**

13 Subchapter II of chapter 99 is amended by inserting
 14 in numerical sequence the following new heading:

“	9902.84.10	Machines for molding or forming pneumatic tires, the forgoing containing in a single housing both components for processing rubber, for positioning and assembling tire components (including but not limited to belts, cords, and other reinforcing materials) and for curing “green tires” to produce finished pneumatic tires of heading 4011; parts of such machines (including molds); or molds entered separately (provided for in 8477.59.80, 8477.90.85, or 8480.71.80, respectively)	Free	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1456. TRAMWAY CARS.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new headings:

“	9902.26.01	Tramway cars imported pursuant to contract by or on behalf of the City of Seattle (provided for in subheading 8603.10.00)	Free	No change	No change	On or before 12/31/2009
	9902.26.02	Parts imported pursuant to contract by or on behalf of the City of Seattle, to be used in the tramway cars described in heading 9902.26.01, whether or not such parts are principally used as parts of such articles and whether or not covered by a specific provision within the meaning of additional United States rule of interpretation 1(c) (however: provided for in the tariff schedule)	Free	No change	No change	On or before 12/31/2009	”.

4 SEC. 1457. CERTAIN ARTIFICIAL FILAMENT SINGLE YARN
5 (OTHER THAN SEWING THREAD).

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.26.12	Artificial filament single yarn (other than sewing thread), not put up for retail sale, of viscose rayon, untwisted or with a twist not exceeding 120 turns/m (provided for in subheading 5403.31)	Free	No change	No change	On or before 12/31/2009	”.
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1 **CHAPTER 2—REDUCTIONS**

2 **SEC. 1461. FLOOR COVERINGS AND MATS OF VULCANIZED**
 3 **RUBBER.**

4 Subchapter II of chapter 99 is amended by inserting
 5 in numerical sequence the following new heading:

“	9902.25.54	Floor coverings and mats of vulcanized rubber (provided for in subheading 4016.91.00)	2.17%	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1462. MANICURE AND PEDICURE SETS.**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new heading:

“	9902.25.55	Manicure and pedicure sets, and combinations thereof, whether or not shrink-wrapped for retail display, the foregoing other than such sets or combinations in leather cases or other immediate cases or containers (provided for in subheading 8214.20.90)	2.3%	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1463. NITROCELLULOSE.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.25.56	Cellulose nitrate (nitrocellulose) (CAS No. 9004-70-0) (provided for in subheading 3912.20.00)	4.4%	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1464. SULFENTRAZONE TECHNICAL.**

13 Subchapter II of chapter 99 of the Harmonized Tar-
 14 iff Schedule of the United States is amended by inserting
 15 in numerical sequence the following new heading:

“	9902.25.57	N-[2,4-Dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]phenyl]methanesulfonamide (Sulfentrazone) (CAS No. 122836-35-5) (provided for in subheading 2935.00.75)	1.2%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1465. CLOCK RADIO COMBOS.**

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.25.58	Radiobroadcast receivers capable of operating without an external source of power, incorporating a clock or clock timer (provided for in subheading 8527.19.50)	0.7%	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1466. THIAMETHOXAM TECHNICAL.**

5 (a) CALENDAR YEARS 2007–2008.—

6 (1) IN GENERAL.—Heading 9902.03.11 of the
7 Harmonized Tariff Schedule of the United States
8 (relating to Thiamethoxam Technical) is amended—

9 (A) by striking “3.0%” and inserting
10 “Free”; and

11 (B) by striking “12/31/2009” and insert-
12 ing “12/31/2008”.

13 (2) EFFECTIVE DATE.—The amendments made
14 by paragraph (1) shall take effect on January 1,
15 2007.

16 (b) CALENDAR YEAR 2009.—

17 (1) IN GENERAL.—Heading 9902.03.11, as
18 amended by subsection (a), is further amended—

1 (A) by striking “Free” and inserting
2 “1.8%”; and

3 (B) by striking “12/31/2008” and insert-
4 ing “12/31/2009”.

5 (2) EFFECTIVE DATE.—The amendments made
6 by paragraph (1) shall take effect on January 1,
7 2009.

8 **SEC. 1467. STAPLE FIBERS OF VISCOSE RAYON, NOT**
9 **CARDED, COMBED, OR OTHERWISE PROC-**
10 **ESSED FOR SPINNING.**

11 Subchapter II of chapter 99 is amended by inserting
12 in numerical sequence the following new heading:

9902.25.59	Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning (provided for in subheading 5504.10.00)	3.4%	No change	No change	On or before 12/31/2009
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13 **SEC. 1468. CERTAIN MEN’S FOOTWEAR COVERING THE**
14 **ANKLE WITH COATED OR LAMINATED TEX-**
15 **TILE FABRICS.**

16 Subchapter II of chapter 99 is amended by inserting
17 in numerical sequence the following new heading:

“	9902.25.60	Men’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	12.8%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1469. CERTAIN FOOTWEAR NOT COVERING THE ANKLE**

2 **WITH COATED OR LAMINATED TEXTILE FAB-**

3 **RICS.**

4 Subchapter II of chapter 99 is amended by inserting

5 in numerical sequence the following new heading:

“	9902.25.61	Men’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	15.2%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1470. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE**
 2 **FIBERS, NOT CARDED, COMBED, OR OTHER-**
 3 **WISE PROCESSED FOR SPINNING.**

4 Subchapter II of chapter 99 is amended by inserting
 5 in numerical sequence the following new heading:

“	9902.25.62	Acrylic or modacrylic staple fibers, not carded, combed, or otherwise processed for spinning (provided for in subheading 5503.30.00)	3.7%	No change	No change	On or before 12/31/2009	”.
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6 **SEC. 1471. CERTAIN WOMEN'S FOOTWEAR.**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new heading:

“	9902.25.63	Footwear for women with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels or of the slip-on type (provided for in subheading 6404.19.30)	1.5%	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1472. NUMEROUS OTHER SEALS MADE OF RUBBER OR**
 10 **SILICONE, AND COVERED WITH, OR REIN-**
 11 **FORCED WITH, A FABRIC MATERIAL.**

12 Subchapter II of chapter 99 is amended by inserting
 13 in numerical sequence the following new heading:

“	9902.25.64	Seals of textile material or fabric covering or reinforcing a core of rubber or silicone, the foregoing designed for use in airplanes (provided for in subheading 5911.90.00)	3.0%	No change	No change	On or before 12/31/2009	”.
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14 **SEC. 1473. TETRAKIS.**

15 Subchapter II of chapter 99 is amended by inserting
 16 in numerical sequence the following new heading:

“	9902.25.65	Tetrakis(2,4-di-tert-butylphenyl) 4,4'-biphenyldiphosphinate (CAS No. 38613-77-3) (provided for in subheading 2931.00.30)	3.6%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1474. GLYCINE, N,N-BIS[2-HYDROXY-3-(2-**
2 **PROPENYLOXY)PROPYL]-, MONOSODIUM**
3 **SALT, REACTION PRODUCTS WITH AMMO-**
4 **NIUM HYDROXIDE AND**
5 **PENTAFLUOROiodoethane-tetrafluoro-**
6 **ETHYLENE TELOMER.**

7 Subchapter II of chapter 99 is amended by inserting
8 in numerical sequence the following new heading:

“	9902.25.66	Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer (CAS number 220459-70-1) (provided for in subheading 3809.92.50)	1.1%	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1475. DIETHYL KETONE.**

10 Subchapter II of chapter 99 is amended by inserting
11 in numerical sequence the following new heading:

“	9902.25.67	Diethyl ketone (CAS No. 96-22-0) (provided for in subheading 2914.19.00)	1.3%	No change	No change	On or before 12/31/2009	”.
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12 **SEC. 1476. ACEPHATE.**

13 Subchapter II of chapter 99 is amended by inserting
14 in numerical sequence the following new heading:

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“	9902.25.68	<i>O,S</i> -Dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560-19-1) (provided for in subheading 2930.90.44) ..	1.8%	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1477. FLUMIOXAZIN.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.25.69	2-[7-Fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione (Flumioxazin)(CAS No. 103361-09-7) (provided for in subheading 2934.99.15) ..	5.3%	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1478. GARENOXACIN MESYLATE.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.25.70	1-Cyclopropyl-8-(difluoromethoxy)-7-[(1R)-1-methyl-2,3-dihydro-1H-5-isoindolyl]-4-oxo-1,4-dihydroquinoline-3-carboxylic acid monoethanesulfonate monohydrate (Garenoxacin mesylate) (CAS No. 223652-90-2) (provided for in subheading 2933.49.26) ..	3.1%	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1479. BUTYLATED HYDROXYETHYLBENZENE.

8 Subchapter II of chapter 99 is amended by inserting
9 in numerical sequence the following new heading:

“	9902.25.71	2,6-Di- <i>tert</i> -butyl-4-ethylphenol (CAS No. 4130-42-1) (provided for in subheading 2907.19.20) ..	2.7%	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1480. CERTAIN AUTOMOTIVE CATALYTIC CONVERTER**2 MATS.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.25.72	Catalytic converter mats of ceramic fibers containing over 65 percent by weight of aluminum oxide, the foregoing 4.7625 mm or more in thickness, in bulk, sheets or rolls and designed for motor vehicles of heading 8703 (provided for in subheading 6806.10.00)	1.5%	No change	No change	On or before 12/31/2009	”.
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5 SEC. 1481. 3,3'-DICHLOROBENZIDINE DIHYDROCHLORIDE.

6 Subchapter II of chapter 99 is amended by inserting
 7 in numerical sequence the following new heading:

“	9902.25.73	3,3'-Dichlorobenzidine dihydrochloride ((1,1'-biphenyl)-4,4'-diamino, 3,3'-dichloro-) (CAS No. 612-83-9) (provided for in subheading 2921.59.80)	5.9%	No change	No change	On or before 12/31/2009	”.
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8 SEC. 1482. TMC114.

9 Subchapter II of chapter 99 is amended by inserting
 10 in numerical sequence the following new heading:

“	9902.25.74	3-[4-Aminobenzensulfonyl]isobutylamino]-1-[benzyl-2-hydroxypropyl]carbamic acid, hexahydrofuro[2,3-b]furan-3-yl ester ethanolate (CAS No. 206361-99-1) (provided for in subheading 2932.99.61)	6.4%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1483. BIAXIALLY ORIENTED POLYPROPYLENE DIELEC-**
 2 **TRIC FILM.**

3 Subchapter II of chapter 99 is amended by inserting
 4 in numerical sequence the following new heading:

“	9902.25.75	Biaxially oriented polypropylene film, certified by the importer as intended for use in capacitors and as produced from solvent-washed low ash content (<50 ppm) polymer resin (CAS No. 9003-07-0) (provided for in subheading 3920.20.00)	3.7%	No change	No change	On or before 12/31/2009	”.
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5 **SEC. 1484. BIAXIALLY ORIENTED POLYETHYLENE**
 6 **TEREPHTHALATE DIELECTRIC FILM.**

7 Subchapter II of chapter 99 is amended by inserting
 8 in numerical sequence the following new heading:

“	9902.25.76	Biaxially oriented polyethylene terephthalate film, certified by the importer as intended for use in capacitors and as produced from solvent-washed low ash content (<300 ppm) polymer resin (CAS No. 25038-59-9) (provided for in subheading 3920.62.00)	3.4%	No change	No change	On or before 12/31/2009	”.
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9 **SEC. 1485. CERTAIN BICYCLE PARTS.**

10 Subchapter II of chapter 99 is amended by inserting
 11 in numerical sequence the following new heading:

“	9902.24.66	Child carriers, chain tension adjusters, chain covers, mechanical grips with 2.223 cm internal diameter, air horns, wide-angle reflectors, saddle covers of plasties, chain tensioners, toe clips, head sets or seat posts, all the foregoing designed for use on bicycles (provided for in subheading 8714.99.80)	9.2%	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1486. CERTAIN BICYCLE PARTS.

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“	9902.24.69	Bicycle wheel rims (provided for in subheading 8714.92.10)	1.8%	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1487. BIFENTHRIN.

5 Subchapter II of chapter 99 is amended by inserting
 6 in numerical sequence the following new heading:

“	9902.24.72	(2-Methyl[1,1'-biphenyl]-3-yl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate (Bifenthrin) (CAS No. 82657-04-3) (provided for in subheading 2916.20.50) ..	0.7%	No change	No change	On or before 12/31/2009	”.
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7 SEC. 1488. REDUCED VAT 1.

8 Subchapter II of chapter 99 is amended by inserting
 9 in numerical sequence the following new heading:

“	9902.24.92	Reduced Vat 1 (CAS No. 207692-02-2) (provided for in subheading 3204.15.40) ..	1.9%	No change	No change	On or before 12/31/2009	”.
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10 SEC. 1489. 4-CHLOROBENZONITRILE.

11 Subchapter II of chapter 99 is amended by inserting
 12 in numerical sequence the following new heading:

“	9902.25.24	p-Chlorobenzonitrile (CAS No. 623-03-0) (provided for in subheading 2926.90.14) ..	1.5%	No change	No change	On or before 12/31/2009	”.
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13 SEC. 1490. NAIL CLIPPERS AND NAIL FILES.

14 Subchapter II of chapter 99 is amended by inserting
 15 in numerical sequence the following new heading:

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“	9902.25.52	Nail nippers and clippers and nail files (provided for in subheading 8214.20.30) ..	3.2%	No change	No change	On or before 12/31/2009	”.
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1 SEC. 1491. ELECTRIC AUTOMATIC SHOWER CLEANERS.

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

“	9902.98.08	Electromechanical bath or shower cleaner devices, each designed to dispense a dilute solution of bleach substitutes and detergents using a button-activated, battery-powered piston pump controlled by a microchip to release a measured quantity of such solution (provided for in subheading 8509.80.00) ..	2.1%	No change	No change	On or before 12/31/2009	”.
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4 SEC. 1492. MESOTRIONE TECHNICAL.

5 Subchapter II of chapter 99 is amended by inserting
6 in numerical sequence the following new heading:

“	9902.25.80	2-[4-(Methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione (Mesotrione) (CAS No. 104206-82-8) (provided for in subheading 2930.90.10) ..	6.04%	No change	No change	On or before 12/31/2006	”.
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**7 SEC. 1493. CERTAIN CRANK-GEAR AND OTHER BICYCLE
8 PARTS.**

9 Subchapter II of chapter 99 is amended by inserting
10 in numerical sequence the following new heading:

“	9902.24.70	Crank-gear and parts thereof (other than cotterless-type crank sets and parts thereof) (provided for in subheading 8714.96.90) ..	6.1%	No change	No change	On or before 12/31/2009	”.
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1 **SEC. 1494. ELECTRICAL TRANSFORMERS.**

2 Subchapter II of chapter 99 is amended by inserting
 3 in numerical sequence the following new heading:

“ 9902.85.05	Electrical transformers having a power handling capacity less than 40 VA (provided for in subheading 8504.31.40)	3.77	No change	No change	On or before 12/31/2009	”.
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4 **SEC. 1495. TEMPORARY DUTY REDUCTIONS FOR CERTAIN**
 5 **COTTON SHIRTING FABRIC.**

6 (a) CERTAIN COTTON SHIRTING FABRICS.—

7 (1) IN GENERAL.—Subchapter II of chapter 99
 8 is amended by inserting in numerical sequence the
 9 following new headings:

“ 9902.52.08	Woven fabrics of cotton, of a type described in subheading 5208.21, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men’s and boys’ shirts, the foregoing imported by or for the benefit of a manufacturer of men’s and boys’ shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	
9902.52.09	Woven fabrics of cotton, of a type described in subheading 5208.22, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men’s and boys’ shirts, the foregoing imported by or for the benefit of a manufacturer of men’s and boys’ shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	

9902.52.10	Woven fabrics of cotton, of a type described in subheading 5208.29, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.11	Woven fabrics of cotton, of a type described in subheading 5208.31, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.12	Woven fabrics of cotton, of a type described in subheading 5208.32, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.13	Woven fabrics of cotton, of a type described in subheading 5208.39, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.14	Woven fabrics of cotton, of a type described in subheading 5208.41, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009

9902.52.15	Woven fabrics of cotton, of a type described in subheading 5208.42, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.16	Woven fabrics of cotton, of a type described in subheading 5208.49, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.17	Woven fabrics of cotton, of a type described in subheading 5208.51, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.18	Woven fabrics of cotton, of a type described in subheading 5208.52, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.19	Woven fabrics of cotton, of a type described in subheading 5208.59, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009

9902.52.20	Woven fabrics of cotton of a type described in subheading 5208.21, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.21	Woven fabrics of cotton of a type described in subheading 5208.22, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.22	Woven fabrics of cotton of a type described in subheading 5208.29, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.23	Woven fabrics of cotton of a type described in subheading 5208.31, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.24	Woven fabrics of cotton of a type described in subheading 5208.32, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009

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9902.52.25	Woven fabrics of cotton of a type described in subheading 5208.39, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.26	Woven fabrics of cotton of a type described in subheading 5208.41, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.27	Woven fabrics of cotton of a type described in subheading 5208.42, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.28	Woven fabrics of cotton of a type described in subheading 5208.49, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.29	Woven fabrics of cotton of a type described in subheading 5208.51, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009

9902.52.30	Woven fabrics of cotton of a type described in subheading 5208.52, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	".
9902.52.31	Woven fabrics of cotton of a type described in subheading 5208.59, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	".

1 (2) DEFINITIONS AND LIMITATION ON QUAN-
2 TITY OF IMPORTS.—The U.S. Notes to subchapter II
3 of chapter 99 are amended by adding at the end the
4 following:

5 “18. For purposes of headings 9902.52.08 through
6 9902.52.31, the term ‘manufacturer’ means a person or
7 entity that cuts and sews men’s and boys’ shirts in the
8 United States.

9 “19. The aggregate quantity of fabrics entered under
10 headings 9902.52.08 through 9902.52.19 from January 1
11 to December 31 of each year, inclusive, by or on behalf
12 of each manufacturer of men’s and boys’ shirts shall be
13 limited to 85 percent of the total square meter equivalents
14 of all imported woven fabrics of cotton containing 85 per-
15 cent or more by weight of cotton used by such manufac-
16 turer in cutting and sewing men’s and boys’ cotton shirts

1 in the United States and purchased by such manufacturer
2 during calendar year 2000.”.

3 (b) DETERMINATION OF TARIFF-RATE QUOTAS.—

4 (1) AUTHORITY TO ISSUE LICENSES AND LI-
5 CENSE USE.—In order to implement the limitation
6 on the quantity of cotton woven fabrics that may be
7 entered under headings 9902.52.08 through
8 9902.52.19 of the Harmonized Tariff Schedule of
9 the United States, as required by U.S. Note 19 to
10 subchapter II of chapter 99 of such Schedule, the
11 Secretary of Commerce shall issue licenses to eligible
12 manufacturers under such headings 9902.52.08
13 through 9902.52.19, specifying the restrictions
14 under each such license on the quantity of cotton
15 woven fabrics that may be entered each year by or
16 on behalf of the manufacturer. A licensee may as-
17 sign the authority (in whole or in part) under the li-
18 cense to import fabric under headings 9902.52.08
19 through 9902.52.19 of such Schedule.

20 (2) LICENSES UNDER U.S. NOTE 19.—For pur-
21 poses of U.S. Note 19 to subchapter II of chapter
22 99 of the Harmonized Tariff Schedule of the United
23 States, the Secretary of Commerce shall issue a li-
24 cense to a manufacturer within 60 days after the
25 manufacturer files with the Secretary of Commerce

1 an application containing a notarized affidavit from
2 an officer of the manufacturer that the manufac-
3 turer is eligible to receive a license and stating the
4 quantity of imported woven fabrics of cotton con-
5 taining 85 percent or more by weight of cotton pur-
6 chased during calendar year 2000 for use in the cut-
7 ting and sewing men's and boys' shirts in the United
8 States.

9 (3) AFFIDAVITS.—For purposes of an affidavit
10 described in this subsection, the date of purchase
11 shall be—

12 (A) the invoice date if the manufacturer is
13 not the importer of record; and

14 (B) the date of entry if the manufacturer
15 is the importer of record.

16 **Subtitle B—Existing Suspensions** 17 **and Reductions**

18 **SEC. 1501. EXTENSIONS OF EXISTING SUSPENSIONS AND** 19 **OTHER MODIFICATIONS.**

20 (a) EXTENSIONS.—Each of the following headings is
21 amended by striking the date in the effective period col-
22 umn and inserting “12/31/2009”:

23 (1) Heading 9902.02.29 (relating to 10,10'-
24 oxybisphenoxarsine).

1 (2) Heading 9902.84.88 (relating to certain
2 manufacturing equipment).

3 (3) Heading 9902.02.48 (relating to 1,5-
4 Naphthalenedisulfonic acid, 2-[[8- [[4-[[3-[[[2-
5 (ethenylsulfonyl)ethyl
6 amino]carbonyl]phenyl]amino]-6-fluoro-1,3,5-triazin-
7 2-yl]amino]-1-hydroxy- 3,6-disulfo-2-
8 naphthalenyl]azo]-, tetrasodium salt (CAS No.
9 116912-36-8) (provided for in subheading
10 3204.16.30).

11 (4) Heading 9902.02.47 (relating to
12 cuprate(3-), [2-[[[[3-[[4-[[2-[2-
13 (ethenylsulfonyl)ethoxy]ethyl]amino]-6-fluoro-1,3,5-
14 triazin-2-yl]amino]-2-(hydroxy-κ.o)-5-
15 sulfophenyl]azo-κ.n2]phenylmethyl]azo-κ.n1]-4-
16 sulfobenzoato(5-)-κ.o], trisodium).

17 (5) Heading 9902.02.44 (relating to 2,7-
18 naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-
19 fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-
20 sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-
21 1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-
22 1,3,5-triazin-2-yl]amino]-3-[[4-
23 (ethenylsulfonyl)phenyl]azo]-4-hydrox', sodium
24 salt).

1 (6) Heading 9902.02.46 (relating to 7,7'-[1,3-
2 propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-
3 diyl)imino[2-[(aminocarbonyl)amino]-4,1-phen-
4 ylene]azo]]bis-, sodium salt).

5 (7) Heading 9902.03.79 (relating to
6 thiophanate-methyl fungicide 70 percent wettable
7 powder).

8 (8) Heading 9902.84.81 (relating to certain
9 manufacturing equipment).

10 (9) Heading 9902.84.91 (relating to certain
11 sawing machines).

12 (10) Heading 9902.84.85 (relating to certain
13 extruders used in the production of radial tires).

14 (11) Heading 9902.84.83 (relating to certain
15 manufacturing equipment).

16 (12) Heading 9902.28.20 (relating to ammo-
17 nium bifluoride).

18 (13) Heading 9902.05.05 (relating to p-
19 acetanisole).

20 (14) Heading 9902.04.15 (relating to mixture
21 (1:1) of polyricinoleic acid homopolymer, 3-
22 (dimethylamino)propylamide, dimethylsulfate,
23 quaternized and polyricinoleic acid).

24 (15) Heading 9902.03.21 (relating to 12-
25 hydroxyoctadecanoic acid, reaction product with

1 *N,N*-dimethyl-1,3-propanediamine, dimethyl sulfate,
2 quaternized).

3 (16) Heading 9902.03.24 (relating to 2-
4 oxepanone, polymer with aziridine and tetrahydro-
5 2H-pyran-2-one, dodecanoate ester).

6 (17) Heading 9902.02.49 (relating to p-
7 (trifluoromethyl benzaldehyde)).

8 (18) Heading 9902.32.22 (relating to Pigment
9 Red 187).

10 (19) Heading 9902.32.72 (relating to Solvent
11 Blue 104).

12 (20) Heading 9902.29.73 (relating to 4-amino-
13 2,5-dimethoxy-N-phenylbenzene sulfonamide).

14 (21) Heading 9902.02.25 (relating to electrical
15 radio broadcast receivers not combined with a clock).

16 (22) Heading 9902.02.24 (relating to electrical
17 radio broadcast receivers combined with a clock).

18 (23) Heading 9902.02.23 (relating to hand-held
19 radio scanners).

20 (24) Heading 9902.01.36 (relating to sodium
21 methylate powder).

22 (25) Heading 9902.01.41 (relating to allyl
23 isosulfocyanate).

24 (26) Heading 9902.02.87 (relating to asulam
25 sodium salt).

1 (27) Heading 9902.01.92 (relating to ink jet
2 textile printing machinery).

3 (28) Heading 9902.04.21 (relating to Cyan 1
4 special liquid feed).

5 (29) Heading 9902.04.19 (relating to Fast Yel-
6 low 2 Stage).

7 (30) Heading 9902.29.91 (relating to methyl-4-
8 trifluoromethoxyphenyl-*N*-(chlorocarbonyl)).

9 (31) Heading 9902.01.85 (relating to certain
10 epoxy molding compounds).

11 (32) Heading 9902.01.14 (relating to 5-
12 MPDC).

13 (33) Heading 9902.01.60 (relating to 2-
14 mercaptoethanol).

15 (34) Heading 9902.01.61 (relating to
16 bifenazate).

17 (35) Heading 9902.01.59 (relating to
18 terrazole).

19 (36) Heading 9902.03.89 (relating to arti-
20 chokes prepared or preserved otherwise than by vin-
21 egar or acetic acid, not frozen).

22 (37) Heading 9902.01.62 (relating to
23 fluoropolymers containing 95 percent or more by
24 weight of the 3 monomer units tetrafluoroethylene,
25 hexafluoropropylene, and vinylidene fluoride).

1 (38) Heading 9902.33.63 (relating to 3-
2 (ethylsulfonyl)-2-pyridinesulfonamide).

3 (39) Heading 9902.03.22 (relating to 40 per-
4 cent polymer acid salt/polymer amide 60 percent
5 butyl acetate).

6 (40) Heading 9902.01.55 (relating to (Z)-
7 (1RS,3RS)-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-
8 2,2-dimethylcyclopropanecarboxylic acid).

9 (41) Heading 9902.01.57 (relating to (S)-
10 alpha-hydroxy-3-phenoxybenzeneacetonitrile).

11 (42) Heading 9902.02.98 (relating to
12 polytetramethylene ether glycol).

13 (43) Heading 9902.02.99 (relating to cis-3-
14 hexen-1-ol).

15 (44) Heading 9902.01.75 (relating to Acid
16 Black 172).

17 (45) Heading 9902.01.76 (relating to 9,10-
18 anthracenedione, 1,5-dihydroxy-4-nitro-8-
19 (phenylamino) and 9,10-anthracenedione, 1,8-
20 dihydroxy-4-nitro-5-(phenylamino)-).

21 (46) Heading 9902.05.22 (relating to
22 fenpropathrin).

23 (47) Heading 9902.01.64 (relating to 2-
24 azetidinone, 1-(4-fluorophenyl)-3-[(3S)-3-(4-

1 fluorophenyl)-3-hydroxypropyl]-4-(4-hydroxyphenyl)-
2 , (3R,4S)-(ezetimibe)).

3 (48) Heading 9902.01.38 (relating to p-methyl-
4 acetophenone).

5 (49) Heading 9902.01.35 (relating to 2-
6 phenylbenzimidazole-5-sulfonic acid).

7 (50) Heading 9902.05.04 (relating to methyl
8 cinnamate).

9 (51) Heading 9902.01.43 (relating to thymol).

10 (52) Heading 9902.01.40 (relating to menthyl
11 anthranilate).

12 (53) Heading 9902.01.42 (relating to 5-methyl-
13 2-(methylethyl)cyclohexyl-2-hydroxypropanoate).

14 (54) Heading 9902.29.25 (relating to 2-
15 phenylphenol).

16 (55) Heading 9902.38.10 (relating to mixtures
17 of sodium salts).

18 (56) Heading 9902.01.47 (relating to helium).

19 (57) Heading 9902.03.87 (relating to certain
20 12V lead-acid storage batteries).

21 (58) Heading 9902.01.01 (relating to bitolylene
22 diisocyanate (TODI)).

23 (59) Heading 9902.04.14 (relating to 1,1'-
24 (methylimino) dipropan-2-ol).

1 (60) Heading 9902.28.01 (relating to thionyl
2 chloride).

3 (61) Heading 9902.02.14 (relating to Mondur
4 P).

5 (62) Heading 9902.02.16 (relating to P-
6 phenylphenol).

7 (63) Heading 9902.32.12 (relating to DEMT).

8 (64) Heading 9902.02.15 (relating to Bayowet
9 FT-248).

10 (65) Heading 9902.29.23 (relating to
11 PNTOSA).

12 (66) Heading 9902.04.03 (relating to Baysilone
13 Fluid).

14 (67) Heading 9902.32.62 (relating to iron
15 chloro-5,6-diamino-1,3-naphthalenedisulfonate com-
16 plexes).

17 (68) Heading 9902.32.85 (relating to bis(4-
18 fluorophenyl) methanone).

19 (69) Heading 9902.29.37 (relating to
20 polymethine photo-sensitizing dyes).

21 (70) Heading 9902.29.07 (relating to 4-
22 hexylresorcinol).

23 (71) Heading 9902.85.42 (relating to certain
24 cathode ray tubes).

1 (72) Heading 9902.85.41 (relating to certain
2 cathode ray tubes).

3 (73) Heading 9902.32.14 (relating to 2-methyl-
4 4,6-bis[(octylthio)methyl]phenol).

5 (74) Heading 9902.32.30 (relating to 4-[[4,6-
6 bis(octylthio)-1,3,5-triazine-2-yl]amino]-2,6-bis(1,1-
7 dimethylethyl)phenol).

8 (75) Heading 9902.03.51 (relating to Disperse
9 Blue 77).

10 (76) Heading 9902.01.65 (relating to p-
11 cresidine sulfonic acid).

12 (77) Heading 9902.01.66 (relating to 2,4
13 disulfo benzaldehyde).

14 (78) Heading 9902.01.68 (relating to
15 benzenesulfonic acid, 3-[(ethylphenylamino) meth-
16 yl]-).

17 (79) Heading 9902.01.67 (relating to m-
18 hydroxybenzaldehyde).

19 (80) Heading 9902.02.38 (relating to 2 amino
20 5 sulfobenzoic acid).

21 (81) Heading 9902.02.37 (relating to 2-amino-
22 6-nitrophenol-4-sulfonic acid).

23 (82) Heading 9902.02.39 (relating to 2,5 bis
24 benzene sulfonic acid).

- 1 (83) Heading 9902.02.40 (relating to 4 [(4
2 amino phenyl) azo] benzene sulfonic acid, mono-
3 sodium salt).
- 4 (84) Heading 9902.02.41 (relating to 4-[(4-
5 aminophenyl) azo] benzenesulfonic acid).
- 6 (85) Heading 9902.05.03 (relating to trimethyl
7 cyclo hexanol).
- 8 (86) Heading 9902.01.39 (relating to 2,2-di-
9 methyl-3-(3-methylphenyl)proponal).
- 10 (87) Heading 9902.29.08 (relating to 3-amino-
11 5-mercapto-1,2,4-triazole).
- 12 (88) Heading 9902.32.92 (relating to β -bromo-
13 β -nitrostyrene).
- 14 (89) Heading 9902.32.90 (relating to
15 diiodomethyl-*p*-tolylsulfone).
- 16 (90) Heading 9902.02.95 (relating to 2-prope-
17 noic acid, polymer with diethenylbenzene).
- 18 (91) Heading 9902.29.59 (relating to *N*-butyl-
19 *N*-ethyl- α,α,α -trifluoro-2,6-dinitro-*p*-toluidine).
- 20 (92) Heading 9902.29.17 (relating to 2,6-
21 dichloroaniline).
- 22 (93) Heading 9902.02.85 (relating to 3, 4-
23 dichlorobenzonitrile).
- 24 (94) Heading 9902.29.58 (relating to *O,O*-
25 diethyl phosphorochlorodithioate).

1 (95) Heading 9902.02.92 (relating to 1,2-
2 benzenedicarboxaldehyde).

3 (96) Heading 9902.33.92 (relating to 2,2-
4 dithiobis(8-fluoro-5-methoxy)-1,2,4-triazolo[1,5-*c*]
5 pyrimidine).

6 (97) Heading 9902.29.26 (relating to 1,3-di-
7 methyl-2-imidazolidinone).

8 (98) Heading 9902.02.96 (relating to N-[3-(1-
9 ethyl-1-methylpropyl)-5-isoxazolyl]-2,6-
10 dimethoxybenzamide (isoxaben)).

11 (99) Heading 9902.02.90 (relating to
12 halofenozide).

13 (100) Heading 9902.02.89 (relating to
14 propanamide, N-(3, 4-dichlorophenyl)-.

15 (101) Heading 9902.29.61 (relating to quino-
16 line).

17 (102) Heading 9902.05.17 (relating to
18 tebufenozide).

19 (103) Heading 9902.02.93 (relating to mixed
20 isomers of 1,3-dichloropropene).

21 (104) Heading 9902.29.16 (relating to 4,4-
22 dimethoxy-2-butanone).

23 (105) Heading 9902.02.94 (relating to
24 methacrylamide).

1 (106) Heading 9902.32.87 (relating to
2 fenbuconazole).

3 (107) Heading 9902.29.02 (relating to 2-
4 acetylnicotinic acid).

5 (108) Heading 9902.29.06 (relating to diphenyl
6 sulfide).

7 (109) Heading 9902.02.12 (relating to
8 difenacanazole).

9 (110) Heading 9902.84.89 (relating to certain
10 manufacturing equipment.

11 (b) EXTENSIONS AND OTHER MODIFICATIONS.—

12 (1) SNOWBOARD BOOTS.—Heading 9902.64.04
13 is amended—

14 (A) by striking the article description and
15 inserting the following: “Ski boots, cross coun-
16 try ski footwear or snowboard boots, the fore-
17 going valued over \$12/pair, with outer soles of
18 rubber, plastics, leather or composition leather
19 and uppers of textile materials (provided for in
20 subheading 6404.11.90)”;

21 (B) by striking “4%” and inserting
22 “Free”; and

23 (C) by striking “12/31/2006” and inserting
24 “12/31/2009”.

1 (2) BENTAZON.—Heading 9902.05.10 (relating
2 to Bentazon) is amended—

3 (A) by striking “(bentazon, sodium salt)”
4 and inserting “(Bentazon, sodium salt)”; and

5 (B) by striking “12/31/2006” and insert-
6 ing “12/31/2009”.

7 (3) METHYL N-(2-[[1-(4-CHLOROPHENYL)-1H-
8 PYRAZOL-3-YL]-OXYMETHYL]PHENYL)-N-
9 METHOXYCARBANOSE (PYRACLOSTROBIN).—Heading
10 9902.01.21 (relating to methyl N-(2-[[1-(4-
11 chlorophenyl)-1H-pyrazol-3-yl]oxymethyl]phenyl)-N-
12 methoxycarbanoise (Pyraclostrobin)) is amended—

13 (A) by striking the article description and
14 inserting the following: “Methyl N-(2-[[1-(4-
15 chlorophenyl)pyrazol-3-yl]oxymethyl]phenyl)-(N-
16 methoxy)carbamate (Pyraclostrobin) (CAS No.
17 175013-18-0) (provided for in subheading
18 2933.19.23)”;

19 (B) by striking “Free” and inserting
20 “6%”; and

21 (C) by striking “12/31/2006” and inserting
22 “12/31/2009”.

23 (4) EXTENSION AND MODIFICATION RELATING
24 TO COMBED CASHMERE.—

1 (A) IN GENERAL.—Heading 9902.03.01
2 (relating to yarn of combed Kashmir (cash-
3 mere) or yarn of camel hair) is amended by
4 striking the date in the effective period column
5 and inserting “12/31/2009”.

6 (B) OTHER MODIFICATIONS.—Heading
7 9902.03.02 is amended—

8 (i) by striking “of 6 run or finer
9 (equivalent to 19.35 metric yarn system)”
10 and inserting “of 19.35 metric yarn count
11 or finer”; and

12 (ii) by striking “12/31/2006” and in-
13 serring “12/31/2009”.

14 (5) FLUOROBENZENE.—Heading 9902.03.05
15 (relating to fluorobenzene) is amended—

16 (A) by striking “2903.69.70” and inserting
17 “2903.69.80”; and

18 (B) by striking “12/31/2006” and insert-
19 ing “12/31/2009”.

20 (6) CERTAIN NEUTRALIZED PHOSPHATED POL-
21 YESTER POLYMER.—Heading 9902.03.25 (relating
22 to 50 percent amine neutralized phosphated poly-
23 ester polymer) is amended—

24 (A) by striking “50 percent solvesso 100”
25 and inserting “in solvesso 100”;

1 (B) by striking “P-99-1218,”; and

2 (C) by striking “12/31/2006” and inserting
3 “12/31/2009”.

4 (7) VINCLOZOLIN.—Heading 9902.01.19 (relat-
5 ing to Vinclozolin) is amended—

6 (A) by striking “oxazolidineidione
7 (vinclozolin)” and inserting “oxazolidinedione
8 (Vinclozolin)”;

9 (B) by striking “12/31/2006” and insert-
10 ing “12/31/2009”.

11 (8) FAST YELLOW 746 STAGE.—Heading
12 9902.04.26 (relating to Fast Yellow 746 Stage) is
13 amended—

14 (A) by striking “Bipyridirium” and insert-
15 ing “Bipyridinium”;

16 (B) by inserting “(Fast Yellow 746
17 Stage)” after “salt”; and

18 (C) by striking “12/31/2006” and inserting
19 “12/31/2009”.

20 (9) YELLOW 1 STAGE.—Heading 9902.04.24
21 (relating to Yellow 1 Stage) is amended—

22 (A) by inserting “(Yellow 1 Stage)” after
23 “salt”; and

24 (B) by striking “12/31/2006” and insert-
25 ing “12/31/2009”.

1 (10) MAGENTA 3B-OA STAGE.—Heading
2 9902.04.28 (relating to magenta 3B-OA stage) is
3 amended—

4 (A) by inserting “(Magenta 3B-OA
5 Stage)” after “salts”; and

6 (B) by striking “12/31/2006” and insert-
7 ing “12/31/2009”.

8 (11) CERTAIN ARTICHOKES.—Heading
9 9902.03.90 (relating to artichokes prepared or pre-
10 served by vinegar or acetic acid) is amended—

11 (A) by striking “7.5%” and inserting
12 “7.9%”; and

13 (B) by striking “12/31/2006” and insert-
14 ing “12/31/2009”.

15 (12) TEXTURED ROLLED GLASS SHEETS.—
16 Heading 9902.70.03 (relating to textured rolled
17 glass sheets) is amended—

18 (A) by striking “Free” and inserting
19 “0.7%”; and

20 (B) by striking “12/31/2003” and insert-
21 ing “12/31/2009”.

22 (13) MAGNESIUM ALUMINUM HYDROXIDE CAR-
23 BONATE HYDRATE.—Heading 9902.05.32 is
24 amended—

1 (A) by inserting “(CAS No. 12539-23-0)”
2 after “organic fatty acid”; and

3 (B) by striking “12/31/2006” and insert-
4 ing “12/31/2009”.

5 (14) MIXTURES OF SODIUM SALTS.—Heading
6 9902.29.83 is amended—

7 (A) by inserting “, whether or not in
8 water” after “iminodisuccinic acid”; and

9 (B) by striking “12/31/2006” and insert-
10 ing “12/31/2009”.

11 (15) A CERTAIN ULTRAVIOLET DYE.—Heading
12 9902.28.19 is amended—

13 (A) by inserting “(CAS No. 313482-99-4)”
14 after “-methyl ester”; and

15 (B) by striking “12/31/2006” and insert-
16 ing “12/31/2009”.

17 (16) CARFENTRAZONE.—Heading 9902.01.54
18 is amended—

19 (A) by striking “4.9%” and inserting
20 “Free”; and

21 (B) by striking “12/31/2006” and insert-
22 ing “12/31/2009”.

23 (17) CERTAIN EDUCATIONAL DEVICES.—Head-
24 ing 9902.85.43 is amended—

1 (A) by striking “1.67%” and inserting
2 “0.55%”; and

3 (B) by striking “12/31/2006” and insert-
4 ing “12/31/2009”.

5 (18) CYHALOFOP.—Heading 9902.02.86 is
6 amended—

7 (A) by striking “Free” and inserting
8 “1.5%”; and

9 (B) by striking “12/31/2006” and insert-
10 ing “12/31/2009”.

11 (19) α,α,α -TRIFLUORO-2,6-DINITRO-*p*-TOLU-
12 IDINE.—Heading 9902.05.33 is amended—

13 (A) by striking “Free” and inserting
14 “2.6%”; and

15 (B) by striking “12/31/2006” and insert-
16 ing “12/31/2009”.

17 (20) CERTAIN MIXTURES OF FLORASULAM.—
18 Heading 9902.02.88 is amended—

19 (A) by striking “Free” and inserting
20 “1.5%”; and

21 (B) by striking “12/31/2006” and insert-
22 ing “12/31/2009”.

23 (21) METHOXYFENOZIDE.—Heading
24 9902.32.93 is amended—

1 (A) by striking “Free” and inserting
2 “1.0%”; and

3 (B) striking “12/31/2006” and inserting
4 “12/31/2009”.

5 (22) MYCLOBUTANIL.—Heading 9902.02.91 is
6 amended—

7 (A) by striking “1.9%” and inserting
8 “3.0%”; and

9 (B) by striking “12/31/2006” and insert-
10 ing “12/31/2009”.

11 (23) FLUOROXYPYR.—Heading 9902.29.77 is
12 amended—

13 (A) by striking “1.5%” and inserting
14 “2.5%”; and

15 (B) by striking “12/31/2006” and insert-
16 ing “12/31/2009”.

17 (24) PRO-JET BLACK 263 STAGE.—Heading
18 9902.03.09 is amended—

19 (A) by striking the article description and
20 inserting “[Substituted naphthalenylazol]
21 alkoxy phenyl azo] carboxyphenylene, lithium
22 salt (PMN No. P-00-351) (provided for in sub-
23 heading 3204.14.30)”; and

24 (B) by striking “12/31/2006” and insert-
25 ing “12/31/2009”.

1 (25) ETHALFLURALIN.—Heading 9902.30.49 is
2 amended—

3 (A) by inserting “(Ethalfluralin)” after
4 “benzenamine”; and

5 (B) by striking “12/31/2006” and insert-
6 ing “12/31/2009”.

7 (26) DIRECT BLACK 175.—Heading 9902.03.56
8 is amended by striking “subheading 3204.12.50”
9 and inserting “subheading 3204.14.50”.

10 (27) CERTAIN ORGANIC PIGMENTS AND
11 DYES.—Heading 9902.32.07 is amended—

12 (A) by inserting “, and excluding the dye-
13 stuff bearing the CAS No. 6359-10-0” after
14 “fluorescent pigments and dyes”; and

15 (B) by striking “12/31/2006” and insert-
16 ing “12/31/2009”.

17 (28) COPPER 8-HYDROXYQUINOLINE (OXINE
18 COPPER).—Heading 9902.02.31 is amended—

19 (A) in the article description, by striking
20 “Copper 8-quinolinolate (oxine copper)” and in-
21 sserting “Copper 8-hydroxyquinoline (oxine cop-
22 per)”; and

23 (B) by striking “12/31/2006” and insert-
24 ing “12/31/2009”.

1 **Subtitle C—Effective Date**

2 **SEC. 1511. EFFECTIVE DATE.**

3 Except as otherwise provided in this title, the amend-
4 ments made by this title apply to goods entered, or with-
5 drawn from warehouse for consumption, on or after the
6 date that is 15 days after the date of enactment of this
7 Act.

8 **TITLE II—RELIQUIDATIONS**

9 **SEC. 2001. RELIQUIDATION OF CERTAIN ENTRIES OF CER-**
10 **TAIN SMALL DIAMETER CARBON AND ALLOY**
11 **SEAMLESS STANDARD, LINE AND PRESSURE**
12 **PIPE FROM ROMANIA.**

13 (a) RELIQUIDATION OF ENTRIES.—Notwithstanding
14 sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C.
15 1514 and 1520) or any other provision of law, the Bureau
16 of Customs and Border Protection shall, not later than
17 90 days after the date of the enactment of this Act—

18 (1) reliquidate the entries of certain small di-
19 ameter carbon and alloy seamless standard, line and
20 pressure pipe from Romania produced by S.C.
21 Silcotub S.A. (Silcotub), imported by Duferco Steel,
22 Inc., listed in subsection (b) in accordance with the
23 final results of the antidumping duty administrative
24 review of the Department of Commerce (68 Fed.
25 Reg. 12672 (March 17, 2003)) and Message No.

1 3087205, dated March 28, 2003, issued by the Bu-
 2 reau of Customs and Border Protection; and

3 (2) refund any antidumping duties with interest
 4 which were previously paid on such entries not later
 5 than 90 days after the date of reliquidation.

6 (b) **AFFECTED ENTRIES.**—The entries referred to in
 7 subsection (a) are the following:

Entry number	Date of entry	Port
558-1171537-8	01/20/01	Houston
558-2014403-2	07/24/00	Mobile

8 **SEC. 2002. CERTAIN ENTRIES OF PASTA.**

9 (a) **IN GENERAL.**—Notwithstanding section 514 of
 10 the Tariff Act of 1930 (19 U.S.C. 1514) or any other pro-
 11 vision of law, the Bureau of Customs and Border Protec-
 12 tion of the Department of Homeland Security shall, not
 13 later than 90 days after the receipt of the request de-
 14 scribed in subsection (b), liquidate or reliquidate each
 15 entry described in subsection (d) in accordance with De-
 16 partment of Commerce case A-475-818 for the period 7/
 17 1/2001 through 6/30/2002 under Customs Service mes-
 18 sage numbered 4068201.

19 (b) **REQUESTS.**—Liquidation or reliquidation may be
 20 made under subsection (a) with respect to an entry de-
 21 scribed in subsection (d) only if a request therefor is filed
 22 with the Bureau of Customs and Border Protection within
 23 90 days after the date of the enactment of this Act.

1 (c) PAYMENT OF AMOUNTS OWED.—Any amounts
 2 owed by the United States pursuant to the liquidation or
 3 reliquidation of an entry under subsection (a) shall be paid
 4 not later than 90 days after the date of such liquidation
 5 or reliquidation.

6 (d) ENTRIES.—The entries referred to in subsection
 7 (a) are the following:

Entry number	Date of entry	Date of liquidation
FD630105373	07/06/2001	11/22/2002
FD630105399	07/06/2001	11/22/2002
FD630105415	07/06/2001	11/22/2002
FD630110282	07/26/2001	11/22/2002
FD630110274	07/26/2001	11/22/2002
FD630110860	07/30/2001	11/22/2002
FD630112338	08/09/2001	11/22/2002
FD630115208	08/15/2001	11/22/2002
FD630114128	08/15/2001	11/22/2002
FD630114110	08/21/2001	11/22/2002
FD630116537	08/22/2001	11/22/2002
FD630122402	09/26/2001	11/22/2002
FD630123533	10/03/2001	11/22/2002
FD630126577	10/17/2001	11/22/2002
FD630129712	10/31/2001	11/22/2002
FD630132088	11/20/2001	11/22/2002
FD630133987	11/29/2001	11/22/2002
FD630134043	12/05/2001	11/22/2002
FD630136972	12/14/2001	11/22/2002
FD630136998	12/14/2001	11/22/2002
FD630136980	12/14/2001	11/22/2002
FD630137806	12/14/2001	11/22/2002
FD630137822	12/27/2001	11/22/2002
FD630137814	12/27/2001	11/22/2002

8 **SEC. 2003. CLARIFICATION OF RELIQUIDATION PROVISION.**

9 (a) INCLUSION OF INTEREST.—The term “any
 10 amounts owed” in section 1511(b) of the Miscellaneous
 11 Trade and Technical Corrections Act of 2004 (118 Stat.
 12 2542; Public Law 108–429), includes interest accrued
 13 from the date of deposit of duties made in connection with
 14 entries described in section 1511(c) of that Act, to the

1 date of the reliquidation of the entries pursuant to section
2 1511 of that Act.

3 (b) RELIQUIDATIONS WITH INTEREST.—Notwith-
4 standing section 514 of the Tariff Act of 1930 (19 U.S.C.
5 1514) or any other provision of law, to the extent that
6 the entries listed in section 1511(d) of the Act referred
7 to in subsection (a) were reliquidated by the Bureau of
8 Customs and Border Protection, before the date of the en-
9 actment of this Act, without the payment of interest re-
10 quired under subsection (a), the Bureau shall, within 90
11 days after the date of the enactment of this Act, reliq-
12 uidate the affected entries with the interest required under
13 subsection (a), calculated at the interest rates provided for
14 in section 505(c) of the Tariff Act of 1930 (19 U.S.C.
15 1505(c)).

16 **SEC. 2004. RELIQUIDATION OF CERTAIN DRAWBACK CLAIM.**

17 (a) IN GENERAL.—Notwithstanding section 514 of
18 the Tariff Act of 1930 (19 U.S.C. 1514) or any other pro-
19 vision of law, the Bureau of Customs and Border Protec-
20 tion shall, not later than 90 days after the date of the
21 enactment of this Act, liquidate or reliquidate the draw-
22 back claim described in subsection (c).

23 (b) PAYMENT OF AMOUNTS DUE.—Any amounts due
24 pursuant to the liquidation or reliquidation of the claim

1 described in subsection (c) shall be paid not later than
2 90 days after the date of such liquidation or reliquidation.

3 (c) DRAWBACK CLAIM.—The drawback claim referred
4 to in subsection (a) is the following: drawback claim num-
5 ber, AA6–0303556–6, filed on December 2, 1997.

6 **TITLE III—TECHNICAL CORREC-**
7 **TIONS AND OTHER PROVI-**
8 **SIONS**

9 **Subtitle A—Technical Corrections**

10 **SEC. 3001. AMENDMENTS TO THE HTS.**

11 (a) CORRECTIONS TO THE COLUMN 1 SPECIAL RATE
12 OF DUTY COLUMN.—Each of the following headings is
13 amended by striking “Free” in the column 1 special rate
14 of duty column and inserting “No change”:

- 15 (1) Heading 9902.01.59.
16 (2) Heading 9902.01.60.
17 (3) Heading 9902.01.61.
18 (4) Heading 9902.01.86.
19 (5) Heading 9902.01.87.
20 (6) Heading 9902.01.90.
21 (7) Heading 9902.01.91.
22 (8) Heading 9902.03.20.
23 (9) Heading 9902.03.40.
24 (10) Heading 9902.03.41.
25 (11) Heading 9902.03.43.

1 (12) Heading 9902.04.05.

2 (13) Heading 9902.04.06.

3 (14) Heading 9902.04.07.

4 (15) Heading 9902.05.18.

5 (16) Heading 9902.05.19.

6 (17) Heading 9902.05.21.

7 (18) Heading 9902.05.35.

8 (19) Heading 9902.28.01.

9 (20) Heading 9902.29.03.

10 (b) CORRECTIONS TO THE COLUMN 2 RATE OF DUTY

11 COLUMN.—Each of the following headings is amended by

12 striking “Free” in the column 2 rate of duty column and

13 inserting “No change”:

14 (1) Heading 9902.03.78.

15 (2) Heading 9902.05.08.

16 (3) Heading 9902.05.09.

17 (4) Heading 9902.05.10.

18 (c) ADDITIONAL CORRECTIONS.—

19 (1) The article description for heading

20 9902.01.12 is amended—

21 (A) by striking “32846–21–2), acid red”

22 and inserting “66786–14–5), acid red”; and

23 (B) by striking “67786–14–5) (provided

24 for” and inserting “32846–21–2) (provided

25 for”.

1 (2) Heading 9902.01.49 is amended to read as
 2 follows:

“	9902.01.49	(S)- α -Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (Deltamethrin) (CAS No. 52918-63-5) in bulk or unmixed in 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 12/31/2009	”.
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3 (3) The article description for heading
 4 9902.01.61 is amended by striking “methoxy-[1,1-”
 5 and inserting “methoxy-[1,1’-”.

6 (4) The article description for heading
 7 9902.01.69 is amended—

8 (A) by striking “2-8 percent water” and
 9 inserting “2-8 percent by weight of water”; and

10 (B) by striking “denier” and inserting
 11 “decitex”.

12 (5) The article description for heading
 13 9902.01.75 is amended—

14 (A) by striking “Acid black 194” and in-
 15 serting “Acid Black 172”; and

16 (B) by striking “subheading 3204.12.20”
 17 and inserting “subheading 3204.12.45”.

1 (6) The article description for heading
 2 9902.01.90 is amended by striking “between 4 and
 3 68” and inserting “from 4 through 68”.

4 (7) The article description for heading
 5 9902.01.91 is amended by striking “between 4 and
 6 68” and inserting “from 4 through 68”.

7 (8) Heading 9902.02.17 is amended to read as
 8 follows:

9902.02.17	Boots with outer soles and uppers of rubber, extending above the ankle but below the knee, specifically designed for horseback riding, and having a spur rest on the heel counter (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2009	”.
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9 (9) The article description for heading
 10 9902.02.28 is amended—

11 (A) by striking “polymide” and inserting
 12 “polyimide”; and

13 (B) by striking “3911.90.35 or”.

14 (10) The article description for heading
 15 9902.02.59 is amended by striking “A mixture” and
 16 inserting “Mixture”.

17 (11) The article description for heading
 18 9902.02.65 is amended—

19 (A) by striking “bis(3” and inserting
 20 “bis(3”); and

21 (B) by striking “4-amino-)” and inserting
 22 “4-amino-))”.

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1 (12) The article description for headings
 2 9902.84.81, 9902.84.83, 9902.84.85, 9902.84.88,
 3 and 9902.84.89 are each amended—

4 (A) by inserting “4011.62.00,” after
 5 “4011.61.00,”; and

6 (B) by striking “or parts thereof” and in-
 7 serting “and parts thereof”.

8 (13) The article description for heading
 9 9902.03.40 is amended by striking “subheading
 10 2835.29.50” and inserting “subheading
 11 2931.00.30”.

12 (14) Heading 9902.03.60 (relating to acid black
 13 172) is repealed.

14 (15) The article description for heading
 15 9902.03.99 is amended by striking “subheading
 16 2933.99.12” and inserting “subheading
 17 2933.99.22”.

18 (16) Heading 9902.04.02 is amended to read as
 19 follows:

“ 9902.04.02	Polysiloxane, dimethyl (CAS No. 63148–62–9) solution, greater than 85 percent, with less than 15 percent paraffin (mineral) oil (CAS No 8042–47–5), less than 5 percent magnesium stearate (CAS No. 557–04–0) and less than 5 percent finely dispersed metal ethoxylated phosphoric ester (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2006	”.
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20 (17) Heading 9902.05.21 is repealed.

21 (18) Heading 9902.05.29 is amended to read as
 22 follows:

“ 9902.05.29	3-[2-Chloro-4-(trifluoromethyl)-phenoxy]benzoic acid, sodium salt (CAS No. 95251-52-8) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2006	”.
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1 (19) Heading 9902.29.26 is amended by strik-
2 ing the chemical name in the article description and
3 inserting “1,3-Dimethyl-2-imidazolidinone”.

4 (20) The article description for heading
5 9902.84.14 (relating to ceiling fans) is amended by
6 striking “8414.51.00” and inserting “8414.51.30”.

7 (21) The article description for heading
8 9902.86.11 is amended by striking “specifications
9 each, having” and inserting “specifications, each
10 having”.

11 **SEC. 3002. TECHNICAL CORRECTION TO THE TARIFF ACT**
12 **OF 1930.**

13 Section 516A(g)(1)(B) of the Tariff Act of 1930 (19
14 U.S.C. 151a(g)(1)(B)) is amended by striking “or (vi)”
15 and inserting “(vi), or (vii)”.

16 **SEC. 3003. AMENDMENTS TO THE PENSION PROTECTION**
17 **ACT OF 2006.**

18 (a) IN GENERAL.—Subtitle A of chapter 1 of title
19 XIV of the Pension Protection Act of 2006 (Public Law
20 109–280) is amended—

21 (1) in section 1412—

22 (A) by striking “vehicles provided for in”
23 and inserting “vehicles of”; and

1 (B) by striking “in that” and inserting
2 “over”;

3 (2) in section 1413, by amending the article de-
4 scription to read as follows: “Acrylic or modacrylic
5 filament tow (provided for in subheading
6 5501.30.00)”;

7 (3) in section 1414, by amending the article de-
8 scription to read as follows: “Acrylic or modacrylic
9 staple fibers, carded combed or otherwise processed
10 for spinning (provided for in subheading
11 5506.30.00)”;

12 (4) in section 1418, by striking “vinegar” and
13 inserting “vinegar,”;

14 (5) in section 1420, by striking “vinegar” and
15 inserting “vinegar,”;

16 (6) in section 1456, by striking “2929.90.20”
17 and inserting “2928.00.25”.

18 (7) in section 1518, by striking “4402.12.80”
19 and inserting “4202.12.80”;

20 (8) in section 1542, by striking “hair” and in-
21 sserting “hair,”;

22 (9) in section 1548, by striking “10⁷” and in-
23 sserting “10⁻⁷”;

24 (10) in section 1549, by striking “10⁷” and in-
25 sserting “10⁻⁷”;

1 (11) in section 1555, by striking “2933.39.91”
2 and inserting “2933.39.20”.

3 (12) in section 1572, by striking “, rubber, or
4 synthetic” and inserting “or rubber”;

5 (13) in section 1597—

6 (A) in the heading, by striking “**WORK**
7 **FOOTWEAR**” and inserting “**HOUSE SLIP-**
8 **PERS**”; and

9 (B) by striking “; Sports footwear; tennis
10 shoes, basketball shoes, gym shoes, training
11 shoes and the like, all the foregoing with outer
12 soles of rubber or plastics and uppers of textile
13 materials for women (provided for in sub-
14 heading 6404.11.20)”;

15 (14) in section 1598, by striking “50 mm” and
16 inserting “60 mm”;

17 (15) in section 1605—

18 (A) in the article description, by striking
19 “Device” and inserting “Display”; and

20 (B) in the heading, by striking “**DEVICE**”
21 and inserting “**DISPLAY**”;

22 (16) in section 1606—

23 (A) in subsection (a), by striking “facili-
24 ties” and inserting “facilities,”; and

1 (B) in subsection (b), by striking “reac-
2 tors” and inserting “reactors,”;

3 (17) by adding at the end of such subtitle the
4 following:

5 **“SEC. 1607. CERTAIN SPORTS FOOTWEAR FOR WOMEN.**

6 “Subchapter II of chapter 99 is amended by inserting
7 in numerical sequence the following new heading:

“	9902.90.01	Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like, all the foregoing with outer soles of rubber or plastics and uppers of textile materials for women (provided for in subheading 6404.11.20)	Free	No change	No change	On or before 12/31/2009	”
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8 ; and

9 (18) in section 1621, by striking “December
10 31, 2006” and inserting “March 31, 2007”.

11 (b) APPLICABILITY.—The amendments made by sub-
12 section (a) shall apply as if included in the enactment of
13 the Pension Protection Act of 2006 (Public Law 109–
14 280).

15 **SEC. 3004. NMSBA**

16 (a) IN GENERAL.—Section 1434 (b) and (c) of the
17 Miscellaneous Trade and Technical Corrections Act of
18 2004 (Public Law 108–429; 118 Stat. 2524) are amended
19 to read as follows:

20 “(b) CALENDAR YEAR 2005.—

1 “(1) IN GENERAL.—Heading 9902.05.30, as
2 added by subsection (a), is amended—

3 “(A) by striking “0.28%” and inserting
4 “0.16%”; and

5 “(B) by striking “On or before 12/31/
6 2004” and inserting “On or before 12/31/
7 2005”.

8 “(2) APPLICABILITY.—The amendments made
9 by paragraph (1) shall apply to goods entered on or
10 after January 1, 2005, and before January 1, 2006.

11 “(c) CALENDAR YEARS 2006 THROUGH 2008.—

12 “(1) IN GENERAL.—Heading 9902.05.30, as
13 added by subsection (a) and amended by subsection
14 (b), is further amended—

15 “(A) by striking “0.16%” and inserting
16 “1.1%”; and

17 “(B) by striking “On or before 12/31/
18 2005” and inserting “on or before 12/31/
19 2008”.

20 “(2) APPLICABILITY.—The amendments made
21 by paragraph (1) shall apply to goods entered on or
22 after January 1, 2006.”.

23 (b) EFFECTIVE DATE.—

24 (1) IN GENERAL.—The amendment made by
25 this section shall take effect as if included in the en-

1 actment of section 1434 of the Miscellaneous Trade
2 and Technical Corrections Act of 2004 (Public Law
3 108–429).

4 (2) RETROACTIVE APPLICATION.—Notwith-
5 standing section 514 of the Tariff Act of 1930 (19
6 U.S.C. 1514) or any other provision of law, upon
7 proper request filed with the Bureau of Customs and
8 Border Protection before the 90th day after the date
9 of the enactment of this Act, any entry, or with-
10 drawal from warehouse for consumption, of any
11 good—

12 (A) that was made on or after January 1,
13 2005 and before the date of the enactment of
14 this Act; and

15 (B) with respect to which there would have
16 been a lower rate of duty if the amendment
17 made by this subsection applied to such entry
18 or withdrawal, shall be liquidated or reliq-
19 uidated as if such amendment applied to such
20 entry or withdrawal.

21 **SEC. 3005. CERTAIN MONOCHROME GLASS ENVELOPES.**

22 (a) AMENDMENT TO SUBHEADING 7011.20.40.—The
23 article description of subheading 7011.20.40 is amended
24 to read as follows: “Monochrome glass envelopes, the fore-
25 going certified by the importer as being for actual use in

1 automatic data processing machine data or graphic dis-
2 play cathode ray tubes”.

3 (b) CONFORMING AMENDMENTS.—(1) Subheading
4 7011.20.40, as amended by subsection (a), is redesignated
5 as subheading 7011.20.45.

6 (2) Subheading 7011.20.80 is redesignated as sub-
7 heading 7011.20.85.

8 (3) Heading 9902.02.97 is amended in the article de-
9 scription column by striking “7011.20.80” and inserting
10 “7011.20.85”.

11 (c) STAGED RATE REDUCTIONS.—Any staged rate
12 reduction of a rate of duty proclaimed by the President
13 before the date of the enactment of this Act, that—

14 (1) would take effect on or after such date of
15 enactment; and

16 (2) would, but for the amendment made by sub-
17 section (b)(2), apply to subheading 7011.20.80,
18 applies to the corresponding rate of duty set forth in sub-
19 heading 7011.20.85 (as added by subsection (b)(2)).

20 **SEC. 3006. FLEXIBLE MAGNETS AND COMPOSITE GOODS**
21 **CONTAINING FLEXIBLE MAGNETS.**

22 (a) IN GENERAL.—Chapter 85 is amended by strik-
23 ing subheadings 8505.19.10, 8505.19.20, and 8505.19.30
24 and inserting the following new subheadings, with the arti-
25 cle description for subheading 8505.19 having the same

1 degree of indentation as the article description for sub-
 2 heading 8505.11.00:

8505.19	Other:			
8505.19.10	Flexible magnets	4.9%	Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%
8505.19.20	Composite goods con- taining flexible magnets ..	4.9%	Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%
8505.19.30	Other	4.9%	Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%

3 (b) STAGED RATE REDUCTIONS.—Any staged reduc-
 4 tion of a rate of duty proclaimed by the President before
 5 the date of the enactment of the Miscellaneous Trade and
 6 Technical Corrections Act of 2004 (Public Law 108–429),
 7 that—

8 (1) takes effect on or after such date of enact-
 9 ment; and

10 (2) would, but for the amendment made by this
 11 section, apply to subheading 8505.19, applies to the
 12 corresponding rate of duty set forth in subheadings
 13 8505.19.10, 8505.19.20, and 8505.19.30 of such
 14 Schedule (as added by subsection (a)).

15 (c) APPLICABILITY.—The amendments made by this
 16 section shall take effect as if included in the enactment
 17 of the Miscellaneous Trade and Technical Corrections Act
 18 of 2004 (Public Law 108–429).

1 **SEC. 3007. CELLAR TREATMENT OF WINE.**

2 Section 5382(a)(1)(A) of the Internal Revenue Code
3 of 1986 (relating to cellar treatment of natural wine) is
4 amended by striking “stabilize” and inserting “correct or
5 stabilize”.

6 **Subtitle B—Other Provisions**

7 **SEC. 3011. EFFECTIVE DATE FOR AGOA.**

8 Section 112(f) of the African Growth and Oppor-
9 tunity Act (19 U.S.C. 3721(f) is amended by striking
10 “2008” and inserting “2015”.

11 **SEC. 3012. CONSIDERATION OF CERTAIN CIVIL ACTIONS**

12 **DELAYED BECAUSE OF THE TERRORIST AT-**
13 **TACKS OF SEPTEMBER 11, 2001.**

14 (a) IN GENERAL.—Notwithstanding any period of
15 limitations, lapse of time, or any other provision of law,
16 the United States Court of International Trade shall treat
17 any civil action contesting the denial of a protest described
18 in subsection (b) as having been filed in accordance with
19 section 514 of the Tariff Act of 1930 (19 U.S.C. 1514)
20 and within the time limit provided in section 2636 of title
21 28, United States Code.

22 (b) AFFECTED PROTESTS.—The protests referred to
23 in subsection (a) are as follows:

Entry Number	Protest Num- ber	Protest Date	Denial Date
2704-442-1562415-4	2704.01.100001	12/22/00	03/23/01
2704-442-1559965-3	2704.00.103269	12/12/00	03/23/01
2704-442-1561096-3	2704.00.103270	12/12/00	03/23/01
2704-442-1562411-3	2704.01.100002	12/22/00	03/23/01

Entry Number	Protest Number	Protest Date	Denial Date
2704-442-1562408-9	2704.01.100003	12/22/00	03/23/01
2704-442-1562416-2	2704.01.100009	12/22/00	03/23/01
2704-442-1564132-3	2704.01.100033	01/03/01	03/23/01
2704-442-1564387-3	2704.01.100034	01/03/01	03/23/01
2704-442-1564389-9	2704.01.100035	01/03/01	03/23/01
2704-442-1564390-7	2704.01.100036	01/03/01	03/23/01
2704-442-1564870-8	2704.01.100038	01/03/01	03/23/01
2704-442-1565099-3	2704.01.100039	01/03/01	03/23/01
2704-442-1563549-9	2704.01.100042	01/03/01	03/23/01
2704-442-1554152-3	2704.01.100043	12/22/00	03/23/01
2704-442-1562418-8	2704.01.100072	12/22/00	03/27/01
2704-442-1562419-6	2704.01.100073	12/22/00	03/27/01
2704-442-1562872-6	2704.01.100074	12/22/00	03/27/01
2704-442-1570239-8	2704.01.100392	02/09/01	03/23/01
2704-442-1570423-8	2704.01.100400	02/06/01	03/27/01
2704-442-1570431-1	2704.01.100401	02/06/01	03/27/01
2704-442-1571191-0	2704.01.100403	02/06/01	04/05/01
2704-442-1565424-3	2704.01.100411	02/05/01	03/27/01
2704-442-1565513-3	2704.01.100422	02/05/01	03/26/01
2704-442-1565516-6	2704.01.100423	02/05/01	03/23/01
2704-442-1565518-2	2704.01.100424	02/05/01	03/23/01
2704-442-1566265-9	2704.01.100425	02/05/01	03/23/01
2704-442-1567197-3	2704.01.100427	02/05/01	03/23/01
2704-442-1573049-8	2704.01.100723	03/13/01	04/05/01
2704-442-1572011-9	2704.01.100725	03/13/01	04/05/01
2704-442-1572003-6	2704.01.100726	03/13/01	04/05/01
2704-442-1572000-2	2704.01.100727	03/13/01	04/05/01
2704-442-1571470-8	2704.01.100728	03/13/01	04/05/01

1 **TITLE IV—TRADE EXTENSION**
2 **PROVISIONS**

3 **SEC. 4001. EXTENSION OF GENERALIZED SYSTEM OF PREF-**
4 **ERENCES (GSP) PROGRAM.**

5 Section 505 of the Trade Act of 1974 (19 U.S.C.
6 2465) is amended by striking “2006” and inserting
7 “2007”.

8 **SEC. 4002. EXTENSION OF ANDEAN TRADE PREFERENCE**
9 **ACT.**

10 Section 208 of the Andean Trade Preference Act (19
11 U.S.C. 3206) is amended by striking “2006” and insert-
12 ing “2007”.

1 **SEC. 4003. EXTENSION OF BENEFITS UNDER THE AFRICAN**
2 **GROWTH AND OPPORTUNITY ACT.**

3 (a) **EXTENSION OF BENEFITS.—**

4 (1) **IN GENERAL.—**Section 112(b)(3)(B)(i) of
5 the African Growth and Opportunity Act (19 U.S.C.
6 3721(b)(3)(B)(i)) is amended by striking “2007”
7 and inserting “2015”.

8 (2) **APPLICABLE PERCENTAGE.—**Section
9 112(b)(3)(B)(ii) of the African Growth and Oppor-
10 tunity Act (19 U.S.C. 3721(b)(3)(B)(ii)) is amended
11 to read as follows:

12 “(ii) **APPLICABLE PERCENTAGE.—**For
13 purposes of this subparagraph, the term
14 ‘applicable percentage’ means 3 percent for
15 each of fiscal years 2007 through 2013,
16 2.5 percent for fiscal year 2014, and 2 per-
17 cent for fiscal year 2015.”.

18 (b) **MAURITIUS.—**

19 (1) **IN GENERAL.—**Section 112(b)(3)(B)(iv) of
20 the African Growth and Opportunity Act (19 U.S.C.
21 3721(b)(3)(B)(iv)) is amended by striking “1-year
22 period beginning October 1, 2004” and inserting “4-
23 year period beginning October 1, 2006”.

24 (2) **APPLICABLE PERCENTAGE.—**Section
25 112(b)(3)(B)(iv)(II) of the African Growth and Op-
26 portunity Act (19 U.S.C. 3721(b)(3)(B)(iv)(II)) is

1 amended by striking “5 percent of the applicable
2 percentage described in clause (ii)(II)” and inserting
3 “0.15 percent for each of fiscal years 2007 through
4 2010”.

5 **SEC. 4004. EFFECTIVE DATE OF MODIFICATIONS TO THE**
6 **HARMONIZED TARIFF SCHEDULE.**

7 (a) IN GENERAL.—Section 1206(c) of the Omnibus
8 Trade and Competitiveness Act of 1988 (19 U.S.C.
9 3006(c)) is amended by striking “15th” and inserting
10 “30th”.

11 (b) LAY-OVER PERIOD.—

12 (1) IN GENERAL.—Section 1206(b)(2) of the
13 Omnibus Trade and Competitiveness Act of 1988
14 (19 U.S.C. 3006(b)(2)) is amended to read as fol-
15 lows:

16 “(2) The 60-day period referred to in para-
17 graph (1) shall be computed by excluding the days
18 on which either House is not in session because of
19 an adjournment of more than 3 days to a day cer-
20 tain or an adjournment of the Congress sine die.”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by this subsection shall take effect on April 1, 2007.

1 **SEC. 4005. EXTENSION OF NONDISCRIMINATORY TREAT-**
2 **MENT (NORMAL TRADE RELATIONS TREAT-**
3 **MENT) TO THE PRODUCTS OF VIETNAM.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) In July 1995, President Bill Clinton an-
6 nounced the formal normalization of diplomatic rela-
7 tions between the United States and Vietnam.

8 (2) Vietnam has taken cooperative steps with
9 the United States under the United States Joint
10 POW/MIA Accounting Command (formerly the
11 Joint Task Force-Full Accounting) established in
12 1992 by President George H. W. Bush to provide
13 the fullest possible accounting of MIA and POW
14 cases.

15 (3) In 2000, the United States and Vietnam
16 concluded a bilateral trade agreement that included
17 commitments on goods, services, intellectual prop-
18 erty rights, and investment. The agreement was ap-
19 proved by joint resolution enacted pursuant to sec-
20 tion 405(c) of the Trade Act of 1974 (19 U.S.C.
21 2435(c)), and entered into force in December 2001.

22 (4) Since 2001, normal trade relations treat-
23 ment has consistently been extended to Vietnam pur-
24 suant to title IV of the Trade Act of 1974.

25 (5) Vietnam has undertaken significant market-
26 based economic reforms, including the reduction of

1 government subsidies, tariffs and nontariff barriers,
2 and extensive legal reform. These measures have
3 dramatically improved Vietnam's business and in-
4 vestment climate.

5 (6) Vietnam has completed its negotiations to
6 join the World Trade Organization (WTO). On May
7 31, 2006, the United States and Vietnam signed a
8 comprehensive bilateral agreement providing greater
9 market access for goods and services and other trade
10 liberalizing commitments. On November 7, 2006, the
11 WTO General Council approved Vietnam's member-
12 ship. Vietnam's National Assembly ratified Viet-
13 nam's WTO accession commitments on November
14 28, 2006, and Vietnam will become the 150th Mem-
15 ber of the WTO 30 days thereafter.

16 (7) On November 13, 2006, the Department of
17 State removed Vietnam from its list of Countries of
18 Particular Concern (CPC) for severe violations of re-
19 ligious freedom. In reaching this determination, the
20 Department of State cited significant improvements
21 in Vietnam toward advancing religious freedom,
22 though problems remain that merit immediate atten-
23 tion and important work remains to be done to fully
24 protect religious freedom in Vietnam.

1 (b) TERMINATION OF APPLICATION OF TITLE IV OF
2 THE TRADE ACT OF 1974 TO VIETNAM.—

3 (1) PRESIDENTIAL DETERMINATIONS AND EX-
4 TENSION OF NON-DISCRIMINATORY TREATMENT.—

5 Notwithstanding any provision of title IV of the
6 Trade Act of 1974 (19 U.S.C. 2431 et seq.), the
7 President may—

8 (A) determine that such title should no
9 longer apply to Vietnam; and

10 (B) after making a determination under
11 subparagraph (A) with respect to Vietnam, pro-
12 claim the extension of nondiscriminatory treat-
13 ment (normal trade relations treatment) to the
14 products of that country.

15 (2) TERMINATION OF THE APPLICABILITY OF
16 TITLE IV.—On and after the effective date of the
17 extension of nondiscriminatory treatment to the
18 products of Vietnam under paragraph (1), title IV of
19 the Trade Act of 1974 shall cease to apply to that
20 country.

21 **SEC. 4006. COTTON TRUST FUND.**

22 (a) ESTABLISHMENT OF TRUST FUND.—

23 (1) IN GENERAL.—There is established in the
24 Treasury of the United States a trust fund to be
25 known as the “Pima Cotton Trust Fund” (in this

1 section referred to as the “Trust Fund”), consisting
2 of such amounts as may be transferred to the Trust
3 Fund under paragraph (2).

4 (2) TRANSFER OF AMOUNTS.—

5 (A) IN GENERAL.—Beginning October 1,
6 2006, the Secretary of the Treasury shall trans-
7 fer to the Trust Fund, from the general fund
8 of the Treasury, amounts determined by the
9 Secretary of the Treasury to be equivalent to
10 the amounts received in the general fund that
11 are attributable to duties received since Janu-
12 ary 1, 1994, on articles under subheadings
13 5208.21.60, 5208.22.80, 5208.29.80,
14 5208.31.80, 5208.32.50, 5208.39.80,
15 5208.41.80, 5208.42.50, 5208.49.80,
16 5208.51.80, 5208.52.50, and 5208.59.80 of the
17 Harmonized Tariff Schedule of the United
18 States, subject to the limitation in subpara-
19 graph (B).

20 (B) LIMITATION.—The Secretary may not
21 transfer more than \$16,000,000 to the Trust
22 fund in any fiscal year, and may not transfer
23 any amount beginning on or after October 1,
24 2008.

1 (3) DISTRIBUTION OF FUNDS.—From amounts
2 in the Trust Fund, the Commissioner of the Bureau
3 of Customs and Border Protection shall make the
4 following payments annually beginning in fiscal year
5 2007:

6 (A) 25 percent of the amounts in the
7 Trust Fund shall be paid annually to a nation-
8 ally recognized association established for the
9 promotion of pima cotton grown in the United
10 States for the use in textile and apparel goods.

11 (B) 25 percent of the amounts in the
12 Trust Fund shall be paid annually to yarn spin-
13 ners of pima cotton grown in the United States,
14 and shall be allocated to each spinner in an
15 amount that bears the same ratio as—

16 (i) the spinner's production of ring
17 spun cotton yarns, measuring less than
18 83.33 decitex (exceeding 120 metric num-
19 ber) from pima cotton grown in the United
20 States in single and plied form during the
21 period January 1, 1998 through December
22 31, 2003 (as evidenced by an affidavit pro-
23 vided by the spinner) bears to—

24 (ii) the production of the yarns de-
25 scribed in clause (i) during the period Jan-

1 uary 1, 1998 through December 31, 2003
2 for all spinners who qualify under this sub-
3 paragraph.

4 (C) 50 percent of the amounts in the Trust
5 Fund shall be paid annually to those manufac-
6 turers who cut and sew cotton shirts in the
7 United States who certify that they used im-
8 ported cotton fabric during the period January
9 1, 1998, through July 1, 2003, and shall be al-
10 located to each such manufacturer in an
11 amount that bears the same ratio as—

12 (i) the dollar value (excluding duty,
13 shipping, and related costs) of imported
14 woven cotton shirting fabric of 80s or
15 higher count and 2-ply in warp purchased
16 by the manufacturer during calendar year
17 2002 (as evidenced by an affidavit from
18 the manufacturer that meets the require-
19 ments of paragraph (4)) used in the manu-
20 facturing of men's and boys' cotton shirts,
21 bears to—

22 (ii) the dollar value (excluding duty,
23 shipping, and related costs) of the fabric
24 described in clause (i) purchased during

1 calendar year 2002 by all manufacturers
2 who qualify under this subparagraph.

3 (4) AFFIDAVIT OF SHIRTING MANUFACTUR-
4 ERS.—The affidavit required by paragraph (3)(C) is
5 a notarized affidavit provided by an officer of the
6 manufacturer of men’s and boys’ shirts concerned
7 that affirms—

8 (A) that the manufacturer used imported
9 cotton fabric during the period January 1,
10 1998, through July 1, 2003, to cut and sew
11 men’s and boys’ woven cotton shirts in the
12 United States;

13 (B) the dollar value of imported woven cot-
14 ton shirting fabric of 80s or higher count and
15 2-ply in warp purchased during calendar year
16 2002;

17 (C) that the manufacturer maintains in-
18 voices along with other supporting documenta-
19 tion (such as price lists and other technical de-
20 scriptions of the fabric qualities) showing the
21 dollar value of such fabric purchased, the date
22 of purchase, and evidencing the fabric as woven
23 cotton fabric of 80s or higher count and 2-ply
24 in warp; and

1 (D) that the fabric was suitable for use in
2 the manufacturing of men's and boys' cotton
3 shirts.

4 (5) DATE OF PURCHASE.—For purposes of the
5 affidavit under paragraph (4), the date of purchase
6 shall be the invoice date, and the dollar value shall
7 be determined excluding duty, shipping, and related
8 costs.

9 (6) AFFIDAVIT OF YARN SPINNERS.—The affi-
10 davit required by paragraph (3)(B) is a notarized af-
11 fidavit provided by an officer of the producer of ring
12 spun yarns that affirms—

13 (A) that the producer used pima cotton
14 grown in the United States during the period
15 January 1, 2002, through December 31, 2002,
16 to produce ring spun cotton yarns, measuring
17 less than 83.33 decitex (exceeding 120 metric
18 number), in single and plied form during 2002;

19 (B) the quantity, measured in pounds, of
20 ring spun cotton yarns, measuring less than
21 83.33 decitex (exceeding 120 metric number),
22 in single and plied form during calendar year
23 2002; and

24 (C) that the producer maintains sup-
25 porting documentation showing the quantity of

1 “(B) INITIAL APPLICABLE 1-YEAR PE-
2 RIOD.—The term ‘initial applicable 1-year pe-
3 riod’ means the 1-year period beginning on the
4 date of the enactment of the Haitian Hemi-
5 spheric Opportunity through Partnership En-
6 couragement Act of 2006.

7 “(C) SECOND APPLICABLE 1-YEAR PE-
8 RIOD.—The term ‘second applicable 1-year pe-
9 riod’ means the 1-year period beginning on the
10 day after the last day of the initial applicable
11 1-year period.

12 “(D) THIRD APPLICABLE 1-YEAR PE-
13 RIOD.—The term ‘third applicable 1-year pe-
14 riod’ means the 1-year period beginning on the
15 day after the last day of the second applicable
16 1-year period.

17 “(E) FOURTH APPLICABLE 1-YEAR PE-
18 RIOD.—The term ‘fourth applicable 1-year pe-
19 riod’ means the 1-year period beginning on the
20 day after the last day of the third applicable 1-
21 year period.

22 “(F) FIFTH APPLICABLE 1-YEAR PE-
23 RIOD.—The term ‘fifth applicable 1-year period’
24 means the 1-year period beginning on the day

1 after the last day of the fourth applicable 1-
2 year period.

3 “(2) ENTER; ENTRY.—The terms ‘enter’ and
4 ‘entry’ refer to the entry, or withdrawal from ware-
5 house for consumption, in the customs territory of
6 the United States.

7 “(b) APPAREL ARTICLES.—

8 “(1) IN GENERAL.—In addition to any other
9 preferential treatment under this title, apparel arti-
10 cles described in paragraph (2) of a producer or en-
11 tity controlling production that are imported directly
12 from Haiti shall enter the United States free of duty
13 during an applicable 1-year period, subject to the
14 limitations set forth in paragraphs (2) and (3), if
15 Haiti has met the requirements of subsections (d)
16 and (e).

17 “(2) APPAREL ARTICLES DESCRIBED.—

18 “(A) IN GENERAL.—In any applicable 1-
19 year period, apparel articles described in this
20 paragraph are apparel articles that are wholly
21 assembled, or are knit-to-shape, in Haiti from
22 any combination of fabrics, fabric components,
23 components knit-to-shape, and yarns, only if,
24 for each entry in the applicable 1-year period,
25 the sum of—

1 “(i) the cost or value of the materials
2 produced in Haiti or one or more countries
3 described in subparagraph (C), or any
4 combination thereof, plus

5 “(ii) the direct costs of processing op-
6 erations (as defined in section 213(a)(3))
7 performed in Haiti or one or more coun-
8 tries described in subparagraph (C), or any
9 combination thereof,

10 is not less than the applicable percentage (as
11 defined in subparagraph (E)(i)) of the declared
12 customs value of such apparel articles.

13 “(B) DEDUCTIONS.—In calculating cost or
14 value under subparagraph (A)(i), there shall be
15 deducted the cost or value of—

16 “(i) any foreign materials that are
17 used in the production of the apparel arti-
18 cles in Haiti; and

19 “(ii) any foreign materials that are
20 used in the production of the materials de-
21 scribed in subparagraph (A)(i).

22 “(C) COUNTRIES DESCRIBED.—The coun-
23 tries referred to in subparagraph (A) are the
24 following:

25 “(i) The United States.

1 “(ii) Any country that is a party to a
2 free trade agreement with the United
3 States that is in effect on the date of the
4 enactment of the Haitian Hemispheric Op-
5 portunity through Partnership Encourage-
6 ment Act of 2006, or that enters into force
7 under the Bipartisan Trade Promotion Au-
8 thority Act of 2002 (19 U.S.C. 3801 et
9 seq.).

10 “(iii) Any country designated as a
11 beneficiary country under section
12 213(b)(5)(B) of this Act.

13 “(iv) Any country designated as a
14 beneficiary country under section
15 506A(a)(1) of the Trade Act of 1974 (19
16 U.S.C. 2466a(a)(1)), if a finding has been
17 made by the President or the President’s
18 designee, and published in the Federal
19 Register, that the country has satisfied the
20 requirements of section 113 of the African
21 Growth and Opportunity Act (19 U.S.C.
22 3722).

23 “(v) Any country designated as a ben-
24 eficiary country under section

1 204(b)(6)(B) of the Andean Trade Pref-
2 erence Act (19 U.S.C. 3203(b)(6)(B)).

3 “(D) ANNUAL AGGREGATION.—

4 “ (i) INITIAL APPLICABLE 1-YEAR PE-
5 RIOD.—In the initial applicable 1-year pe-
6 riod, the requirements under subparagraph
7 (A) relating to applicable percentage may
8 also be met for articles of a producer or an
9 entity controlling production that enter
10 during the initial applicable 1-year period
11 by aggregating—

12 “(I) the cost or value of mate-
13 rials under clause (i) of subparagraph
14 (A), and

15 “(II) the direct costs of proc-
16 essing operations under clause (ii) of
17 subparagraph (A),

18 of all apparel articles of that producer or
19 entity controlling production that are whol-
20 ly assembled, or are knit-to-shape, in Haiti
21 and are entered during the initial applica-
22 ble 1-year period.

23 “(ii) OTHER APPLICABLE 1-YEAR PE-
24 RIODS.—In each of the second, third,
25 fourth, and fifth applicable 1-year periods,

1 the requirements under subparagraph (A)
2 relating to applicable percentage may also
3 be met for articles of a producer or an en-
4 tity controlling production that enter dur-
5 ing the applicable 1-year period by
6 aggregating—

7 “(I) the cost or value of mate-
8 rials under clause (i) of subparagraph
9 (A), and

10 “(II) the direct costs of proc-
11 essing operations under clause (ii) of
12 subparagraph (A),

13 of all apparel articles of that producer or
14 entity controlling production that are whol-
15 ly assembled, or are knit-to-shape, in Haiti
16 and are entered during the preceding ap-
17 plicable 1-year period.

18 “(iii) DEDUCTIONS.—In calculating
19 cost or value under clause (i)(I) or (ii)(I),
20 there shall be deducted the cost or value
21 of—

22 “(I) any foreign materials that
23 are used in the production of the ap-
24 parel articles in Haiti; and

1 “(II) any foreign materials that
2 are used in the production of the ma-
3 terials described in clause (i)(I) or
4 (ii)(I) (as the case may be).

5 “(iv) INCLUSION IN CALCULATION OF
6 OTHER ARTICLES RECEIVING PREF-
7 ERENTIAL TREATMENT.—(I) The entry of
8 a woven apparel article receiving pref-
9 erential treatment under paragraph (4) is
10 not included in an annual aggregation
11 under clause (i) or (ii).

12 “(II) Entries of articles receiving pref-
13 erential treatment under paragraph (5) are
14 not included in an annual aggregation
15 under clause (i) or (ii) unless the producer
16 or entity controlling production elects, at
17 the time the annual aggregation calcula-
18 tion is made, to include such entries in
19 such aggregation.

20 “(III) Entries of apparel articles that
21 receive preferential treatment under any
22 provision of law other than this subsection
23 or are subject to the ‘General’ column 1
24 rate of duty under the HTS are not in-
25 cluded in an annual aggregation under

1 clause (i) or (ii) unless the producer or en-
2 tity controlling production elects, at the
3 time the annual aggregation calculation is
4 made, to include such entries in such ag-
5 gregation.

6 “(E) DEFINITIONS.—In this paragraph:

7 “(i) APPLICABLE PERCENTAGE.—The
8 term “applicable percentage” means—

9 “(I) 50 percent or more during
10 the initial applicable 1-year period,
11 the second applicable 1-year period,
12 and the third applicable 1-year period;

13 “(II) 55 percent or more during
14 the fourth applicable 1-year period;
15 and

16 “(III) 60 percent or more during
17 the fifth applicable 1-year period.

18 “(ii) FOREIGN MATERIAL.—The term
19 ‘foreign material’ means a material pro-
20 duced in a country other than Haiti or any
21 country described in subparagraph (C).

22 “(F) DEVELOPMENT OF PROCEDURE TO
23 ENSURE COMPLIANCE.—

24 “(i) IN GENERAL.—The Bureau of
25 Customs and Border Protection of the De-

1 partment of Homeland Security shall de-
2 velop and implement methods and proce-
3 dures to ensure ongoing compliance with
4 the requirements set forth in subpara-
5 graphs (A) and (D).

6 “(ii) NONCOMPLIANCE.—If the Bu-
7 reau of Customs and Border Protection
8 finds that a producer or an entity control-
9 ling production has not satisfied such re-
10 quirements in any applicable 1-year period,
11 either for individual entries entered pursu-
12 ant to subparagraph (A) or for entries en-
13 tered in aggregate pursuant to subpara-
14 graph (D), then apparel articles described
15 in subparagraph (A) of that producer or
16 entity shall be ineligible for preferential
17 treatment under paragraph (1) during any
18 succeeding applicable 1-year period until—

19 “(I) the cost or value of mate-
20 rials under clause (i) of subparagraph
21 (A), plus

22 “(II) the direct costs of proc-
23 essing operations under clause (ii) of
24 subparagraph (A),

1 of that producer or entity controlling pro-
2 duction, is not less than the applicable per-
3 centage under subparagraph (E)(i), plus
4 10 percent, of the aggregate declared cus-
5 toms value of all apparel articles of that
6 producer or entity controlling production
7 that are wholly assembled, or are knit-to-
8 shape, in Haiti and are entered during the
9 preceding applicable 1-year period.

10 “(iii) RETROACTIVE APPLICATION OF
11 DUTY-FREE TREATMENT.—If—

12 “(I) a producer or an entity con-
13 trolling production is ineligible for
14 preferential treatment under para-
15 graph (1) in an applicable 1-year pe-
16 riod because that producer or entity
17 controlling production did not satisfy
18 the requirements of subparagraph (A)
19 or (D), and

20 “(II) that producer or entity con-
21 trolling production satisfies the re-
22 quirements of clause (ii) of this sub-
23 paragraph in that applicable 1-year
24 period,

1 under subparagraph (A) or (D), there may
2 be included in that percentage—

3 “(I) the cost of fabrics or yarns
4 to the extent that apparel articles of
5 such fabrics or yarns would be eligible
6 for preferential treatment, without re-
7 gard to the source of the fabrics or
8 yarns, under Annex 401 of the
9 NAFTA; and

10 “(II) the cost of fabrics or yarns
11 that are designated as not being avail-
12 able in commercial quantities for pur-
13 poses of—

14 “(aa) section
15 213(b)(2)(A)(v) of this Act,

16 “(bb) section 112(b)(5) of
17 the African Growth and Oppor-
18 tunity Act,

19 “(cc) section
20 204(b)(3)(B)(i)(III) or (ii) of the
21 Andean Trade Preference Act, or

22 “(dd) any other provision,
23 relating to determining whether a
24 textile or apparel article is an
25 originating good eligible for pref-

1 erential treatment, of a law that
2 implements a free trade agree-
3 ment that enters into force under
4 the Bipartisan Trade Promotion
5 Authority Act of 2002,

6 without regard to the source of the
7 fabrics or yarns.

8 “(ii) REMOVAL OF DESIGNATION OF
9 FABRICS OR YARNS NOT AVAILABLE IN
10 COMMERCIAL QUANTITIES.—If the Presi-
11 dent determines that—

12 “(I) any fabric or yarn described
13 in clause (i)(I) was determined to be
14 eligible for preferential treatment, or

15 “(II) any fabric or yarn described
16 in clause (i)(II) was designated as not
17 being available in commercial quan-
18 tities,

19 on the basis of fraud, the President is au-
20 thorized to remove the eligibility or des-
21 ignation (as the case may be) of that fab-
22 ric or yarn with respect to articles entered
23 after such removal.

24 “(3) QUANTITATIVE LIMITATIONS.—The pref-
25 erential treatment described in paragraph (1) shall

1 be extended, during each of the applicable 1-year pe-
 2 riods set forth in the following table, to not more
 3 than the corresponding percentage of the aggregate
 4 square meter equivalents of all apparel articles im-
 5 ported into the United States in the most recent 12-
 6 month period for which data are available:

“During the:	the corresponding percent- age is:
“initial applicable 1-year period	1 percent.
“second applicable 1-year period	1.25 percent.
“third applicable 1-year period	1.5 percent.
“fourth applicable 1-year period	1.75 percent.
“fifth applicable 1-year period	2 percent.

7 No preferential treatment shall be provided under
 8 paragraph (1) after the last day of the fifth applica-
 9 ble 1-year period.

10 “(4) SPECIAL RULE FOR WOVEN APPAREL.—In
 11 the case of apparel articles classifiable under chapter
 12 62 of the HTS (other than articles classifiable under
 13 subheading 6212.10 of the HTS), as in effect on the
 14 date of the enactment of the Haitian Hemispheric
 15 Opportunity through Partnership Encouragement
 16 Act of 2006, that do not qualify for preferential
 17 treatment under paragraph (1) because they do not
 18 meet the percentage requirements under paragraph
 19 (2)(A), (2)(B), or (2)(D), the preferential treatment
 20 under paragraph (1)—

21 “(A) shall be extended, in addition to the
 22 quantities permitted under paragraph (3) to—

1 “(i) not more than 50,000,000 square
2 meter equivalents of such apparel articles
3 for the initial applicable 1-year period;

4 “(ii) not more than 50,000,000
5 square meter equivalents of such apparel
6 articles for the second applicable 1-year pe-
7 riod; and

8 “(iii) not more than 33,500,000
9 square meter equivalents for the third ap-
10 plicable 1-year period; and

11 “(B) may not be extended to such apparel
12 articles after the last day of the third applicable
13 1-year period.

14 “(5) SPECIAL RULE FOR BRASSIERES.—The
15 preferential treatment under paragraph (1) shall,
16 subject to the limitations under paragraph (3), be
17 extended to any article classifiable under heading
18 6212.10 of the HTS, if the article is both cut and
19 sewn or otherwise assembled in Haiti or the United
20 States, or both, without regard to the source of the
21 fabric or components from which the article is made,
22 and if Haiti has met the requirements of subsections
23 (d) and (e).

24 “(c) SPECIAL RULE FOR CERTAIN WIRE HARNESS
25 AUTOMOTIVE COMPONENTS.—

1 (1) IN GENERAL.—Any wire harness automotive
2 component that is the product or manufacture of
3 Haiti and is imported directly from Haiti into the
4 customs territory of the United States shall enter
5 the United States free of duty, during the 5-year pe-
6 riod beginning on the date of the enactment of the
7 Haitian Hemispheric Opportunity through Partner-
8 ship Encouragement Act of 2006, if Haiti has met
9 the requirements of subsection (d) and if the sum
10 of—

11 “(A) the cost or value of the materials pro-
12 duced in Haiti or one or more countries de-
13 scribed in subsection (b)(2)(C), or any combina-
14 tion thereof, plus

15 “(B) the direct costs of processing oper-
16 ations (as defined in section 213(a)(3)) per-
17 formed in Haiti or the United States, or both,
18 is not less than 50 percent of the declared customs
19 value of such wire harness automotive component.

20 “(2) WIRE HARNESS AUTOMOTIVE COMPO-
21 NENT.—For purposes of this subsection, the term
22 “wire harness automotive component” means any ar-
23 ticle provided for in subheading 8544.30.00 of the
24 HTS, as in effect on the date of the enactment of

1 the Haitian Hemispheric Opportunity through Part-
2 nership Encouragement Act of 2006.

3 “(d) ELIGIBILITY REQUIREMENTS.—

4 “(1) IN GENERAL.—Haiti shall be eligible for
5 preferential treatment under this section if the
6 President determines and certifies to Congress that
7 Haiti—

8 “(A) has established, or is making con-
9 tinual progress toward establishing—

10 “(i) a market-based economy that pro-
11 tects private property rights, incorporates
12 an open rules-based trading system, and
13 minimizes government interference in the
14 economy through measures such as price
15 controls, subsidies, and government owner-
16 ship of economic assets;

17 “(ii) the rule of law, political plu-
18 ralism, and the right to due process, a fair
19 trial, and equal protection under the law;

20 “(iii) the elimination of barriers to
21 United States trade and investment, in-
22 cluding by—

23 “(I) the provision of national
24 treatment and measures to create an

1 environment conducive to domestic
2 and foreign investment;

3 “(II) the protection of intellectual
4 property; and

5 “(III) the resolution of bilateral
6 trade and investment disputes;

7 “(iv) economic policies to reduce pov-
8 erty, increase the availability of health care
9 and educational opportunities, expand
10 physical infrastructure, promote the devel-
11 opment of private enterprise, and encour-
12 age the formation of capital markets
13 through microcredit or other programs;

14 “(v) a system to combat corruption
15 and bribery, such as signing and imple-
16 menting the Convention on Combating
17 Bribery of Foreign Public Officials in
18 International Business Transactions; and

19 “(vi) protection of internationally rec-
20 ognized worker rights, including the right
21 of association, the right to organize and
22 bargain collectively, a prohibition on the
23 use of any form of forced or compulsory
24 labor, a minimum age for the employment
25 of children, and acceptable conditions of

1 work with respect to minimum wages,
2 hours of work, and occupational safety and
3 health;

4 “(B) does not engage in activities that un-
5 dermine United States national security or for-
6 eign policy interests; and

7 “(C) does not engage in gross violations of
8 internationally recognized human rights or pro-
9 vide support for acts of international terrorism
10 and cooperates in international efforts to elimi-
11 nate human rights violations and terrorist ac-
12 tivities.

13 “(2) TIME LIMIT FOR DETERMINATION.—The
14 President shall determine whether Haiti meets the
15 requirements of paragraph (1) not later than 90
16 days after the date of the enactment of the Haitian
17 Hemispheric Opportunity through Partnership En-
18 couragement Act of 2006.

19 “(3) CONTINUING COMPLIANCE.—If the Presi-
20 dent determines that Haiti is not making continual
21 progress in meeting the requirements described in
22 paragraph (1)(A), the President shall terminate the
23 preferential treatment under this section.

24 “(e) CONDITIONS REGARDING ENFORCEMENT OF
25 CIRCUMVENTION.—

1 “(1) IN GENERAL.—The preferential treatment
2 under subsection (b)(1) shall not apply unless the
3 President certifies to Congress that Haiti is meeting
4 the following conditions:

5 “(A) Haiti has adopted an effective visa
6 system, domestic laws, and enforcement proce-
7 dures applicable to articles described in sub-
8 section (b) to prevent unlawful transshipment
9 of the articles and the use of counterfeit docu-
10 ments relating to the importation of the articles
11 into the United States.

12 “(B) Haiti has enacted legislation or pro-
13 mulgated regulations that would permit the Bu-
14 reau of Customs and Border Protection
15 verification teams to have the access necessary
16 to investigate thoroughly allegations of trans-
17 shipment through such country.

18 “(C) Haiti agrees to report, on a timely
19 basis, at the request of the Bureau of Customs
20 and Border Protection, on the total exports
21 from and imports into that country of articles
22 described in subsection (b), consistent with the
23 manner in which the records are kept by Haiti.

24 “(D) Haiti agrees to cooperate fully with
25 the United States to address and take action

1 necessary to prevent circumvention as provided
2 in Article 5 of the Agreement on Textiles and
3 Clothing.

4 “(E) Haiti agrees to require all producers
5 and exporters of articles described in subsection
6 (b) in that country to maintain complete
7 records of the production and the export of
8 such articles, including materials used in the
9 production, for at least 5 years after the pro-
10 duction or export (as the case may be).

11 “(F) Haiti agrees to report, on a timely
12 basis, at the request of the Bureau of Customs
13 and Border Protection, documentation estab-
14 lishing the country of origin of articles de-
15 scribed in subsection (b) as used by that coun-
16 try in implementing an effective visa system.

17 “(2) DEFINITION OF TRANSSHIPMENT.—Trans-
18 shipment within the meaning of this subsection has
19 occurred when preferential treatment for a textile or
20 apparel article under this section has been claimed
21 on the basis of material false information concerning
22 the country of origin, manufacture, processing, or
23 assembly of the article or any of its components. For
24 purposes of this paragraph, false information is ma-
25 terial if disclosure of the true information would

1 mean or would have meant that the article is or was
2 ineligible for preferential treatment under this sec-
3 tion.

4 “(f) REGULATIONS.—The President shall issue regu-
5 lations to carry out this section not later than 180 days
6 after the date of the enactment of the Haitian Hemi-
7 spheric Opportunity through Partnership Encouragement
8 Act of 2006. The President shall consult with the Com-
9 mittee on Ways and Means of the House of Representa-
10 tives and the Committee on Finance of the Senate in pre-
11 paring such regulations.”.

12 **SEC. 5003. ITC STUDY.**

13 The International Trade Commission shall, not later
14 than 18 months after the date of the enactment of this
15 Act, submit a report to Congress on the effects of the
16 amendments made by this Act on the trade markets and
17 industries, involving textile and apparel articles, of Haiti,
18 the countries described in clauses (ii) and (iii) of section
19 213A(b)(2)(C) of the Caribbean Basin Economic Recovery
20 Act (as added by section 302 of this Act), and the United
21 States.

1 **SEC. 5004. SENSE OF CONGRESS ON INTERPRETATION OF**
2 **TEXTILE AND APPAREL PROVISIONS FOR**
3 **HAITI.**

4 It is the sense of the Congress that the executive
5 branch, particularly the Committee for the Implementa-
6 tion of Textile Agreements (CITA), the Bureau of Cus-
7 toms and Border Protection of the Department of Home-
8 land Security, and the Department of Commerce, should
9 interpret, implement, and enforce the provisions of section
10 213A(b) of the Caribbean Basin Economic Recovery Act,
11 as added by section 302 of this Act, relating to pref-
12 erential treatment of textile and apparel articles, broadly
13 in order to expand trade by maximizing opportunities for
14 imports of such articles from Haiti.

15 **SEC. 5005. TECHNICAL AMENDMENTS.**

16 (a) CBI.—Section 213(b)(2)(A)(v) of the Caribbean
17 Basin Economic Recovery Act (19 U.S.C.
18 2703(b)(2)(A)(v)) is amended by adding at the end the
19 following new subclause:

20 “(III) If the President determines
21 that any fabric or yarn was determined to
22 be eligible for preferential treatment under
23 subclause (I) on the basis of fraud, the
24 President is authorized to remove that des-
25 ignation from that fabric or yarn with re-

1 spect to articles entered after such re-
2 moval.”.

3 (b) ATPA.—Section 204(b)(3)(B) of the Andean
4 Trade Preference Act (19 U.S.C. 3202(b)(3)(B)) is
5 amended by adding at the end the following new clause:

6 “(viii) REMOVAL OF DESIGNATION OF
7 FABRICS OR YARNS NOT AVAILABLE IN
8 COMMERCIAL QUANTITIES.—If the Presi-
9 dent determines that any fabric or yarn
10 was determined to be eligible for pref-
11 erential treatment under clause (i)(III) or
12 (ii) on the basis of fraud, the President is
13 authorized to remove that designation from
14 that fabric or yarn with respect to articles
15 entered after such removal.”.

16 **SEC. 5006. EFFECTIVE DATE.**

17 This title and the amendments made by this title
18 apply to articles entered, or withdrawn from warehouse
19 for consumption, on or after the 15th day after the date
20 of the enactment of this Act.

1 **DIVISION D—MEDICARE, MED-**
 2 **ICAID, AND SCHIP PROVI-**
 3 **SIONS**

4 **SEC. 1. SHORT TITLE OF DIVISION; TABLE OF CONTENTS**
 5 **OF DIVISION.**

6 (a) **SHORT TITLE OF DIVISION.**—This division may
 7 be cited as the “Benefits Extension and Quality Improve-
 8 ment Act of 2006”.

9 (b) **TABLE OF CONTENTS OF DIVISION.**—The table
 10 of contents of this division is as follows:

DIVISION D—MEDICARE, MEDICAID, AND SCHIP PROVISIONS

Sec. 1. Short title of division; table of contents of division.

TITLE I—MEDICARE PROVISIONS

- Sec. 101. Update for Medicare physicians’ services for 2007; quality reporting system; transitional bonus incentive payments for quality reporting in 2007.
- Sec. 102. Extension of floor on Medicare work geographic adjustment.
- Sec. 103. Extension of exceptions process for Medicare therapy caps; supplier status for speech-language pathologists.
- Sec. 104. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
- Sec. 105. Extension of treatment of certain physician pathology services under Medicare.
- Sec. 106. Funding for the Health Care Fraud and Abuse Control Account.
- Sec. 107. Medicare hospital wage index revision.
- Sec. 108. Update to the composite rate component of the basic case-mix adjusted prospective payment system for dialysis services.
- Sec. 109. Revision of Medicare Advantage regional plan stabilization fund.
- Sec. 110. Payment for administration of part D vaccines.
- Sec. 111. Deficit Reduction Act technical corrections relating to title V (Medicare).
- Sec. 112. Access of Congressional support agencies to data on prescription drug plans and Medicare Advantage plans.
- Sec. 113. Extension of payment rule for brachytherapy.
- Sec. 114. Clarification of hospice satellite designation.
- Sec. 115. Elimination of unnecessary reports.
- Sec. 116. Exclusion of certain drugs to be brought across the border.
- Sec. 117. Implementation funding.

TITLE II—MEDICAID AND SCHIP PROVISIONS

- Sec. 201. Deficit Reduction Act technical corrections relating to title VI (Medicaid).
- Sec. 202. Change in threshold for indirect hold harmless provision of broad-based health care taxes.
- Sec. 203. Extension of transitional medical assistance (TMA) and abstinence education program.
- Sec. 204. Redistribution of certain unused SCHIP allotments for fiscal years 2004 and 2005 to reduce funding shortfalls for fiscal year 2007.
- Sec. 205. Tennessee DSH allotment for fiscal year 2007.
- Sec. 206. Elder justice.

1 **TITLE I—MEDICARE PROVISIONS**

2 **SEC. 101. UPDATE FOR MEDICARE PHYSICIANS' SERVICES**

3 **FOR 2007; QUALITY REPORTING SYSTEM;**

4 **TRANSITIONAL BONUS INCENTIVE PAY-**

5 **MENTS FOR QUALITY REPORTING IN 2007.**

6 (a) UPDATE FOR 2007.—

7 (1) IN GENERAL.—Section 1848(d) of the So-
 8 cial Security Act (42 U.S.C. 1395w-4(d)) is
 9 amended—

10 (A) in paragraph (4)(B), in the matter
 11 preceding clause (i), by striking “paragraphs
 12 (5) and (6)” and inserting “paragraphs (5),
 13 (6), and (7)”; and

14 (B) by adding at the end the following new
 15 paragraph:

16 “(7) UPDATE FOR 2007.—The update to the
 17 single conversion factor established in paragraph
 18 (1)(C) for 2007 shall be 0 percent.”.

19 (2) ADJUSTMENT OF RESTRICTION ON UPDATE
 20 ADJUSTMENT FACTOR.—Section 1848(d)(4)(D) of

1 the Social Security Act (42 U.S.C. 1395w–
2 4(d)(4)(D)) is amended—

3 (A) by inserting “(or for 2009, less than
4 -0.13)” after “-0.07”; and

5 (B) by inserting “(or for 2014, greater
6 than 0.04)” after “0.03”.

7 (3) NOT TREATED AS CHANGE IN LAW AND
8 REGULATION IN SUSTAINABLE GROWTH RATE DE-
9 TERMINATION.—The amendments made by para-
10 graphs (1) and (2) shall not be treated as a change
11 in law for purposes of applying section
12 1848(f)(2)(D) of the Social Security Act (42 U.S.C.
13 1395w–4(f)(2)(D)).

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

17 “(k) QUALITY REPORTING SYSTEM.—

18 “(1) IN GENERAL.—The Secretary, acting
19 through the Administrator of the Centers for Medi-
20 care & Medicaid Services (in this subsection referred
21 to as the ‘Administrator’), shall implement a system
22 for the reporting by eligible professionals of informa-
23 tion on quality measures specified under paragraph
24 (2). Such information shall be submitted in a form
25 and manner specified by the Administrator (by pro-

1 gram instruction or otherwise), which may include
2 submission of such information on claims under this
3 part.

4 “(2) USE OF CONSENSUS-BASED QUALITY
5 MEASURES.—

6 “(A) FOR 2007.—

7 “(i) IN GENERAL.—For purposes of
8 applying this subsection for the reporting
9 of information on quality measures for cov-
10 ered professional services furnished during
11 the period beginning July 1, 2007, and
12 ending December 31, 2007, the quality
13 measures specified under this paragraph
14 are the measures identified as 2007 physi-
15 cian quality measures under the Physician
16 Voluntary Reporting Program as published
17 on the public website of the Centers for
18 Medicare & Medicaid Services as of the
19 date of the enactment of this subsection,
20 except as may be changed by the Adminis-
21 trator based on the results of a consensus-
22 process meeting in January of 2007, if
23 such change is published on such website
24 by not later than April 1, 2007.

1 “(ii) SUBSEQUENT REFINEMENTS IN
2 APPLICATION PERMITTED.—The Adminis-
3 trator may, from time to time (but in no
4 case later than July 1, 2007), publish on
5 such website (without notice or opportunity
6 for public comment) modifications or re-
7 finements (such as code additions, correc-
8 tions, or revisions) for the application of
9 quality measures previously published
10 under clause (i), but may not, under this
11 clause, change the quality measures under
12 the reporting system.

13 “(iii) IMPLEMENTATION.—Notwith-
14 standing any other provision of law, the
15 Administrator may implement by program
16 instruction or otherwise this subsection for
17 2007.

18 “(B) FOR 2008.—

19 “(i) IN GENERAL.—For purposes of
20 reporting, for services furnished during
21 2008, the quality measures specified under
22 this paragraph with respect to covered pro-
23 fessional services shall be measures that
24 have been adopted or endorsed by a con-
25 sensus organization (such as the National

1 Quality Forum or AQA), that may include
2 measures that have been submitted by a
3 physician specialty, and that the Adminis-
4 trator identifies as having used a con-
5 sensus-based process for developing such
6 measures.

7 “(ii) PROPOSED SET OF MEASURES.—
8 Not later than August 15, 2007, the Ad-
9 ministrator shall publish in the Federal
10 Register a proposed set of quality meas-
11 ures that the Administrator determines are
12 described in clause (i) and would be appro-
13 priate for eligible professionals to use to
14 submit data to the Administrator in 2008.
15 The Administrator shall provide for a pe-
16 riod of public comment on such set of
17 measures.

18 “(iii) FINAL SET OF MEASURES.—Not
19 later than November 15, 2007, the Admin-
20 istrator shall publish in the Federal Reg-
21 ister a final set of quality measures that
22 the Administrator determines are described
23 in clause (i) and would be appropriate for
24 eligible professionals to use to submit data
25 to the Administrator in 2008.

1 “(3) COVERED PROFESSIONAL SERVICES AND
2 ELIGIBLE PROFESSIONALS DEFINED.—For purposes
3 of this subsection:

4 “(A) COVERED PROFESSIONAL SERV-
5 ICES.—The term ‘covered professional services’
6 means services for which payment is made
7 under, or is based on, the fee schedule estab-
8 lished under this section and which are fur-
9 nished by an eligible professional.

10 “(B) ELIGIBLE PROFESSIONAL.—The term
11 ‘eligible professional’ means any of the fol-
12 lowing:

13 “(i) A physician.

14 “(ii) A practitioner described in sec-
15 tion 1842(b)(18)(C).

16 “(iii) A physical therapist, an occupa-
17 tional therapist, or a qualified speech-lan-
18 guage pathologist

19 “(4) REQUIREMENTS FOR 2008 PROPOSED AND
20 FINAL RULE.—

21 “(A) USE OF REGISTRY-BASED REPORT-
22 ING.—As part of the publication of proposed
23 and final quality measures for 2008 under
24 clauses (ii) and (iii) of paragraph (2)(B), the
25 Administrator shall address a mechanism

1 whereby an eligible professional may provide
2 data on quality measures through an appro-
3 priate medical registry (such as the Society of
4 Thoracic Surgeons National Database), as iden-
5 tified by the Administrator.

6 “(B) STRUCTURAL MEASURES.—As part of
7 the publication of proposed and final quality
8 measures for 2008 under clauses (ii) and (iii)
9 of paragraph (2)(B), the Administrator shall
10 adopt structural measures—

11 “(i) that reflect consensus among af-
12 fected parties and that report on an eligi-
13 ble professional’s use of health information
14 technology infrastructure that facilitates
15 the accurate, effective, and secure ex-
16 change or coordination of health informa-
17 tion, including the use of electronic health
18 records and electronic prescribing tech-
19 nology; and

20 “(ii) set forth by one or more national
21 consensus building entities.

22 “(5) IDENTIFICATION UNITS.—For purposes of
23 applying this subsection, the Administrator may
24 identify eligible professionals through billing units,
25 which may include the use of the Provider Identi-

1 fication Number, the unique physician identification
2 number (described in section 1833(q)(1)), the tax-
3 payer identification number, or the National Pro-
4 vider Identifier. For purposes of applying this sub-
5 section for 2007, the Administrator shall use the
6 taxpayer identification number as the billing unit.

7 “(6) EDUCATION AND OUTREACH.—The Sec-
8 retary shall provide for education and outreach to el-
9 igible professionals on the operation of this sub-
10 section.

11 “(7) LIMITATIONS ON REVIEW.—There shall be
12 no administrative or judicial review under section
13 1869, section 1878, or otherwise, of the development
14 and implementation of the reporting system under
15 paragraph (1), including identification of quality
16 measures under paragraph (2) and the application
17 of paragraphs (4) and (5).”.

18 (c) TRANSITIONAL BONUS INCENTIVE PAYMENTS
19 FOR QUALITY REPORTING IN 2007.—

20 (1) IN GENERAL.—With respect to covered pro-
21 fessional services furnished during a reporting period
22 described in paragraph (7)(D) by an eligible profes-
23 sional, if—

24 (A) there are any quality measures that
25 have been established under the physician re-

1 porting system that are applicable to any such
2 services furnished by such professional for such
3 period, and

4 (B) the eligible professional satisfactorily
5 submits (as determined under paragraph (2)) to
6 the Administrator data on such quality meas-
7 ures in accordance with such reporting system
8 for such reporting period,

9 in addition to the amount otherwise paid under part
10 B of title XVIII of the Social Security Act, subject
11 to paragraph (3), there shall also be paid to the eli-
12 gible professional (or to an employer or facility in
13 the cases described in subparagraph (A) of section
14 1842(b)(6) of the Social Security Act, 42 U.S.C.
15 1395u(b)(6)) from the Federal Supplementary Med-
16 ical Insurance Trust Fund established under section
17 1841 of such Act (42 U.S.C. 1395t) an amount
18 equal to 1.5 percent of the Administrator's estimate
19 (based on claims submitted not later than two
20 months after the end of the reporting period) of the
21 allowed charges under such part for all such covered
22 professional services furnished during the reporting
23 period.

24 (2) SATISFACTORY REPORTING DESCRIBED.—

25 For purposes of paragraph (1), an eligible profes-

1 sional shall be treated as satisfactorily submitting
2 data on quality measures for covered professional
3 services for a reporting period if quality measures
4 have been reported as follows:

5 (A) THREE OR FEWER QUALITY MEASURES
6 APPLICABLE.—If there are no more than 3
7 quality measures that are provided under the
8 physician reporting system and that are appli-
9 cable to such services of such professional fur-
10 nished during the period, each such quality
11 measure has been reported under such system
12 in at least 80 percent of the cases in which
13 such measure is reportable under the system.

14 (B) FOUR OR MORE QUALITY MEASURES
15 APPLICABLE.—If there are 4 or more quality
16 measures that are provided under the physician
17 reporting system and that are applicable to
18 such services of such professional furnished
19 during the period, at least 3 such quality meas-
20 ures have been reported under such system in
21 at least 80 percent of the cases in which the re-
22 spective measure is reportable under the sys-
23 tem.

24 (3) PAYMENT LIMITATION.—

1 (A) IN GENERAL.—In no case shall the
2 total payment made to an eligible professional
3 (or to an employer or facility in the cases de-
4 scribed in subparagraph (A) of section
5 1842(b)(6) of the Social Security Act, 42
6 U.S.C. 1395u(b)(6)) under this subsection ex-
7 ceed the product of—

8 (i) the total number of quality meas-
9 ures for which data are submitted under
10 the physician reporting system for covered
11 professional services of such professional
12 that are furnished during the reporting pe-
13 riod; and

14 (ii) 300 percent of the average per
15 measure payment amount specified in sub-
16 paragraph (B).

17 (B) AVERAGE PER MEASURE PAYMENT
18 AMOUNT SPECIFIED.—The average per measure
19 payment amount specified in this subparagraph
20 is an amount, estimated by the Administrator
21 (based on claims submitted not later than two
22 months after the end of the reporting period),
23 equal to—

24 (i) the total of the amount of allowed
25 charges under part B of title XVIII of the

1 Social Security Act for all covered profes-
2 sional services furnished during the report-
3 ing period on claims for which quality
4 measures are reported under such system;
5 divided by

6 (ii) the total number of quality meas-
7 ures for which data are reported under the
8 physician reporting system for covered pro-
9 fessional services furnished during the re-
10 porting period.

11 (4) FORM OF PAYMENT.—The payment under
12 this subsection shall be in the form of a single con-
13 solidated payment.

14 (5) APPLICATION.—

15 (A) PHYSICIAN REPORTING SYSTEM
16 RULES.—Paragraphs (5) and (6) of section
17 1848(k) of the Social Security Act, as added by
18 subsection (b), shall apply for purposes of this
19 subsection in the same manner as they apply
20 for purposes of such section.

21 (B) COORDINATION WITH OTHER BONUS
22 PAYMENTS.—The provisions of this subsection
23 shall not be taken into account in applying sub-
24 sections (m) and (u) of section 1833 of the So-
25 cial Security Act (42 U.S.C. 1395l) and the

1 provisions of such subsections (m) and (u) shall
2 not be taken into account in applying this sub-
3 section.

4 (C) IMPLEMENTATION.—Notwithstanding
5 any other provision of law, the Administrator
6 may implement by program instruction or oth-
7 erwise this subsection.

8 (D) LIMITATION ON REVIEW.—

9 (i) REPORTING SYSTEM RULE.—Para-
10 graph (7) of section 1848(k) of the Social
11 Security Act, as added by subsection (b),
12 shall apply for purposes of this subsection
13 in the same manner as such paragraph ap-
14 plies for purposes of such section.

15 (ii) OTHER PROVISIONS.—There shall
16 be no administrative or judicial review
17 under section 1869, section 1878, or other-
18 wise, of the determination of measures ap-
19 plicable to services furnished by eligible
20 professionals under this subsection, the de-
21 termination of satisfactory reporting under
22 paragraph (2), the determination of the
23 payment limitation under paragraph (3),
24 or the determination of the bonus incentive
25 payment under this subsection.

1 (iii) DETERMINATIONS.—A deter-
2 mination under this subsection shall not be
3 treated as a determination for purposes of
4 section 1869 of the Social Security Act (42
5 U.S.C. 1395ff).

6 (6) VALIDATION.—Subject to the succeeding
7 provisions of this paragraph, for purposes of deter-
8 mining whether a measure is applicable to covered
9 professional services of an eligible professional under
10 paragraph (2), the Administrator shall presume that
11 if an eligible professional submits data for a meas-
12 ure, such measure is applicable to such professional.
13 The Administrator shall validate (by sampling or
14 other means as the Administrator determines to be
15 appropriate) to determine if an eligible professional
16 reports measures applicable to such services. If the
17 Administrator determines that an eligible profes-
18 sional has not reported measures applicable to such
19 services, the Administrator shall not pay the bonus
20 incentive payment.

21 (7) DEFINITIONS.—For purposes of this sub-
22 section:

23 (A) ADMINISTRATOR.—The term “Admin-
24 istrator” means the Secretary of Health and
25 Human Services, acting through the Adminis-

1 trator of the Centers for Medicare & Medicaid
2 Services.

3 (B) ELIGIBLE PROFESSIONAL; COVERED
4 PROFESSIONAL SERVICES.—The terms “eligible
5 professional” and “covered professional serv-
6 ices” have the meanings given such terms in
7 section 1848(k)(3) of the Social Security Act,
8 as added by subsection (b).

9 (C) PHYSICIAN REPORTING SYSTEM.—The
10 term “physician reporting system” means the
11 system established under section 1848(k) of the
12 Social Security Act, as added by subsection (b).

13 (D) REPORTING PERIOD.—The term “re-
14 porting period” means the period beginning on
15 July 1, 2007, and ending on December 31,
16 2007.

17 (d) IMPLEMENTATION.—To carry out section
18 1848(k) of the Social Security Act, as added by subsection
19 (b), and subsection (c), out of any funds in the Treasury
20 not otherwise appropriated, there are appropriated to the
21 Secretary of Health and human Services for the Centers
22 for Medicare & Medicaid Services Program Management
23 Account, \$65,000,000 for the period of fiscal years 2007
24 and 2008.

1 **SEC. 102. EXTENSION OF FLOOR ON MEDICARE WORK GEO-**
2 **GRAPHIC ADJUSTMENT.**

3 Section 1848(e)(1)(E) of the Social Security Act (42
4 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before
5 January 1, 2007” and inserting “before January 1,
6 2008”.

7 **SEC. 103. EXTENSION OF EXCEPTIONS PROCESS FOR MEDI-**
8 **CARE THERAPY CAPS; SUPPLIER STATUS FOR**
9 **SPEECH-LANGUAGE PATHOLOGISTS.**

10 (a) IN GENERAL.—Section 1833(g)(5) of the Social
11 Security Act (42 U.S.C. 1395l(g)(5)) is amended by strik-
12 ing “2006” and inserting “the period beginning on Janu-
13 ary 1, 2006, and ending on December 31, 2007,”.

14 (b) SUPPLIER STATUS FOR SPEECH-LANGUAGE PA-
15 THOLOGISTS.—

16 (1) IN GENERAL.—Section 1861 of the Social
17 Security Act (42 U.S.C. 1395x) is amended—

18 (A) in subsection (p), by striking the
19 fourth sentence; and

20 (B) in subsection (ll), by adding at the end
21 the following new paragraph:

22 “(4) The term ‘outpatient speech-language pathology
23 services’ shall have the meaning given the term ‘outpatient
24 physical therapy services’ under subsection (p), except
25 that in applying such meaning for purposes of this para-
26 graph, each reference to ‘physical therapist’ and ‘physical

1 therapy’ shall be deemed a reference to ‘speech-language
2 pathologist’ and ‘speech-language pathology’, respec-
3 tively.”.

4 (2) CONFORMING AMENDMENTS.—Section 1833
5 of such Act (42 U.S.C. 1395l) is amended—

6 (A) in each of subparagraphs (A) and (B)
7 of subsection (a)(8), by striking “(which in-
8 cludes outpatient speech-language pathology
9 services)” and inserting “, outpatient speech-
10 language pathology services,”; and

11 (B) in subsection (g)(1)—

12 (i) by inserting “and speech-language
13 pathology services” after “physical therapy
14 services” each place it appears; and

15 (ii) by striking “section 1861(p)” and
16 inserting “sections 1861(p) and
17 1861(ll)(4), respectively,”.

18 (3) EFFECTIVE DATE.—The amendments made
19 by paragraphs (1) and (2) shall apply to services
20 furnished on or after July 1, 2007.

21 (4) CONSTRUCTION.—Nothing in this sub-
22 section shall be construed to affect existing regula-
23 tions and policies of the Centers for Medicare &
24 Medicaid Services that require physician oversight of
25 care as a condition of payment for speech-language

1 pathology services under part B of title XVIII of the
2 Social Security Act.

3 **SEC. 104. EXTENSION OF MEDICARE REASONABLE COSTS**
4 **PAYMENTS FOR CERTAIN CLINICAL DIAG-**
5 **NOSTIC LABORATORY TESTS FURNISHED TO**
6 **HOSPITAL PATIENTS IN CERTAIN RURAL**
7 **AREAS.**

8 Effective as if included in the enactment of section
9 416 of the Medicare Prescription Drug, Improvement, and
10 Modernization Act of 2003 (42 U.S.C. 1395l-4), sub-
11 section (b) of such section is amended by striking “2-year
12 period” and inserting “3-year period”.

13 **SEC. 105. EXTENSION OF TREATMENT OF CERTAIN PHYSI-**
14 **CIAN PATHOLOGY SERVICES UNDER MEDI-**
15 **CARE.**

16 Section 542(c) of the Medicare, Medicaid, and
17 SCHIP Benefits Improvement and Protection Act of 2000
18 (as enacted into law by section 1(a)(6) of Public Law 106-
19 554), as amended by section 732 of the Medicare Prescrip-
20 tion Drug, Improvement, and Modernization Act of 2003
21 (Public Law 108-173), is amended by striking “and
22 2006” and inserting “, 2006, and 2007”.

1 **SEC. 106. FUNDING FOR THE HEALTH CARE FRAUD AND**
2 **ABUSE CONTROL ACCOUNT.**

3 (a) DEPARTMENTS OF HEALTH AND HUMAN SERV-
4 ICES AND JUSTICE.—

5 (1) IN GENERAL.—Section 1817(k)(3)(A)(i) of
6 the Social Security Act (42 U.S.C.
7 1395i(k)(3)(A)(i)) is amended—

8 (A) in the matter preceding subclause (I),
9 by inserting “until expended” after “without
10 further appropriation”;

11 (B) in subclause (II), by striking “and” at
12 the end;

13 (C) in subclause (III)—

14 (i) by striking “for each fiscal year
15 after fiscal year 2003” and inserting “for
16 each of fiscal years 2004, 2005, and
17 2006”; and

18 (ii) by striking the period at the end
19 and inserting “; and”; and

20 (D) by adding at the end the following new
21 subclause:

22 “(IV) for each fiscal year after
23 2006, the limit under this clause for
24 the preceding fiscal year, increased by
25 the percentage increase in the con-
26 sumer price index for all urban con-

1 sumers (all items; United States city
2 average) over the previous year.”.

3 (2) OFFICE OF THE INSPECTOR GENERAL OF
4 THE DEPARTMENT OF HEALTH AND HUMAN SERV-
5 ICES.—Section 1817(k)(3)(A)(ii) of the Social Secu-
6 rity Act (42 U.S.C. 1395i(k)(3)(A)(ii)) is
7 amended—

8 (A) in subclause (VI), by striking “and” at
9 the end;

10 (B) in subclause (VII)—

11 (i) by striking “for each fiscal year
12 after fiscal year 2002” and inserting “for
13 each of fiscal years 2003, 2004, 2005, and
14 2006”; and

15 (ii) by striking the period at the end
16 and inserting a semicolon; and

17 (C) by adding at the end the following new
18 subclauses:

19 “(VIII) for fiscal year 2007, not
20 less than \$160,000,000, increased by
21 the percentage increase in the con-
22 sumer price index for all urban con-
23 sumers (all items; United States city
24 average) over the previous year; and

1 subparagraph for the preceding fiscal year,
2 increased by the percentage increase in the
3 consumer price index for all urban con-
4 sumers (all items; United States city aver-
5 age) over the previous year.”.

6 **SEC. 107. MEDICARE HOSPITAL WAGE INDEX REVISION.**

7 (a) CORRECTION OF MID-YEAR RECLASSIFICATION
8 EXPIRATION.—Notwithstanding any other provision of
9 law, in the case of a subsection (d) hospital (as defined
10 for purposes of section 1886 of the Social Security Act
11 (42 U.S.C. 1395ww)) with respect to which a reclassifica-
12 tion of its wage index for purposes of such section would
13 (but for this subsection) expire on March 31, 2007, such
14 reclassification of such hospital shall be extended through
15 September 30, 2007.

16 (b) MEDPAC REPORT.—

17 (1) IN GENERAL.—The Medicare Payment Ad-
18 visory Commission shall submit to Congress, by not
19 later than June 30, 2007, a report on its study of
20 the wage index classification system applied under
21 Medicare prospective payment systems, including
22 under section 1886(d)(3)(E) of the Social Security
23 Act (42 U.S.C. 1395ww(d)(3)(E)). Such report shall
24 include any alternatives the Commission rec-

1 ommends to the method to compute the wage index
2 under such section.

3 (2) FUNDING.—Out of any funds in the Treas-
4 ury not otherwise appropriated, there are appro-
5 priated to the Medicare Payment Advisory Commis-
6 sion, \$2,000,000 for fiscal year 2007 to carry out
7 this subsection.

8 **SEC. 108. UPDATE TO THE COMPOSITE RATE COMPONENT**
9 **OF THE BASIC CASE-MIX ADJUSTED PRO-**
10 **SPECTIVE PAYMENT SYSTEM FOR DIALYSIS**
11 **SERVICES.**

12 Section 1881(b)(12)(G) of the Social Security Act
13 (42 U.S.C. 1395rr(b)(12)(G)) is amended to read as fol-
14 lows:

15 “(G) The Secretary shall increase the amount of the
16 composite rate component of the basic case-mix adjusted
17 system under subparagraph (B) for dialysis services—

18 “(i) furnished on or after January 1, 2006, and
19 before April 1, 2007, by 1.6 percent above the
20 amount of such composite rate component for such
21 services furnished on December 31, 2005; and

22 “(ii) furnished on or after April 1, 2007, by 1.6
23 percent above the amount of such composite rate
24 component for such services furnished on March 31,
25 2007.”.

1 **SEC. 109. REVISION OF MEDICARE ADVANTAGE REGIONAL**
2 **PLAN STABILIZATION FUND.**

3 (a) INITIAL FUNDING.—Section 1858(e)(2)(A)(i) of
4 the Social Security Act (42 U.S.C. 1395w–
5 27a(e)(2)(A)(i)) is amended to read as follows:

6 “(i) IN GENERAL.—There shall be
7 available to the Fund—

8 “(I) for expenditures from the
9 Fund during fiscal year 2011, a total
10 of \$770,000,000; and

11 “(II) for expenditures from the
12 Fund during the period beginning on
13 October 1, 2011, and ending on De-
14 cember 31, 2013, a total of
15 \$3,500,000,000.”.

16 (b) ADDITIONAL FUNDING FROM SAVINGS.—Section
17 1858(e)(2)(B)(i) of the Social Security Act (42 U.S.C.
18 1395w–27a(e)(2)(B)(i)) is amended by adding at the end
19 the following new sentence: “Amounts shall accrue to the
20 Fund under the preceding sentence during the period be-
21 ginning on January 1, 2007, and ending on December 31,
22 2013, but such amounts shall only be available for expend-
23 iture during the period beginning on October 1, 2011, and
24 ending on December 31, 2013.”.

25 (c) EFFECTIVE DATE.—The amendments made by
26 this section shall take effect as if included in the enact-

1 ment of section 221(c) of the Medicare Prescription Drug,
2 Improvement, and Modernization Act of 2003 (Public Law
3 108–173; 117 Stat. 2181).

4 **SEC. 110. PAYMENT FOR ADMINISTRATION OF PART D VAC-**
5 **CINES.**

6 (a) **TRANSITION FOR 2007.**—Notwithstanding any
7 other provision of law, in the case of a vaccine that is a
8 covered part D drug under section 1860D-2(e) of the So-
9 cial Security Act (42 U.S.C. 1395w-102(e)) and that is
10 administered during 2007, the administration of such vac-
11 cine shall be paid under part B of title XVIII of such Act
12 as if it were the administration of a vaccine described in
13 section 1861(s)(10)(B) of such Act (42 U.S.C.
14 1395w(s)(10)(B)).

15 (b) **ADMINISTRATION INCLUDED IN COVERAGE OF**
16 **COVERED PART D DRUGS BEGINNING IN 2008.**—Section
17 1860D–2(e)(1) of the Social Security Act (42 U.S.C.
18 1395w–102(e)(1)) is amended, in the matter following
19 subparagraph (B), by inserting “(and, for vaccines admin-
20 istered on or after January 1, 2008, its administration)”
21 after “Public Health Service Act”.

22 **SEC. 111. DEFICIT REDUCTION ACT TECHNICAL CORREC-**
23 **TIONS RELATING TO TITLE V (MEDICARE).**

24 (a) **CORRECTION OF MARGIN (SECTION 5001).**—Sec-
25 tion 1886(b)(3)(B) of the Social Security Act (42 U.S.C.

1 1395ww(b)(3)(B)), as amended by section 5001(a) of the
2 Deficit Reduction Act of 2005 (Public Law 109–171), is
3 amended by moving clause (viii) (including subclauses (I)
4 through (VII) of such clause) 6 ems to the left.

5 (b) INCLUSION OF REQUIRED REPORTS ON HOS-
6 PITAL BASED PURCHASING THAT WERE STRUCK BE-
7 CAUSE OF THE BYRD RULE (SECTION 5001).—

8 (1) IN GENERAL.—Section 5001(b) of the Def-
9 icit Reduction Act of 2005 (Public Law 109–171) is
10 amended by adding at the end the following new
11 paragraphs:

12 “(3) CONGRESSIONAL REPORT.—By not later
13 than August 1, 2007, the Secretary of Health and
14 Human Services shall submit a report to Congress
15 on the plan for the value based purchasing program
16 developed under this subsection.

17 “(4) MEDPAC REPORT ON HOSPITAL VALUE
18 BASED PURCHASING PROGRAM.—

19 “(A) IN GENERAL.—By not later than
20 June 1, 2007, the Medicare Payment Advisory
21 Commission shall submit to Congress a report
22 that includes detailed recommendations on a
23 structure of value based payment adjustments
24 for hospital services under the Medicare pro-

1 gram under title XVIII of the Social Security
2 Act.

3 “(B) CONTENTS.—Such report shall in-
4 clude the following:

5 “(i) Determinations of the thresholds,
6 the size of payments, the sources of funds,
7 and the relationship of payments to im-
8 provement and attainment of quality.

9 “(ii) An analysis of hospital efficiency
10 measures, such as costs per discharge and
11 related services within an episode of care,
12 including payments for physicians’ services
13 associated with the discharge or episode of
14 care.

15 “(iii) An identification of other
16 changes that are needed within the pay-
17 ment structure under section 1886(d) of
18 the Social Security Act (42 U.S.C.
19 1395ww(d)) to assure consistency between
20 such structure and the value based pay-
21 ment program.”.

22 (2) ELIMINATION OF DUPLICATIVE LAN-
23 GUAGE.—Section 1886(b)(3)(B)(viii)(I) of the Social
24 Security Act (42 U.S.C. 1395ww(b)(3)(B)(viii)(I)),
25 as added by section 5001(a) of the Deficit Reduction

1 Act of 2005 (Public Law 109–171), is amended by
2 striking “, and the Secretary and the Medicare Pay-
3 ment Advisory Commission shall carry out the re-
4 quirements under section 5001(b) of the Deficit Re-
5 duction Act of 2005”.

6 (c) DETERMINATION OF MEDICAID PATIENT DAYS
7 FOR DSH COMPUTATION (SECTION 5002).—

8 (1) IN GENERAL.—Section 5002 of the Deficit
9 Reduction Act of 2005 (Public Law 109–171) is
10 amended by adding at the end the following new
11 subsection:

12 “(c) DETERMINATION OF MEDICAID PATIENT DAYS
13 FOR DISCHARGES OCCURRING ON OR AFTER THE DATE
14 OF ENACTMENT OF THIS SUBSECTION.—For discharges
15 occurring on or after the date of enactment of this sub-
16 section, in determining under section
17 1886(d)(5)(F)(vi)(II) of the Social Security Act (42
18 U.S.C. 1395ww(d)(5)(F)(vi)(II)) the number of the hos-
19 pital’s patient days for the applicable cost reporting period
20 which consist of patients who (for such days) were eligible
21 for medical assistance under a State plan approved under
22 title XIX, the Secretary shall include patient days of pa-
23 tients who are eligible to receive inpatient hospital benefits
24 under a demonstration project approved under title XI
25 and shall not include patient days under such a project

1 if the patient is not eligible to receive inpatient hospital
2 benefits under the project.”.

3 (2) CONFORMING AMENDMENT.—The last sen-
4 tence of section 1886(d)(5)(F)(vi) of the Social Se-
5 curity Act (42 U.S.C. 1395ww(d)(5)(F)(vi)), as
6 added by section 5002(a) of the Deficit Reduction
7 Act of 2005 (Public Law 109–171), is amended by
8 striking “In determining under subclause (II)” and
9 inserting “Subject to section 5002(c) of the Deficit
10 Reduction Act of 2005, in determining under sub-
11 clause (II)”.

12 (3) EFFECTIVE DATE.—The amendments made
13 by this subsection shall take effect on the date of en-
14 actment of this Act.

15 (d) REFERENCE CORRECTION (SECTION 5114).—
16 Section 5114(a)(2) of the Deficit Reduction Act of 2005
17 (Public Law 109–171), in the matter preceding subpara-
18 graph (A), is amended by striking “1842(b)(6)(F) of such
19 Act (42 U.S.C. 1395u(b)(6)(F))” and inserting
20 “1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6))”.

21 (e) CLARIFICATIONS REGARDING THE RURAL PACE
22 PROVIDER GRANT PROGRAM (SECTION 5302).—Section
23 5302(c)(7) of the Deficit Reduction Act of 2005 (42
24 U.S.C. 1395eee note) is amended to read as follows:

25 “(7) APPROPRIATION.—

1 “(A) IN GENERAL.—Out of funds in the
2 Treasury not otherwise appropriated, there are
3 appropriated to the Secretary \$10,000,000 to
4 carry out this subsection for the period of fiscal
5 years 2006 through 2010.

6 “(B) AVAILABILITY.—Funds appropriated
7 under subparagraph (A) shall remain available
8 for obligation through fiscal year 2010.”.

9 (f) EFFECTIVE DATE.—Except as provided in sub-
10 section (c), the amendments made by this section shall
11 take effect as if included in the enactment of the Deficit
12 Reduction Act of 2005 (Public Law 109–171).

13 **SEC. 112. ACCESS OF CONGRESSIONAL SUPPORT AGENCIES**
14 **TO DATA ON PRESCRIPTION DRUG PLANS**
15 **AND MEDICARE ADVANTAGE PLANS.**

16 Section 1875 of the Social Security Act (42 U.S.C.
17 1395ll) is amended—

18 (1) in the heading, by inserting “TO CONGRESS;
19 PROVIDING PART D INFORMATION TO CONGRES-
20 SIONAL SUPPORT AGENCIES” after “AND REC-
21 OMMENDATIONS”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(c) PROVIDING PART D INFORMATION TO CON-
25 GRESSIONAL SUPPORT AGENCIES.—

1 “(1) IN GENERAL.—Notwithstanding any provi-
2 sion under part D that limits the use of prescription
3 drug data collected under such part, upon the re-
4 quest of a Congressional support agency, the Sec-
5 retary shall provide such agency with information
6 submitted to, or compiled by, the Secretary under
7 part D (subject to paragraphs (2) and (3)),
8 including—

9 “(A) aggregate negotiated concessions on
10 prices for drugs covered under prescription
11 drug plans and MA–PD plans; and

12 “(B) bid information (described in section
13 1860D–11(b)(2)(C)) submitted for such plans.

14 “(2) APPLICATION OF DATA DISCLOSURE PRO-
15 HIBITIONS.—Data provided to a Congressional sup-
16 port agency under this subsection shall not be dis-
17 closed by such agency in cases where such disclosure
18 by the Secretary would be prohibited under applica-
19 ble Federal law.

20 “(3) SAFEGUARDING DATA.—Each congres-
21 sional support agency shall adopt and maintain rea-
22 sonable safeguards to protect against the unauthor-
23 ized disclosure of data provided under this sub-
24 section. Such safeguards shall be no less stringent

1 than those adopted by the Secretary to protect
2 against the unauthorized disclosure of such data.

3 “(4) CONGRESSIONAL SUPPORT AGENCY DE-
4 FINED.—In this subsection, the term ‘Congressional
5 support agency’ means—

6 “(A) the Medicare Payment Advisory Com-
7 mission;

8 “(B) the Congressional Research Service;

9 “(C) the Congressional Budget Office; and

10 “(D) the Government Accountability Of-
11 fice.

12 “(5) RULE OF CONSTRUCTION.—Nothing in
13 this subsection shall be construed to limit the ability
14 of a Congressional support agency to obtain infor-
15 mation not described in paragraph (1).”.

16 **SEC. 113. EXTENSION OF PAYMENT RULE FOR**
17 **BRACHYTHERAPY.**

18 Section 1833(t)(16)(C) of the Social Security Act (42
19 U.S.C. 1395l(t)(16)(C)) is amended by striking “January
20 1, 2007” and inserting “January 1, 2008”.

21 **SEC. 114. CLARIFICATION OF HOSPICE SATELLITE DES-**
22 **IGNATION.**

23 Notwithstanding any other provision of law, for pur-
24 poses of calculating the hospice aggregate payment cap for
25 2004, 2005, and 2006 for a hospice program under sec-

1 tion 1814(i)(2)(A) of the Social Security Act (42 U.S.C.
2 1395f(i)(2)(A)) for hospice care provided on or after No-
3 vember 1, 2003, and before December 27, 2005, Medicare
4 provider number 29-1511 is deemed to be a multiple loca-
5 tion of Medicare provider number 29-1500.

6 **SEC. 115. ELIMINATION OF UNNECESSARY REPORTS.**

7 Section 1886 of the Social Security Act (42 U.S.C.
8 1395ww) is amended—

9 (1) in subsection (d)(4)(C), by striking clause
10 (iv); and

11 (2) in subsection (e), by striking paragraph (3).

12 **SEC. 116. EXCLUSION OF CERTAIN DRUGS TO BE BROUGHT**
13 **ACROSS THE BORDER.**

14 (a) IN GENERAL.—Section 535 of the Department of
15 Homeland Security Appropriations Act, 2007 (Public Law
16 109–295), in the second proviso, is amended—

17 (1) in paragraph (1), by striking “or” at the
18 end; and

19 (2) in paragraph (2), by striking the period at
20 the end and inserting the following: “, including—

21 “(A) a therapeutic DNA plasmid product;

22 “(B) a therapeutic synthetic peptide prod-
23 uct;

24 “(C) a monoclonal antibody product for in
25 vivo use; and

1 “(D) a therapeutic recombinant DNA-de-
2 rived product;

3 “(3) an infused drug, including a peritoneal di-
4 alysis solution;

5 “(4) an injected drug;

6 “(5) a drug that is inhaled during surgery;

7 “(6) a drug that is the listed drug referred to
8 in 2 or more abbreviated new drug applications
9 under which the drug is commercially marketed; or

10 “(7) a sterile ophthalmic drug intended for top-
11 ical use on or in the eye.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall take effect as if included in the enact-
14 ment of such section 535.

15 **SEC. 117. IMPLEMENTATION FUNDING.**

16 For purposes of implementing the provisions of, and
17 amendments made by, this title (excluding section 116),
18 out of any funds in the Treasury not otherwise appro-
19 priated, there are appropriated to the Secretary of Health
20 and Human Services for the Centers for Medicare & Med-
21 icaid Services Program Management Account,
22 \$45,000,000 for the period of fiscal years 2007 and 2008.

1 **TITLE II—MEDICAID AND SCHIP**
2 **PROVISIONS**

3 **SEC. 201. DEFICIT REDUCTION ACT TECHNICAL CORREC-**
4 **TIONS RELATING TO TITLE VI (MEDICAID).**

5 (a) STATE FLEXIBILITY IN BENEFIT PACKAGES
6 (SECTION 6044).—

7 (1) CLARIFICATION OF REQUIREMENT TO PRO-
8 VIDE EPSDT SERVICES FOR ALL CHILDREN IN
9 BENCHMARK BENEFIT PACKAGES.—Section
10 1937(a)(1) of the Social Security Act, as inserted by
11 section 6044(a) of the Deficit Reduction Act of
12 2005, is amended—

13 (A) in subparagraph (A)—

14 (i) in the matter before clause (i), by
15 striking “enrollment in coverage that pro-
16 vides” and inserting “coverage that”;

17 (ii) in clause (i), by inserting “pro-
18 vides” after “(i)”; and

19 (iii) by striking clause (ii) and insert-
20 ing the following:

21 “(ii) for any individual described in
22 section 1905(a)(4)(B) who is eligible under
23 the State plan in accordance with para-
24 graphs (10) and (17) of section 1902(a),
25 consists of the items and services described

1 in section 1905(a)(4)(B) (relating to early
2 and periodic screening, diagnostic, and
3 treatment services defined in section
4 1905(r)) and provided in accordance with
5 the requirements of section 1902(a)(43).”;
6 (B) in subparagraph (C)—

7 (i) in the heading, by striking “WRAP-
8 AROUND” and inserting “ADDITIONAL”;
9 and

10 (ii) by striking “wrap-around or”; and
11 (C) by adding at the end the following new
12 subparagraph:

13 “(E) RULE OF CONSTRUCTION.—Nothing
14 in this paragraph shall be construed as—

15 “(i) requiring a State to offer all or
16 any of the items and services required by
17 subparagraph (A)(ii) through an issuer of
18 benchmark coverage described in sub-
19 section (b)(1) or benchmark equivalent
20 coverage described in subsection (b)(2); or

21 “(ii) preventing a State from offering
22 all or any of the items and services re-
23 quired by subparagraph (A)(ii) through an
24 issuer of benchmark coverage described in

1 subsection (b)(1) or benchmark equivalent
2 coverage described in subsection (b)(2).”.

3 (2) CORRECTION OF REFERENCE TO CHILDREN
4 IN FOSTER CARE RECEIVING CHILD WELFARE SERV-
5 ICES.—Section 1937(a)(2)(B)(viii) of the Social Se-
6 curity Act, as inserted by section 6044(a) of the
7 Deficit Reduction Act of 2005, is amended by strik-
8 ing “aid or assistance is made available under part
9 B of title IV to children in foster care and individ-
10 uals” and inserting “child welfare services are made
11 available under part B of title IV on the basis of
12 being a child in foster care or”.

13 (3) TRANSPARENCY.—Section 1937 of the So-
14 cial Security Act, as inserted by section 6044(a) of
15 the Deficit Reduction Act of 2005, is amended by
16 adding at the end the following:

17 “(c) PUBLICATION OF PROVISIONS AFFECTED.—Not
18 later than 30 days after the date the Secretary approves
19 a State plan amendment to provide benchmark benefits
20 in accordance with subsections (a) and (b), the Secretary
21 shall publish in the Federal Register and on the Internet
22 website of the Centers for Medicare & Medicaid Services,
23 a list of the provisions of this title that the Secretary has
24 determined do not apply in order to enable the State to

1 carry out such plan amendment and the reason for each
2 such determination.”.

3 (4) EFFECTIVE DATE.—The amendments made
4 by this subsection shall take effect as if included in
5 the amendment made by section 6044(a) of the Def-
6 icit Reduction Act of 2005.

7 (b) TECHNICAL CORRECTIONS RELATING TO STATE
8 OPTION FOR ALTERNATIVE PREMIUMS AND COST SHAR-
9 ING (SECTIONS 6041 THROUGH 6043).—

10 (1) CLARIFICATION OF CONTINUED APPLICA-
11 TION OF REGULAR COST SHARING RULES FOR INDI-
12 VIDUALS WITH FAMILY INCOME NOT EXCEEDING 100
13 PERCENT OF THE POVERTY LINE.—Section 1916A
14 of the Social Security Act, as inserted by section
15 6041(a) of the Deficit Reduction Act of 2005 and
16 amended by sections 6042 and 6043 of such Act, is
17 amended—

18 (A) in subsection (a)(1)—

19 (i) by inserting “but subject to para-
20 graph (2),” after “1902(a)(10)(B),”; and

21 (ii) by inserting “and non-emergency
22 services furnished in a hospital emergency
23 department for which cost sharing may be
24 imposed under subsection (e)” after “(e)”;

1 (B) by redesignating paragraph (2) of sub-
2 section (a) as paragraph (3);

3 (C) in subsection (a), by inserting after
4 paragraph (1) the following:

5 “(2) EXEMPTION FOR INDIVIDUALS WITH FAM-
6 ILY INCOME NOT EXCEEDING 100 PERCENT OF THE
7 POVERTY LINE.—

8 “(A) IN GENERAL.—Paragraph (1) and
9 subsection (d) shall not apply, and sections
10 1916 and 1902(a)(10)(B) shall continue to
11 apply, in the case of an individual whose family
12 income does not exceed 100 percent of the pov-
13 erty line applicable to a family of the size in-
14 volved.

15 “(B) LIMIT ON AGGREGATE COST SHAR-
16 ING.—To the extent cost sharing under sub-
17 section (c) and (e) or under section 1916 is im-
18 posed against individuals described in subpara-
19 graph (A), the limitation under subsection
20 (b)(1)(B)(ii) on the total aggregate amount of
21 cost sharing shall apply to such cost sharing for
22 all individuals in a family described in subpara-
23 graph (A) in the same manner as such limita-
24 tions apply to cost sharing and families de-
25 scribed in subsection (b)(1)(B)(ii).”;

1 (D) in subsections (c)(2)(C) and (e)(2)(C),
2 by inserting “under subsection (a)(2)(B) or”
3 after “cap on cost sharing applied”; and

4 (E) in subsection (e)(2)(A), by inserting
5 “who is not described in subparagraph (B)”
6 after “subsection (b)(1)”.

7 (2) CLARIFICATION OF TREATMENT OF NON-
8 PREFERRED DRUG AND NON-EMERGENCY COST-
9 SHARING.—Such section is further amended—

10 (A) in subsections (b)(1) and (b)(2), by
11 striking “, subject to subsections (c)(2) and
12 (e)(2)(A)”;

13 (B) in subsection (c)(1), in the matter pre-
14 ceding subparagraph (A), by striking “least (or
15 less) costly effective” and inserting “most (or
16 more) cost effective”;

17 (C) in subsection (c)(1)(B), by striking
18 “otherwise be imposed under” and inserting
19 “be imposed under subsection (a) due to the
20 application of”;

21 (D) in subsection (c)(2)(B), by striking
22 “otherwise not subject to cost sharing due to
23 the application of subsection (b)(3)(B)” and in-
24 serting “not subject to cost sharing under sub-

1 section (a) due to the application of paragraph
2 (1)(B)”;

3 (E) in subsection (e)(2)(A)—

4 (i) by amending the heading to read
5 as follows: “INDIVIDUALS WITH FAMILY IN-
6 COME BETWEEN 100 AND 150 PERCENT OF
7 THE POVERTY LINE.—”; and

8 (ii) by striking “under subsection
9 (b)(1)” and inserting “under subsection
10 (b)(1)(B)(ii)”;

11 (F) in subsection (e)(2)(B), by striking
12 “who is otherwise not subject to cost sharing
13 under subsection (b)(3)” and inserting “de-
14 scribed in subsection (a)(2)(A) or who is not
15 subject to cost sharing under subsection
16 (b)(3)(B) with respect to non-emergency serv-
17 ices described in paragraph (1)” and

18 (G) in subsection (e)(2)(C), by inserting
19 “or section 1916” after “subsection (a)”.

20 (3) CLARIFICATION OF COST SHARING RULES
21 APPLICABLE TO DISABLED CHILDREN PROVIDED
22 MEDICAL ASSISTANCE UNDER THE ELIGIBILITY CAT-
23 EGORY ADDED BY THE FAMILY OPPORTUNITY
24 ACT.—Such section is further amended—

1 (A) in subsection (a)(1), in the second sen-
2 tence, by striking “section 1916(g)” and insert-
3 ing “subsection (g) or (i) of section 1916”; and

4 (B) in subsection (b)(3)—

5 (i) in subparagraph (A), by adding at
6 the end the following:

7 “(vi) Disabled children who are receiv-
8 ing medical assistance by virtue of the ap-
9 plication of sections
10 1902(a)(10)(A)(ii)(XIX) and 1902(cc).”;
11 and

12 (ii) in subparagraph (B), by adding at
13 the end the following:

14 “(ix) Services furnished to disabled
15 children who are receiving medical assist-
16 ance by virtue of the application of sec-
17 tions 1902(a)(10)(A)(ii)(XIX) and
18 1902(cc).”.

19 (4) CORRECTION OF IV–B REFERENCES.—Such
20 section is further amended in subsection (b)(3)—

21 (A) in subparagraph (A)(i), by striking
22 “aid or assistance is made available under part
23 B of title IV to children in foster care” and in-
24 serting “child welfare services are made avail-

1 able under part B of title IV on the basis of
2 being a child in foster care”; and

3 (B) in subparagraph (B)(i), by striking
4 “aid or assistance is made available under part
5 B of title IV to children in foster care” and in-
6 serting “child welfare services are made avail-
7 able under part B of title IV on the basis of
8 being a child in foster care or”.

9 (5) NON-EMERGENCY SERVICES.—Section
10 1916A(e)(4)(A) of the Social Security Act, as added
11 by section 6043(a) of the Deficit Reduction Act of
12 2005, is amended by striking “the physician deter-
13 mines”.

14 (6) EFFECTIVE DATE.—The amendments made
15 by this subsection shall take effect as if included in
16 the amendments made by sections 6041(a) of the
17 Deficit Reduction Act of 2005, except that insofar
18 as such amendments are to, or relate to, subsection
19 (c) or (e) of section 1916A of the Social Security
20 Act, such amendments shall take effect as if in-
21 cluded in the amendments made by section 6042 or
22 6043, respectively, of the Deficit Reduction Act of
23 2005.

24 (c) TECHNICAL CORRECTIONS RELATING TO RE-
25 QUIREMENT TO DISCLOSE DRUG PRICE INFORMATION TO

1 STATES AND THE PUBLIC AND MANUFACTURER REPORT-
2 ING OF PROMPT PAY DISCOUNTS (SECTIONS 6001 AND
3 6003).—

4 (1) IN GENERAL.—Section 1927(b)(3)(A)(i) of
5 the Social Security Act (42 U.S.C. 1396r-
6 8(b)(3)(A)(i)), as amended by section 6003(a)(1) of
7 the Deficit Reduction Act of 2005, is amended—

8 (A) in the matter preceding subclause (I),
9 by inserting “month of a” after “last day of
10 each”; and

11 (B) in subclause (I), by inserting “and
12 customary prompt pay discounts extended to
13 wholesalers” after “(k)(1)”.

14 (2) EFFECTIVE DATE.—The amendments made
15 by paragraph (1) shall take effect as if included in
16 the amendment made by section 6003(a)(1) of the
17 Deficit Reduction Act of 2005.

18 (3) SUPERSEDING OVERLAPPING AMEND-
19 MENTS.—The amendments made to section
20 1927(b)(3)(A)(i) of the Social Security Act by sec-
21 tion 6003(a)(1) of the Deficit Reduction Act of 2005
22 and by paragraph (1) shall supersede the amend-
23 ments made to such section by subsections (b)(1)(A)
24 and (c)(2) of section 6001 of the Deficit Reduction
25 Act of 2005.

1 (d) CLARIFYING TREATMENT OF CERTAIN ANNU-
2 ITIES (SECTION 6012).—

3 (1) IN GENERAL.—Section 1917(c)(1)(F)(i) of
4 the Social Security Act (42 U.S.C.
5 1396p(c)(1)(F)(i)), as added by section 6012(b) of
6 the Deficit Reduction Act of 2005, is amended by
7 striking “annuitant” and inserting “institutionalized
8 individual”.

9 (2) EFFECTIVE DATE.—The amendment made
10 by paragraph (1) shall be effective as if included in
11 the enactment of section 6012 of the Deficit Reduc-
12 tion Act of 2005.

13 (e) ADDITIONAL MISCELLANEOUS TECHNICAL COR-
14 RECTIONS.—

15 (1) CHILDREN’S HOSPITAL PARTICIPATION IN
16 SECTION 340b DRUG DISCOUNT PROGRAM (SECTION
17 6004).—Effective as if included in the enactment of
18 section 6004 of the Deficit Reduction Act of 2005,
19 section 1927(a)(5) of the Social Security Act (42
20 U.S.C. 1396r–8(a)(5)), as amended by such section
21 6004, is amended—

22 (A) in subparagraph (A), by inserting be-
23 fore the period at the end the following: “and
24 applies such agreement to a covered entity de-
25 scribed in the second sentence of subparagraph

1 (B), without regard to subparagraph (D) or to
2 subsection (d) of such section”; and

3 (B) in subparagraph (B), by striking all
4 that follows “the Public Health Service Act”
5 the first place it appears and inserting a period
6 and the following: “Such term includes a chil-
7 dren’s hospital excluded from the Medicare in-
8 patient prospective payment system pursuant to
9 section 1886(d)(1)(B)(iii) which meets the re-
10 quirements of subsection (a)(5) of section 340B
11 of the Public Health Service Act and which
12 would meet the requirements of subsection
13 (a)(4)(L) of such section, including the dis-
14 proportionate share adjustment percentage re-
15 quirement under clause (ii) of such subsection,
16 if the hospital were a subsection (d) hospital.”.

17 (2) DOCUMENTATION (SECTION 6036).—

18 (A) IN GENERAL.—Effective as if included
19 in the amendment made by section 6036(a)(2)
20 of the Deficit Reduction Act of 2005, section
21 1903(x) of the Social Security Act (42 U.S.C.
22 1396b(x)), as inserted by such section
23 6036(a)(2), is amended—

24 (i) in paragraph (1), by striking
25 “(i)(23)” and inserting “(i)(22)”;

1 (ii) in paragraph (2)—

2 (I) in the matter preceding sub-
3 paragraph (A), by striking “alien”
4 and inserting “individual declaring to
5 be a citizen or national of the United
6 States”;

7 (II) by striking subparagraph (B)
8 and inserting the following:

9 “(B) and is receiving—

10 “(i) disability insurance benefits
11 under section 223 or monthly insurance
12 benefits under section 202 based on such
13 individual’s disability (as defined in section
14 223(d)); or

15 “(ii) supplemental security income
16 benefits under title XVI;”;

17 (III) in subparagraph (C)—

18 (aa) by striking “other”;

19 and

20 (bb) by striking “had” and
21 inserting “has”;

22 (IV) by redesignating subpara-
23 graph (C) as subparagraph (D); and

1 (V) by inserting after subpara-
2 graph (B) the following new subpara-
3 graph:

4 “(C) and with respect to whom—

5 “(i) child welfare services are made
6 available under part B of title IV on the
7 basis of being a child in foster care; or

8 “(ii) adoption or foster care assistance
9 is made available under part E of title IV;
10 or”;

11 (iii) in paragraph (3)(C)(iii), by strik-
12 ing “I-97” and inserting “I-197”; and

13 (iv) by adding at the end the following
14 new paragraph:

15 “(4) An individual declaring to be a citizen or na-
16 tional of the United States shall be provided at least the
17 reasonable opportunity to present satisfactory documen-
18 tary evidence of citizenship or nationality under this sub-
19 section as is provided under clauses (i) and (ii) of section
20 1137(d)(4)(A) to an individual for the submittal to the
21 State of evidence indicating a satisfactory immigration
22 status.”.

23 (B) ASSURANCE OF STATE FOSTER CARE
24 AGENCY VERIFICATION OF CITIZENSHIP OR
25 LEGAL STATUS.—

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1 (i) STATE PLAN AMENDMENT.—Sec-
2 tion 471(a) of the Social Security Act (42
3 U.S.C. 671(a)) is amended—

4 (I) in paragraph (25), by striking
5 “and” at the end;

6 (II) in paragraph (26)(C), by
7 striking the period at the end and in-
8 serting “; and”; and

9 (III) by adding at the end the
10 following:

11 “(27) provides that, with respect to any child in
12 foster care under the responsibility of the State
13 under this part or part B and without regard to
14 whether foster care maintenance payments are made
15 under section 472 on behalf of the child, the State
16 has in effect procedures for verifying the citizenship
17 or immigration status of the child.”.

18 (ii) INCLUSION IN REVIEWS OF CHILD
19 AND FAMILY SERVICES PROGRAMS.—Sec-
20 tion 1123A(b)(2) of the Social Security
21 Act (42 U.S.C. 1320a-2a(b)(2)) is amend-
22 ed by inserting “(which shall include deter-
23 mining whether the State program is in
24 conformity with the requirement of section
25 471(a)(27))” after “review”.

1 (iii) EFFECTIVE DATE.—The amend-
2 ments made by this subparagraph shall
3 take effect on the date that is 6 months
4 after the date of enactment of this Act.

5 (3) MISCELLANEOUS TECHNICAL CORREC-
6 TIONS.—

7 (A) Effective as if included in the enact-
8 ment of the Deficit Reduction Act of 2005
9 (Public Law 109–171), the following sections of
10 such Act are amended as follows:

11 (i) Section 5114(a)(2) is amended by
12 striking “section 1842(b)(6)(F) of such
13 Act (42 U.S.C. 1395u(b)(6)(F))” and in-
14 serting “section 1842(b)(6) of such Act
15 (42 U.S.C. 1395u(b)(6))”.

16 (ii) Section 6003(b)(2) is amended, by
17 striking “subsection (k)” and inserting
18 “subsection (k)(1)”.

19 (iii) Sections 6031(b), 6032(b), and
20 6035(c) are each amended by striking
21 “section 6035(e)” and inserting “section
22 6034(e)”.

23 (iv) Section 6034(b) is amended by
24 striking “section 6033(a)” and inserting
25 “section 6032(a)”.

1 (v) Section 6036 is amended—

2 (I) in subsection (b), by striking
3 “section 1903(z)” and inserting “sec-
4 tion 1903(x)”; and

5 (II) in subsection (c), by striking
6 “(i)(23)” and inserting “(i)(22)”.

7 (B) Effective as if included in the amend-
8 ment made by section 6015(a)(1) of the Deficit
9 Reduction Act of 2005, section
10 1919(c)(5)(A)(i)(II) of the Social Security Act
11 (42 U.S.C. 1396r(c)(5)(A)(i)(II)) is amended
12 by striking “clause (v)” and inserting “subpara-
13 graph (B)(v)”.

14 **SEC. 202. CHANGE IN THRESHOLD FOR INDIRECT HOLD**
15 **HARMLESS PROVISION OF BROAD-BASED**
16 **HEALTH CARE TAXES.**

17 Section 1903(w)(4)(C) of the Social Security Act (42
18 U.S.C. 1396b(w)(4)(C)) is amended—

19 (1) by inserting “(i)” after “(C)”; and

20 (2) by adding at the end the following:

21 “(ii) For purposes of clause (i), a determination
22 of the existence of an indirect guarantee shall be
23 made under paragraph (3)(i) of section 433.68(f) of
24 title 42, Code of Federal Regulations, as in effect on
25 November 1, 2006, except that for each of fiscal

1 years 2008 through 2011, ‘5.5 percent’ shall be sub-
2 stituted for ‘6 percent’ each place it appears.”.

3 **SEC. 203. EXTENSION OF TRANSITIONAL MEDICAL ASSIST-**
4 **ANCE (TMA) AND ABSTINENCE EDUCATION**
5 **PROGRAM.**

6 Activities authorized by sections 510 and 1925 of the
7 Social Security Act shall continue through June 30, 2007,
8 in the manner authorized for fiscal year 2006, notwith-
9 standing section 1902(e)(1)(A) of such Act, and out of
10 any money in the Treasury of the United States not other-
11 wise appropriated, there are hereby appropriated such
12 sums as may be necessary for such purpose. Grants and
13 payments may be made pursuant to this authority through
14 the third quarter of fiscal year 2007 at the level provided
15 for such activities through the third quarter of fiscal year
16 2006.

17 **SEC. 204. REDISTRIBUTION OF CERTAIN UNUSED SCHIP AL-**
18 **LOTMENTS FOR FISCAL YEARS 2004 AND 2005**
19 **TO REDUCE FUNDING SHORTFALLS FOR FIS-**
20 **CAL YEAR 2007.**

21 (a) REDISTRIBUTION OF CERTAIN UNUSED SCHIP
22 ALLOTMENTS.—Section 2104 of the Social Security Act
23 (42 U.S.C. 1397dd) is amended by adding at the end the
24 following new subsection:

1 “(h) SPECIAL RULES TO ADDRESS FISCAL YEAR
2 2007 SHORTFALLS.—

3 “(1) REDISTRIBUTION OF UNUSED FISCAL
4 YEAR 2004 ALLOTMENTS.—

5 “(A) IN GENERAL.—Notwithstanding sub-
6 section (f) and subject to subparagraph (C),
7 with respect to months beginning during fiscal
8 year 2007, the Secretary shall provide for a re-
9 distribution under such subsection from the al-
10 lotments for fiscal year 2004 under subsection
11 (b) that are not expended by the end of fiscal
12 year 2006, to a shortfall State described in sub-
13 paragraph (B), such amount as the Secretary
14 determines will eliminate the estimated shortfall
15 described in such subparagraph for such State
16 for the month.

17 “(B) SHORTFALL STATE DESCRIBED.—For
18 purposes of this paragraph, a shortfall State
19 described in this subparagraph is a State with
20 a State child health plan approved under this
21 title for which the Secretary estimates, subject
22 to paragraph (4)(B) and on a monthly basis
23 using the most recent data available to the Sec-
24 retary as of such month, that the projected ex-
25 penditures under such plan for such State for

1 such month of fiscal year 2007 will exceed the
2 sum of—

3 “(i) the amount of the State’s allot-
4 ments for each of fiscal years 2005 and
5 2006 that was not expended by the end of
6 fiscal year 2006; and

7 “(ii) the amount of the State’s allot-
8 ment for fiscal year 2007.

9 “(C) FUNDS REDISTRIBUTED IN THE
10 ORDER IN WHICH STATES REALIZE FUNDING
11 SHORTFALLS.—The Secretary shall redistribute
12 the amounts available for redistribution under
13 subparagraph (A) to shortfall States described
14 in subparagraph (B) in the order in which such
15 States realize monthly funding shortfalls under
16 this title for fiscal year 2007. The Secretary
17 shall only make redistributions under this para-
18 graph to the extent that there are unexpended
19 fiscal year 2004 allotments under subsection (b)
20 available for such redistributions (and may re-
21 duce, instead of eliminate, the estimated month-
22 ly shortfall for the last shortfall State which is
23 eligible for a redistribution for a month under
24 this paragraph if the amount available for that

1 redistribution is less than the monthly esti-
2 mated shortfall for such State).

3 “(2) FUNDING REMAINDER OF REDUCTION OF
4 SHORTFALL FOR FISCAL YEAR 2007 THROUGH RE-
5 DISTRIBUTION OF CERTAIN UNUSED FISCAL YEAR
6 2005 ALLOTMENTS.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (C) and paragraph (5)(B), with respect
9 to months beginning during fiscal year 2007
10 after March 31, 2007, the Secretary shall pro-
11 vide for a redistribution under subsection (f)
12 from amounts made available for redistribution
13 under paragraph (3) to each shortfall State de-
14 scribed in subparagraph (B), such amount as
15 the Secretary determines will eliminate the esti-
16 mated shortfall described in such subparagraph
17 for such State for the month.

18 “(B) SHORTFALL STATE DESCRIBED.—For
19 purposes of this paragraph, a shortfall State
20 described in this subparagraph is a State with
21 a State child health plan approved under this
22 title for which the Secretary estimates, subject
23 to paragraph (4)(B) and on a monthly basis
24 using the most recent data available to the Sec-
25 retary as of March 31, 2007, that the projected

1 expenditures under such plan for such State for
2 such month of fiscal year 2007 will exceed the
3 sum of—

4 “(i) the amount of the State’s allot-
5 ments for each of fiscal years 2005 and
6 2006 that was not expended by the end of
7 fiscal year 2006;

8 “(ii) the amount, if any, that is to be
9 redistributed to the State for the month in
10 accordance with paragraph (1); and

11 “(iii) the amount of the State’s allot-
12 ment for fiscal year 2007.

13 “(C) FUNDS REDISTRIBUTED IN THE
14 ORDER IN WHICH STATES REALIZE FUNDING
15 SHORTFALLS.—The Secretary shall redistribute
16 the amounts available for redistribution under
17 subparagraph (A) to shortfall States described
18 in subparagraph (B) in the order in which such
19 States realize monthly funding shortfalls under
20 this title for fiscal year 2007. The Secretary
21 shall only make redistributions under this para-
22 graph to the extent that such amounts are
23 available for such redistributions (and may re-
24 duce, instead of eliminate, the estimated month-
25 ly shortfall for the last shortfall State which is

1 eligible for a redistribution for a month under
2 this paragraph if the amount available for that
3 redistribution is less than the monthly esti-
4 mated shortfall for such State).

5 “(3) TREATMENT OF CERTAIN STATES WITH
6 FISCAL YEAR 2005 ALLOTMENTS UNEXPENDED AT
7 THE END OF THE FIRST HALF OF FISCAL YEAR
8 2007.—

9 “(A) IDENTIFICATION OF STATES.—The
10 Secretary, on the basis of the most recent data
11 available to the Secretary as of March 31,
12 2007—

13 “(i) shall identify those States that re-
14 ceived an allotment for fiscal year 2005
15 under subsection (b) which have not ex-
16 pended all of such allotment by March 31,
17 2007; and

18 “(ii) for each such State shall
19 estimate—

20 “(I) the portion of such allotment
21 that was not so expended by such
22 date; and

23 “(II) whether the State is de-
24 scribed in subparagraph (B).

1 “(B) STATES WITH FUNDS IN EXCESS OF
2 200 PERCENT OF NEED.—A State described in
3 this subparagraph is a State for which the Sec-
4 retary determines, on the basis of the most re-
5 cent data available to the Secretary as of March
6 31, 2007, that the total of all available allot-
7 ments under this title to the State as of such
8 date, is at least equal to 200 percent of the
9 total projected expenditures under this title for
10 the State for fiscal year 2007.

11 “(C) REDISTRIBUTION AND LIMITATION
12 ON AVAILABILITY OF PORTION OF UNUSED AL-
13 LOTMENTS FOR CERTAIN STATES.—

14 “(i) IN GENERAL.—In the case of a
15 State identified under subparagraph (A)(i)
16 that is also described in subparagraph (B),
17 notwithstanding subsection (e), the appli-
18 cable amount described in clause (ii) shall
19 not be available for expenditure by the
20 State on or after April 1, 2007, and shall
21 be redistributed in accordance with para-
22 graph (2).

23 “(ii) APPLICABLE AMOUNT.—For pur-
24 poses of clause (i), the applicable amount
25 described in this clause is the lesser of—

1 “(I) 50 percent of the amount
2 described in subparagraph (A)(ii)(I);
3 or

4 “(II) \$40,000,000.

5 “(4) SPECIAL RULES.—

6 “(A) EXPENDITURES LIMITED TO COV-
7 ERAGE FOR POPULATIONS ELIGIBLE ON OCTO-
8 BER 1, 2006.—A State shall use amounts redis-
9 tributed under this subsection only for expendi-
10 tures for providing child health assistance or
11 other health benefits coverage for populations
12 eligible for such assistance or benefits under the
13 State child health plan (including under a waiv-
14 er of such plan) on October 1, 2006.

15 “(B) REGULAR FMAP FOR EXPENDITURES
16 FOR COVERAGE OF NONCHILD POPULATIONS.—
17 To the extent a State uses amounts redistrib-
18 uted under this subsection for expenditures for
19 providing child health assistance or other health
20 benefits coverage to an individual who is not a
21 child or a pregnant woman, the Federal medical
22 assistance percentage (as defined in the first
23 sentence of section 1905(b)) applicable to the
24 State for the fiscal year shall apply to such ex-
25 penditures for purposes of making payments to

1 the State under subsection (a) of section 2105
2 from such amounts.

3 “(5) RETROSPECTIVE ADJUSTMENT.—

4 “(A) IN GENERAL.—The Secretary may
5 adjust the estimates and determinations made
6 under paragraphs (1), (2), and (3) as necessary
7 on the basis of the amounts reported by States
8 not later than November 30, 2007, on CMS
9 Form 64 or CMS Form 21, as the case may be
10 and as approved by the Secretary, but in no
11 case may the applicable amount described in
12 paragraph (3)(C)(ii) exceed the amount deter-
13 mined by the Secretary on the basis of the most
14 recent data available to the Secretary as of
15 March 31, 2007.

16 “(B) FUNDING OF ANY RETROSPECTIVE
17 ADJUSTMENTS ONLY FROM UNEXPENDED 2005
18 ALLOTMENTS.—Notwithstanding subsections
19 (e) and (f), to the extent the Secretary deter-
20 mines it necessary to adjust the estimates and
21 determinations made for purposes of para-
22 graphs (1), (2), and (3), the Secretary may use
23 only the allotments for fiscal year 2005 under
24 subsection (b) that remain unexpended through
25 the end of fiscal year 2007 for providing any

1 additional amounts to States described in para-
2 graph (2)(B) (without regard to whether such
3 unexpended allotments are from States de-
4 scribed paragraph (3)(B)).

5 “(C) RULES OF CONSTRUCTION.—Nothing
6 in this subsection shall be construed as—

7 “(i) authorizing the Secretary to use
8 the allotments for fiscal year 2006 or 2007
9 under subsection (b) of States described in
10 paragraph (3)(B) to provide additional
11 amounts to States described in paragraph
12 (2)(B) for purposes of eliminating the
13 funding shortfall for such States for fiscal
14 year 2007; or

15 “(ii) limiting the authority of the Sec-
16 retary to redistribute the allotments for
17 fiscal year 2005 under subsection (b) that
18 remain unexpended through the end of fis-
19 cal year 2007 and are available for redis-
20 tribution under subsection (f) after the ap-
21 plication of subparagraph (B).

22 “(6) 1-YEAR AVAILABILITY; NO FURTHER RE-
23 DISTRIBUTION.—Notwithstanding subsections (e)
24 and (f), amounts redistributed to a State pursuant
25 to this subsection for fiscal year 2007 shall only re-

1 main available for expenditure by the State through
2 September 30, 2007, and any amounts of such re-
3 distributions that remain unexpended as of such
4 date, shall not be subject to redistribution under
5 subsection (f). Nothing in the preceding sentence
6 shall be construed as limiting the ability of the Sec-
7 retary to adjust the determinations made under
8 paragraphs (1), (2), and (3) in accordance with
9 paragraph (5).

10 “(7) DEFINITION OF STATE.—For purposes of
11 this subsection, the term ‘State’ means a State that
12 receives an allotment for fiscal year 2007 under sub-
13 section (b).”.

14 (b) EXTENDING AUTHORITY FOR QUALIFYING
15 STATES TO USE CERTAIN FUNDS FOR MEDICAID EX-
16 PENDITURES.—Section 2105(g)(1)(A) of such Act (42
17 U.S.C. 1397ee(g)(1)(A)) is amended by striking “or
18 2005” and inserting “2005, 2006, or 2007”.

19 (c) REPORT TO CONGRESS.—Not later than April 30,
20 2007, the Secretary of Health and Human Services shall
21 submit a report to the Committee on Energy and Com-
22 merce of the House of Representatives and the Committee
23 on Finance of the Senate regarding the amounts redistrib-
24 uted to States under section 2104 of the Social Security
25 Act to reduce funding shortfalls for the State Children’s

1 Health Insurance Program (SCHIP) for fiscal year 2007.

2 Such report shall include descriptions and analyses of—

3 (1) the extent to which such redistributed
4 amounts have reduced or eliminated such shortfalls
5 on the basis of reports by States submitted to the
6 Secretary as of April 1, 2007; and

7 (2) the effect of the redistribution and limited
8 availability of unexpended fiscal year 2005 allot-
9 ments under such program on the States described
10 in section 2104(h)(3)(B) of the Social Security Act
11 (42 U.S.C. 1397dd(h)(3)(B)) on the basis of reports
12 by States submitted to the Secretary as of such
13 date.

14 **SEC. 205. TENNESSEE DSH ALLOTMENT FOR FISCAL YEAR**
15 **2007.**

16 Section 1923(f)(6) of the Social Security Act (42
17 U.S.C. 1396r-4(f)(6)) is amended to read as follows:

18 “(6) TENNESSEE DSH ALLOTMENT FOR FISCAL
19 YEAR 2007.—

20 “(A) IN GENERAL.—Only with respect to
21 fiscal year 2007, the DSH allotment for Ten-
22 nessee for such fiscal year, notwithstanding the
23 table set forth in paragraph (2) or the terms of
24 the TennCare Demonstration Project in effect
25 for the State, shall be the greater of—

1 “(i) the amount that the Secretary de-
2 termines is equal to the Federal medical
3 assistance percentage component attrib-
4 utable to disproportionate share hospital
5 payment adjustments for the demonstra-
6 tion year ending in 2006 that is reflected
7 in the budget neutrality provision of the
8 TennCare Demonstration Project; and

9 “(ii) \$280,000,000.

10 “(B) LIMITATION ON AMOUNT OF PAY-
11 MENT ADJUSTMENTS ELIGIBLE FOR FEDERAL
12 FINANCIAL PARTICIPATION.—Payment under
13 section 1903(a) shall not be made to Tennessee
14 with respect to the aggregate amount of any
15 payment adjustments made under this section
16 for hospitals in the State for fiscal year 2007
17 that is in excess of 30 percent of the DSH al-
18 lotment for the State for such fiscal year deter-
19 mined pursuant to subparagraph (A).

20 “(C) STATE PLAN AMENDMENT.—The Sec-
21 retary shall permit Tennessee to submit an
22 amendment to its State plan under this title
23 that describes the methodology to be used by
24 the State to identify and make payments to dis-
25 proportionate share hospitals, including chil-

1 respect to payment adjustments made
2 under this section for hospitals in the
3 State for such fiscal year; and

4 “(ii) sum of the total amount of pay-
5 ments made under section 1903(a) to Ten-
6 nessee with respect to payment adjust-
7 ments made under this section for hos-
8 pitals in the State for fiscal year 2007 and
9 the total amount of Essential Access Hos-
10 pital supplemental pool payments made
11 under the TennCare Demonstration
12 Project for such fiscal year shall not ex-
13 ceed the State’s DSH allotment for such
14 fiscal year established under subparagraph
15 (A).”.

16 **SEC. 206. ELDER JUSTICE.**

17 (a) DEFINITIONS.—Except as otherwise specifically
18 provided, any term that is defined in section 2011 of the
19 Social Security Act (as added by subsection (b)) and that
20 is used in this section has the meaning given such term
21 by such section.

22 (b) ELDER JUSTICE.—Title XX of the Social Secu-
23 rity Act (42 U.S.C. 1397 et seq.) is amended—

1 (1) in the heading, by inserting “**AND**
2 **ELDER JUSTICE**” after “**SOCIAL SERV-**
3 **ICES**”;

4 (2) by inserting before section 2001 the fol-
5 lowing:

6 **“Subtitle 1—Block Grants to States**
7 **for Social Services”; and**

8 (3) by adding at the end the following:

9 **“Subtitle 2—Elder Justice**

10 **“SEC. 2011. DEFINITIONS.**

11 “In this subtitle:

12 “(1) ABUSE.—The term ‘abuse’ means the
13 knowing infliction of physical or psychological harm
14 or the knowing deprivation of goods or services that
15 are necessary to meet essential needs or to avoid
16 physical or psychological harm.

17 “(2) ADULT PROTECTIVE SERVICES.—The term
18 ‘adult protective services’ means such services pro-
19 vided to adults as the Secretary may specify and in-
20 cludes services such as—

21 “(A) disseminating reports of adult abuse,
22 neglect, or exploitation;

23 “(B) investigating the reports described in
24 subparagraph (A);

1 “(C) case planning, monitoring, evaluation,
2 and other case work and services; and

3 “(D) providing, arranging for, or facili-
4 tating the provision of medical, social service,
5 economic, legal, housing, law enforcement, or
6 other protective, emergency, or support services.

7 “(3) CAREGIVER.—The term ‘caregiver’ means
8 an individual who has the responsibility for the care
9 of an elder, either voluntarily, by contract, by receipt
10 of payment for care, or as a result of the operation
11 of law, and means a family member or other indi-
12 vidual who provides (on behalf of such individual or
13 of a public or private agency, organization, or insti-
14 tution) compensated or uncompensated care to an
15 elder who needs supportive services in any setting.

16 “(4) DIRECT CARE.—The term ‘direct care’
17 means care by an employee or contractor who pro-
18 vides assistance or long-term care services to a re-
19 cipient.

20 “(5) ELDER.—The term ‘elder’ means an indi-
21 vidual age 60 or older.

22 “(6) ELDER JUSTICE.—The term ‘elder justice’
23 means—

24 “(A) from a societal perspective, efforts
25 to—

1 “(i) prevent, detect, treat, intervene
2 in, and prosecute elder abuse, neglect, and
3 exploitation; and

4 “(ii) protect elders with diminished
5 capacity while maximizing their autonomy;
6 and

7 “(B) from an individual perspective, the
8 recognition of an elder’s rights, including the
9 right to be free of abuse, neglect, and exploi-
10 tation.

11 “(7) ELIGIBLE ENTITY.—The term ‘eligible en-
12 tity’ means a State or local government agency, In-
13 dian tribe or tribal organization, or any other public
14 or private entity that is engaged in and has expertise
15 in issues relating to elder justice or in a field nec-
16 essary to promote elder justice efforts.

17 “(8) EXPLOITATION.—The term ‘exploitation’
18 means the fraudulent or otherwise illegal, unauthor-
19 ized, or improper act or process of an individual, in-
20 cluding a caregiver or fiduciary, that uses the re-
21 sources of an elder for monetary or personal benefit,
22 profit, or gain, or that results in depriving an elder
23 of rightful access to, or use of, benefits, resources,
24 belongings, or assets.

25 “(9) FIDUCIARY.—The term ‘fiduciary’—

1 “(C) the manner in which the court exer-
2 cises oversight of the surrogate decisionmaker.

3 “(12) INDIAN TRIBE.—

4 “(A) IN GENERAL.—The term ‘Indian
5 tribe’ has the meaning given such term in sec-
6 tion 4 of the Indian Self-Determination and
7 Education Assistance Act (25 U.S.C. 450b).

8 “(B) INCLUSION OF PUEBLO AND
9 RANCHERIA.—The term ‘Indian tribe’ includes
10 any Pueblo or Rancheria.

11 “(13) LAW ENFORCEMENT.—The term ‘law en-
12 forcement’ means the full range of potential re-
13 sponders to elder abuse, neglect, and exploitation
14 including—

15 “(A) police, sheriffs, detectives, public safe-
16 ty officers, and corrections personnel;

17 “(B) prosecutors;

18 “(C) medical examiners;

19 “(D) investigators; and

20 “(E) coroners.

21 “(14) LONG-TERM CARE.—

22 “(A) IN GENERAL.—The term ‘long-term
23 care’ means supportive and health services spec-
24 ified by the Secretary for individuals who need
25 assistance because the individuals have a loss of

1 capacity for self-care due to illness, disability,
2 or vulnerability.

3 “(B) LOSS OF CAPACITY FOR SELF-
4 CARE.—For purposes of subparagraph (A), the
5 term ‘loss of capacity for self-care’ means an in-
6 ability to engage in 1 or more activities of daily
7 living, including eating, dressing, bathing, and
8 management of one’s financial affairs.

9 “(15) LONG-TERM CARE FACILITY.—The term
10 ‘long-term care facility’ means a residential care pro-
11 vider that arranges for, or directly provides, long-
12 term care.

13 “(16) NEGLECT.—The term ‘neglect’ means—

14 “(A) the failure of a caregiver or fiduciary
15 to provide the goods or services that are nec-
16 essary to maintain the health or safety of an
17 elder; or

18 “(B) self-neglect.

19 “(17) NURSING FACILITY.—

20 “(A) IN GENERAL.—The term ‘nursing fa-
21 cility’ has the meaning given such term under
22 section 1919(a).

23 “(B) INCLUSION OF SKILLED NURSING FA-
24 CILITY.—The term ‘nursing facility’ includes a

1 skilled nursing facility (as defined in section
2 1819(a))

3 “(18) SELF-NEGLECT.—The term ‘self-neglect’
4 means an adult’s inability, due to physical or mental
5 impairment or diminished capacity, to perform es-
6 sential self-care tasks including—

7 “(A) obtaining essential food, clothing,
8 shelter, and medical care;

9 “(B) obtaining goods and services nec-
10 essary to maintain physical health, mental
11 health, or general safety; or

12 “(C) managing one’s own financial affairs.

13 “(19) SERIOUS BODILY INJURY.—

14 “(A) IN GENERAL.—The term ‘serious
15 bodily injury’ means an injury—

16 “(i) involving extreme physical pain;

17 “(ii) involving substantial risk of
18 death;

19 “(iii) involving protracted loss or im-
20 pairment of the function of a bodily mem-
21 ber, organ, or mental faculty; or

22 “(iv) requiring medical intervention
23 such as surgery, hospitalization, or phys-
24 ical rehabilitation.

1 “(B) CRIMINAL SEXUAL ABUSE.—Serious
2 bodily injury shall be considered to have oc-
3 curred if the conduct causing the injury is con-
4 duct described in section 2241 (relating to ag-
5 gravated sexual abuse) or 2242 (relating to sex-
6 ual abuse) of title 18, United States Code, or
7 any similar offense under State law.

8 “(20) SOCIAL.—The term ‘social’, when used
9 with respect to a service, includes adult protective
10 services.

11 “(21) STATE LEGAL ASSISTANCE DEVEL-
12 OPER.—The term ‘State legal assistance developer’
13 means an individual described in section 731 of the
14 Older Americans Act of 1965.

15 “(22) STATE LONG-TERM CARE OMBUDSMAN.—
16 The term ‘State Long-Term Care Ombudsman’
17 means the State Long-Term Care Ombudsman de-
18 scribed in section 712(a)(2) of the Older Americans
19 Act of 1965.

20 **“SEC. 2012. GENERAL PROVISIONS.**

21 “(a) PROTECTION OF PRIVACY.—In pursuing activi-
22 ties under this subtitle, the Secretary shall ensure the pro-
23 tection of individual health privacy consistent with the reg-
24 ulations promulgated under section 264(c) of the Health

1 Insurance Portability and Accountability Act of 1996 and
2 applicable State and local privacy regulations.

3 “(b) RULE OF CONSTRUCTION.—Nothing in this sub-
4 title shall be construed to interfere with or abridge an el-
5 der’s right to practice his or her religion through reliance
6 on prayer alone for healing when this choice—

7 “(1) is contemporaneously expressed, either
8 orally or in writing, with respect to a specific illness
9 or injury which the elder has at the time of the deci-
10 sion by an elder who is competent at the time of the
11 decision;

12 “(2) is previously set forth in a living will,
13 health care proxy, or other advance directive docu-
14 ment that is validly executed and applied under
15 State law; or

16 “(3) may be unambiguously deduced from the
17 elder’s life history.

1 **“PART A—NATIONAL COORDINATION OF ELDER**
2 **JUSTICE ACTIVITIES AND RESEARCH**
3 **“Subpart 1—Elder Justice Coordinating Council and**
4 **Advisory Board on Elder Abuse, Neglect, and Ex-**
5 **ploitation**

6 **“SEC. 2021. ELDER JUSTICE COORDINATING COUNCIL.**

7 “(a) ESTABLISHMENT.—There is established within
8 the Office of the Secretary an Elder Justice Coordinating
9 Council (in this section referred to as the ‘Council’).

10 “(b) MEMBERSHIP.—

11 “(1) IN GENERAL.—The Council shall be com-
12 posed of the following members:

13 “(A) The Secretary (or the Secretary’s
14 designee).

15 “(B) The Attorney General (or the Attor-
16 ney General’s designee).

17 “(C) The head of each Federal department
18 or agency or other governmental entity identi-
19 fied by the Chair referred to in subsection (d)
20 as having responsibilities, or administering pro-
21 grams, relating to elder abuse, neglect, and ex-
22 ploitation.

23 “(2) REQUIREMENT.—Each member of the
24 Council shall be an officer or employee of the Fed-
25 eral Government.

1 “(c) VACANCIES.—Any vacancy in the Council shall
2 not affect its powers, but shall be filled in the same man-
3 ner as the original appointment was made.

4 “(d) CHAIR.—The member described in subsection
5 (b)(1)(A) shall be Chair of the Council.

6 “(e) MEETINGS.—The Council shall meet at least 2
7 times per year, as determined by the Chair.

8 “(f) DUTIES.—

9 “(1) IN GENERAL.—The Council shall make
10 recommendations to the Secretary for the coordina-
11 tion of activities of the Department of Health and
12 Human Services, the Department of Justice, and
13 other relevant Federal, State, local, and private
14 agencies and entities, relating to elder abuse, ne-
15 glect, and exploitation and other crimes against el-
16 ders.

17 “(2) REPORT.—Not later than the date that is
18 2 years after the date of enactment of this subtitle
19 and every 2 years thereafter, the Council shall sub-
20 mit to the Committee on Finance of the Senate and
21 the Committee on Ways and Means and the Com-
22 mittee on Energy and Commerce of the House of
23 Representatives a report that—

24 “(A) describes the activities and accom-
25 pishments of, and challenges faced by—

1 “(i) the Council; and

2 “(ii) the entities represented on the
3 Council; and

4 “(B) makes such recommendations for leg-
5 islation, model laws, or other action as the
6 Council determines to be appropriate.

7 “(g) POWERS OF THE COUNCIL.—

8 “(1) INFORMATION FROM FEDERAL AGEN-
9 CIES.—Subject to the requirements of section
10 2012(a), the Council may secure directly from any
11 Federal department or agency such information as
12 the Council considers necessary to carry out this sec-
13 tion. Upon request of the Chair of the Council, the
14 head of such department or agency shall furnish
15 such information to the Council.

16 “(2) POSTAL SERVICES.—The Council may use
17 the United States mails in the same manner and
18 under the same conditions as other departments and
19 agencies of the Federal Government.

20 “(h) TRAVEL EXPENSES.—The members of the
21 Council shall not receive compensation for the perform-
22 ance of services for the Council. The members shall be
23 allowed travel expenses, including per diem in lieu of sub-
24 sistence, at rates authorized for employees of agencies
25 under subchapter I of chapter 57 of title 5, United States

1 Code, while away from their homes or regular places of
2 business in the performance of services for the Council.
3 Notwithstanding section 1342 of title 31, United States
4 Code, the Secretary may accept the voluntary and uncom-
5 pensated services of the members of the Council.

6 “(i) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any
7 Federal Government employee may be detailed to the
8 Council without reimbursement, and such detail shall be
9 without interruption or loss of civil service status or privi-
10 lege.

11 “(j) **STATUS AS PERMANENT COUNCIL.**—Section 14
12 of the Federal Advisory Committee Act (5 U.S.C. App.)
13 shall not apply to the Council.

14 **“SEC. 2022. ADVISORY BOARD ON ELDER ABUSE, NEGLECT,**
15 **AND EXPLOITATION.**

16 “(a) **ESTABLISHMENT.**—There is established a board
17 to be known as the ‘Advisory Board on Elder Abuse, Ne-
18 glect, and Exploitation’ (in this section referred to as the
19 ‘Advisory Board’) to create short- and long-term multi-
20 disciplinary strategic plans for the development of the field
21 of elder justice and to make recommendations to the Elder
22 Justice Coordinating Council established under section
23 2021.

24 “(b) **COMPOSITION.**—The Advisory Board shall be
25 composed of 27 members appointed by the Secretary from

1 among members of the general public who are individuals
2 with experience and expertise in elder abuse, neglect, and
3 exploitation prevention, detection, treatment, intervention,
4 or prosecution.

5 “(c) SOLICITATION OF NOMINATIONS.—The Sec-
6 retary shall publish a notice in the Federal Register solici-
7 ting nominations for the appointment of members of the
8 Advisory Board under subsection (b).

9 “(d) TERMS.—

10 “(1) IN GENERAL.—Each member of the Advi-
11 sory Board shall be appointed for a term of 3 years,
12 except that, of the members first appointed—

13 “(A) 9 shall be appointed for a term of 3
14 years;

15 “(B) 9 shall be appointed for a term of 2
16 years; and

17 “(C) 9 shall be appointed for a term of 1
18 year.

19 “(2) VACANCIES.—

20 “(A) IN GENERAL.—Any vacancy on the
21 Advisory Board shall not affect its powers, but
22 shall be filled in the same manner as the origi-
23 nal appointment was made.

24 “(B) FILLING UNEXPIRED TERM.—An in-
25 dividual chosen to fill a vacancy shall be ap-

1 pointed for the unexpired term of the member
2 replaced.

3 “(3) EXPIRATION OF TERMS.—The term of any
4 member shall not expire before the date on which
5 the member’s successor takes office.

6 “(e) ELECTION OF OFFICERS.—The Advisory Board
7 shall elect a Chair and Vice Chair from among its mem-
8 bers. The Advisory Board shall elect its initial Chair and
9 Vice Chair at its initial meeting.

10 “(f) DUTIES.—

11 “(1) ENHANCE COMMUNICATION ON PRO-
12 MOTING QUALITY OF, AND PREVENTING ABUSE AND
13 NEGLECT IN, LONG-TERM CARE.—The Advisory
14 Board shall develop collaborative and innovative ap-
15 proaches to improve the quality of, including pre-
16 venting abuse and neglect in, long-term care.

17 “(2) COLLABORATIVE EFFORTS TO DEVELOP
18 CONSENSUS AROUND THE MANAGEMENT OF CER-
19 TAIN QUALITY-RELATED FACTORS.—

20 “(A) IN GENERAL.—The Advisory Board
21 shall establish multidisciplinary panels to ad-
22 dress, and develop consensus on, subjects relat-
23 ing to improving the quality of long-term care.
24 At least 1 such panel shall address, and develop

1 consensus on, methods for managing resident-
2 to-resident abuse in long-term care.

3 “(B) ACTIVITIES CONDUCTED.—The multi-
4 disciplinary panels established under subpara-
5 graph (A) shall examine relevant research and
6 data, identify best practices with respect to the
7 subject of the panel, determine the best way to
8 carry out those best practices in a practical and
9 feasible manner, and determine an effective
10 manner of distributing information on such
11 subject.

12 “(3) REPORT.—Not later than the date that is
13 18 months after the date of enactment of this sub-
14 title, and annually thereafter, the Advisory Board
15 shall prepare and submit to the Elder Justice Co-
16 ordinating Council, the Committee on Finance of the
17 Senate, and the Committee on Ways and Means and
18 the Committee on Energy and Commerce of the
19 House of Representatives a report containing—

20 “(A) information on the status of Federal,
21 State, and local public and private elder justice
22 activities;

23 “(B) recommendations (including rec-
24 ommended priorities) regarding—

1 “(i) elder justice programs, research,
2 training, services, practice, enforcement,
3 and coordination;

4 “(ii) coordination between entities
5 pursuing elder justice efforts and those in-
6 volved in related areas that may inform or
7 overlap with elder justice efforts, such as
8 activities to combat violence against women
9 and child abuse and neglect; and

10 “(iii) activities relating to adult fidu-
11 ciary systems, including guardianship and
12 other fiduciary arrangements;

13 “(C) recommendations for specific modi-
14 fications needed in Federal and State laws (in-
15 cluding regulations) or for programs, research,
16 and training to enhance prevention, detection,
17 and treatment (including diagnosis) of, inter-
18 vention in (including investigation of), and
19 prosecution of elder abuse, neglect, and exploi-
20 tation;

21 “(D) recommendations on methods for the
22 most effective coordinated national data collec-
23 tion with respect to elder justice, and elder
24 abuse, neglect, and exploitation; and

1 “(E) recommendations for a multidisci-
2 plinary strategic plan to guide the effective and
3 efficient development of the field of elder jus-
4 tice.

5 “(g) POWERS OF THE ADVISORY BOARD.—

6 “(1) INFORMATION FROM FEDERAL AGEN-
7 CIES.—Subject to the requirements of section
8 2012(a), the Advisory Board may secure directly
9 from any Federal department or agency such infor-
10 mation as the Advisory Board considers necessary to
11 carry out this section. Upon request of the Chair of
12 the Advisory Board, the head of such department or
13 agency shall furnish such information to the Advi-
14 sory Board.

15 “(2) SHARING OF DATA AND REPORTS.—The
16 Advisory Board may request from any entity pur-
17 suing elder justice activities under section 206 of the
18 Benefits Extension and Quality Improvement Act of
19 2006 or an amendment made by that section, any
20 data, reports, or recommendations generated in con-
21 nection with such activities.

22 “(3) POSTAL SERVICES.—The Advisory Board
23 may use the United States mails in the same man-
24 ner and under the same conditions as other depart-
25 ments and agencies of the Federal Government.

1 “(h) TRAVEL EXPENSES.—The members of the Advi-
2 sory Board shall not receive compensation for the perform-
3 ance of services for the Advisory Board. The members
4 shall be allowed travel expenses for up to 4 meetings per
5 year, including per diem in lieu of subsistence, at rates
6 authorized for employees of agencies under subchapter I
7 of chapter 57 of title 5, United States Code, while away
8 from their homes or regular places of business in the per-
9 formance of services for the Advisory Board. Notwith-
10 standing section 1342 of title 31, United States Code, the
11 Secretary may accept the voluntary and uncompensated
12 services of the members of the Advisory Board.

13 “(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any
14 Federal Government employee may be detailed to the Ad-
15 visory Board without reimbursement, and such detail shall
16 be without interruption or loss of civil service status or
17 privilege.

18 “(j) STATUS AS PERMANENT ADVISORY COM-
19 MITTEE.—Section 14 of the Federal Advisory Committee
20 Act (5 U.S.C. App.) shall not apply to the advisory board.

21 **“SEC. 2023. RESEARCH PROTECTIONS.**

22 “(a) GUIDELINES.—The Secretary shall promulgate
23 guidelines to assist researchers working in the area of
24 elder abuse, neglect, and exploitation, with issues relating
25 to human subject protections.

1 “(b) DEFINITION OF LEGALLY AUTHORIZED REP-
2 REPRESENTATIVE FOR APPLICATION OF REGULATIONS.—For
3 purposes of the application of subpart A of part 46 of title
4 45, Code of Federal Regulations, to research conducted
5 under this subpart, the term ‘legally authorized represent-
6 ative’ means, unless otherwise provided by law, the indi-
7 vidual or judicial or other body authorized under the appli-
8 cable law to consent to medical treatment on behalf of an-
9 other person.

10 **“SEC. 2024. AUTHORIZATION OF APPROPRIATIONS.**

11 “‘There are authorized to be appropriated to carry out
12 this subpart—

13 “(1) for fiscal year 2007, \$6,500,000; and

14 “(2) for each of fiscal years 2008 through
15 2010, \$7,000,000.

16 **“Subpart 2—Elder Abuse, Neglect, and Exploitation**
17 **Forensic Centers**

18 **“SEC. 2031. ESTABLISHMENT AND SUPPORT OF ELDER**
19 **ABUSE, NEGLECT, AND EXPLOITATION FO-**
20 **RENSIC CENTERS.**

21 “(a) IN GENERAL.—The Secretary, in consultation
22 with the Attorney General, shall make grants to eligible
23 entities to establish and operate stationary and mobile fo-
24 rensic centers, to develop forensic expertise regarding, and

1 provide services relating to, elder abuse, neglect, and ex-
2 ploitation.

3 “(b) STATIONARY FORENSIC CENTERS.—The Sec-
4 retary shall make 4 of the grants described in subsection
5 (a) to institutions of higher education with demonstrated
6 expertise in forensics or commitment to preventing or
7 treating elder abuse, neglect, or exploitation, to establish
8 and operate stationary forensic centers.

9 “(c) MOBILE CENTERS.—The Secretary shall make
10 6 of the grants described in subsection (a) to appropriate
11 entities to establish and operate mobile forensic centers.

12 “(d) AUTHORIZED ACTIVITIES.—

13 “(1) DEVELOPMENT OF FORENSIC MARKERS
14 AND METHODOLOGIES.—An eligible entity that re-
15 ceives a grant under this section shall use funds
16 made available through the grant to assist in deter-
17 mining whether abuse, neglect, or exploitation oc-
18 curred and whether a crime was committed and to
19 conduct research to describe and disseminate infor-
20 mation on—

21 “(A) forensic markers that indicate a case
22 in which elder abuse, neglect, or exploitation
23 may have occurred; and

24 “(B) methodologies for determining, in
25 such a case, when and how health care, emer-

1 agency service, social and protective services, and
2 legal service providers should intervene and
3 when the providers should report the case to
4 law enforcement authorities.

5 “(2) DEVELOPMENT OF FORENSIC EXPER-
6 TISE.—An eligible entity that receives a grant under
7 this section shall use funds made available through
8 the grant to develop forensic expertise regarding
9 elder abuse, neglect, and exploitation in order to
10 provide medical and forensic evaluation, therapeutic
11 intervention, victim support and advocacy, case re-
12 view, and case tracking.

13 “(3) COLLECTION OF EVIDENCE.—The Sec-
14 retary, in coordination with the Attorney General,
15 shall use data made available by grant recipients
16 under this section to develop the capacity of geriatric
17 health care professionals and law enforcement to col-
18 lect forensic evidence, including collecting forensic
19 evidence relating to a potential determination of
20 elder abuse, neglect, or exploitation.

21 “(e) APPLICATION.—To be eligible to receive a grant
22 under this section, an entity shall submit an application
23 to the Secretary at such time, in such manner, and con-
24 taining such information as the Secretary may require.

1 ment providing direct care in a long-term care
2 facility.

3 “(B) CAREER LADDERS AND WAGE OR
4 BENEFIT INCREASES TO INCREASE STAFFING IN
5 LONG-TERM CARE FACILITIES.—

6 “(i) IN GENERAL.—The Secretary
7 shall make grants to long-term care facili-
8 ties to carry out programs through which
9 the facilities—

10 “(I) offer, to employees who pro-
11 vide direct care to residents of a long-
12 term care facility, continuing training
13 and varying levels of certification,
14 based on observed clinical care prac-
15 tices and the amount of time the em-
16 ployees spend providing direct care;
17 and

18 “(II) provide, or make arrange-
19 ments to provide, bonuses or other in-
20 creased compensation or benefits to
21 employees who achieve certification
22 under such a program.

23 “(ii) APPLICATION.—To be eligible to
24 receive a grant under this subparagraph, a
25 long-term care facility shall submit an ap-

1 plication to the Secretary at such time, in
2 such manner, and containing such infor-
3 mation as the Secretary may require
4 (which may include evidence of consulta-
5 tion with the State in which the long-term
6 care facility is located with respect to car-
7 rying out activities funded under the
8 grant).

9 “(iii) AUTHORITY TO LIMIT NUMBER
10 OF APPLICANTS.—Nothing in this subpara-
11 graph shall be construed as prohibiting the
12 Secretary from limiting the number of ap-
13 plicants for a grant under this subpara-
14 graph.

15 “(3) SPECIFIC PROGRAMS TO IMPROVE MAN-
16 AGEMENT PRACTICES.—

17 “(A) IN GENERAL.—The Secretary shall
18 make grants to long-term care facilities to en-
19 able the facilities to provide training and tech-
20 nical assistance to eligible employees.

21 “(B) AUTHORIZED ACTIVITIES.—A long-
22 term care facility that receives a grant under
23 subparagraph (A) shall use funds made avail-
24 able through the grant to provide training and
25 technical assistance to eligible employees re-

1 training, for employees who are certified
2 nurse aides.

3 “(C) APPLICATION.—To be eligible to re-
4 ceive a grant under this paragraph, a long-term
5 care facility shall submit an application to the
6 Secretary at such time, in such manner, and
7 containing such information as the Secretary
8 may require (which may include evidence of
9 consultation with the State in which the long-
10 term care facility is located with respect to car-
11 rying out activities funded under the grant).

12 “(D) AUTHORITY TO LIMIT NUMBER OF
13 APPLICANTS.—Nothing in this paragraph shall
14 be construed as prohibiting the Secretary from
15 limiting the number of applicants for a grant
16 under this paragraph.

17 “(E) ELIGIBLE EMPLOYEE DEFINED.—In
18 this paragraph, the term ‘eligible employee’
19 means an individual who establishes or imple-
20 ments management practices applicable with re-
21 spect to individuals who provide direct care to
22 residents of a long-term care facility and in-
23 cludes administrators, directors of nursing,
24 staff developers, and charge nurses.

1 “(4) ACCOUNTABILITY MEASURES.—The Sec-
2 retary shall develop accountability measures to en-
3 sure that the activities conducted using funds made
4 available under this subsection benefit eligible em-
5 ployees and increase the stability of the long-term
6 care workforce.

7 “(b) INFORMATICS SYSTEMS GRANT PROGRAM.—

8 “(1) GRANTS AUTHORIZED.—The Secretary is
9 authorized to make grants to long-term care facili-
10 ties for the purpose of assisting such entities in off-
11 setting the costs related to purchasing, leasing, de-
12 veloping, and implementing standardized clinical
13 health care informatics systems designed to improve
14 patient safety and reduce adverse events and health
15 care complications resulting from medication errors.

16 “(2) USE OF GRANT FUNDS.—Funds provided
17 under grants under this subsection may be used for
18 any of the following:

19 “(A) Purchasing, leasing, and installing
20 computer software and hardware, including
21 handheld computer technologies.

22 “(B) Making improvements to existing
23 computer software and hardware.

1 “(C) Making upgrades and other improve-
2 ments to existing computer software and hard-
3 ware to enable e-prescribing.

4 “(D) Providing education and training to
5 eligible long-term care facility staff on the use
6 of technology to implement the electronic trans-
7 mission of prescription and patient information.

8 “(3) APPLICATION.—To be eligible to receive a
9 grant under this subsection, a long-term care facility
10 shall submit an application to the Secretary at such
11 time, in such manner, and containing such informa-
12 tion as the Secretary may require (which may in-
13 clude evidence of consultation with the State in
14 which the long-term care facility is located with re-
15 spect to carrying out activities funded under the
16 grant).

17 “(4) AUTHORITY TO LIMIT NUMBER OF APPLI-
18 CANTS.—Nothing in this subsection shall be con-
19 strued as prohibiting the Secretary from limiting the
20 number of applicants for a grant under this sub-
21 section.

22 “(5) ACCOUNTABILITY MEASURES.—The Sec-
23 retary shall develop accountability measures to en-
24 sure that the activities conducted using funds made
25 available under this subsection help improve patient

1 safety and reduce adverse events and health care
2 complications resulting from medication errors.

3 “(c) INCLUSION OF ADJUDICATED CRIMES ON NURS-
4 ING HOME COMPARE WEBSITE.—Not later than 1 year
5 after the date of enactment of this subtitle, the Secretary
6 shall ensure that the Department of Health and Human
7 Services includes, as part of the information provided for
8 comparison of nursing facilities on the official Internet
9 website of the Federal Government for Medicare bene-
10 ficiaries (commonly referred to as the ‘Nursing Home
11 Compare’ Medicare website), the number of adjudicated
12 instances of criminal violations by a nursing facility or
13 crimes committed by an employee of a nursing facility—

14 “(1) that were committed inside of the facility;
15 and

16 “(2) with respect to such instances of violations
17 or crimes committed outside of the facility, that
18 were the violations or crimes of elder abuse, neglect,
19 and exploitation, criminal sexual abuse of an elder,
20 or other violations or crimes that resulted in the se-
21 rious bodily injury of an elder.

22 “(d) DEVELOPMENT OF CONSUMER RIGHTS INFOR-
23 MATION PAGE ON NURSING HOME COMPARE WEBSITE.—
24 Not later than 1 year after the date of enactment of this
25 subtitle, the Secretary shall ensure that the Department

1 of Health and Human Services, as part of the information
2 provided for comparison of nursing facilities on the Nurs-
3 ing Home Compare Medicare website develops and in-
4 cludes a consumer rights information page that contains
5 links to descriptions of, and information with respect to,
6 the following:

7 “(1) The documentation on nursing facilities
8 that is available to the public.

9 “(2) General information and tips on choosing
10 a nursing facility that meets the needs of the indi-
11 vidual.

12 “(3) General information on consumer rights
13 with respect to nursing facilities.

14 “(4) The nursing facility survey process (on a
15 national and State-specific basis).

16 “(5) On a State-specific basis, the services
17 available through the State long-term care ombuds-
18 man for such State.

19 “(e) DEVELOPMENT AND ADOPTION OF STANDARDS
20 FOR TRANSACTIONS INVOLVING CLINICAL DATA BY
21 LONG-TERM CARE FACILITIES.—

22 “(1) STANDARDS.—The Secretary shall develop
23 and adopt uniform open electronic standards for
24 transactions involving clinical data by long-term care

1 facilities. Such standards shall include messaging
2 and nomenclature standards.

3 “(2) COMPATIBILITY WITH OTHER STAND-
4 ARDS.—The standards developed and adopted under
5 paragraph (1) shall be compatible with standards es-
6 tablished under part C of title XI, standards estab-
7 lished under subsections (b)(2)(B)(i) and (e)(4) of
8 section 1860D–4, and with general health informa-
9 tion technology standards.

10 “(3) ELECTRONIC SUBMISSION OF DATA TO
11 THE SECRETARY.—

12 “(A) IN GENERAL.—Not later than 10
13 years after the date of enactment of this sub-
14 title, the Secretary shall have procedures in
15 place to accept the optional electronic submis-
16 sion of clinical data by long-term care facilities
17 pursuant to the standards developed and adopt-
18 ed under paragraph (1).

19 “(B) RULE OF CONSTRUCTION.—Nothing
20 in this subsection shall be construed to require
21 a long-term care facility to submit clinical data
22 electronically to the Secretary.

23 “(f) REGULATIONS.—The Secretary shall promulgate
24 regulations to carry out subsections (c), (d), and (e) of
25 this section. Such regulations shall require a State, as a

1 condition of the receipt of funds under this part, to con-
2 duct such data collection and reporting as the Secretary
3 determines are necessary to satisfy the requirements of
4 such subsections.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this
7 section—

8 “(1) for fiscal year 2007, \$20,000,000;

9 “(2) for fiscal year 2008, \$17,500,000; and

10 “(3) for each of fiscal years 2009 and 2010,
11 \$15,000,000.

12 **“SEC. 2042. ADULT PROTECTIVE SERVICES FUNCTIONS AND**
13 **GRANT PROGRAMS.**

14 “(a) SECRETARIAL RESPONSIBILITIES.—

15 “(1) IN GENERAL.—The Secretary shall ensure
16 that the Department of Health and Human
17 Services—

18 “(A) provides funding authorized by this
19 part to State and local adult protective services
20 offices that investigate reports of the abuse, ne-
21 glect, and exploitation of elders;

22 “(B) collects and disseminates data annu-
23 ally relating to the abuse, exploitation, and ne-
24 glect of elders in coordination with the Depart-
25 ment of Justice;

1 “(C) develops and disseminates informa-
2 tion on best practices regarding, and provides
3 training on, carrying out adult protective serv-
4 ices;

5 “(D) conducts research related to the pro-
6 vision of adult protective services; and

7 “(E) provides technical assistance to
8 States and other entities that provide or fund
9 the provision of adult protective services, in-
10 cluding through grants made under subsections
11 (b) and (c).

12 “(2) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to carry out
14 this subsection, \$3,000,000 for fiscal year 2007 and
15 \$4,000,000 for each of fiscal years 2008 through
16 2010.

17 “(b) GRANTS TO ENHANCE THE PROVISION OF
18 ADULT PROTECTIVE SERVICES.—

19 “(1) ESTABLISHMENT.—There is established an
20 adult protective services grant program under which
21 the Secretary shall annually award grants to States
22 in the amounts calculated under paragraph (2) for
23 the purposes of enhancing adult protective services
24 provided by States and local units of government.

25 “(2) AMOUNT OF PAYMENT.—

1 “(A) IN GENERAL.—Subject to the avail-
2 ability of appropriations and subparagraphs (B)
3 and (C), the amount paid to a State for a fiscal
4 year under the program under this subsection
5 shall equal the amount appropriated for that
6 year to carry out this subsection multiplied by
7 the percentage of the total number of elders
8 who reside in the United States who reside in
9 that State.

10 “(B) GUARANTEED MINIMUM PAYMENT
11 AMOUNT.—

12 “(i) 50 STATES.—Subject to clause
13 (ii), if the amount determined under sub-
14 paragraph (A) for a State for a fiscal year
15 is less than 0.75 percent of the amount ap-
16 propriated for such year, the Secretary
17 shall increase such determined amount so
18 that the total amount paid under this sub-
19 section to the State for the year is equal
20 to 0.75 percent of the amount so appro-
21 priated.

22 “(ii) TERRITORIES.—In the case of a
23 State other than 1 of the 50 States, clause
24 (i) shall be applied as if each reference to
25 ‘0.75’ were a reference to ‘0.1’.

1 “(C) PRO RATA REDUCTIONS.—The Sec-
2 retary shall make such pro rata reductions to
3 the amounts described in subparagraph (A) as
4 are necessary to comply with the requirements
5 of subparagraph (B).

6 “(3) AUTHORIZED ACTIVITIES.—

7 “(A) ADULT PROTECTIVE SERVICES.—
8 Funds made available pursuant to this sub-
9 section may only be used by States and local
10 units of government to provide adult protective
11 services and may not be used for any other pur-
12 pose.

13 “(B) USE BY AGENCY.—Each State receiv-
14 ing funds pursuant to this subsection shall pro-
15 vide such funds to the agency or unit of State
16 government having legal responsibility for pro-
17 viding adult protective services within the State.

18 “(C) SUPPLEMENT NOT SUPPLANT.—Each
19 State or local unit of government shall use
20 funds made available pursuant to this sub-
21 section to supplement and not supplant other
22 Federal, State, and local public funds expended
23 to provide adult protective services in the State.

24 “(4) STATE REPORTS.—Each State receiving
25 funds under this subsection shall submit to the Sec-

1 retary, at such time and in such manner as the Sec-
2 retary may require, a report on the number of elders
3 served by the grants awarded under this subsection.

4 “(5) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated to carry out
6 this subsection, \$100,000,000 for each of fiscal
7 years 2007 through 2010.

8 “(c) STATE DEMONSTRATION PROGRAMS.—

9 “(1) ESTABLISHMENT.—The Secretary shall
10 award grants to States for the purposes of con-
11 ducting demonstration programs in accordance with
12 paragraph (2).

13 “(2) DEMONSTRATION PROGRAMS.—Funds
14 made available pursuant to this subsection may be
15 used by States and local units of government to con-
16 duct demonstration programs that test—

17 “(A) training modules developed for the
18 purpose of detecting or preventing elder abuse;

19 “(B) methods to detect or prevent financial
20 exploitation of elders;

21 “(C) methods to detect elder abuse;

22 “(D) whether training on elder abuse
23 forensics enhances the detection of elder abuse
24 by employees of the State or local unit of gov-
25 ernment; or

1 “(E) other matters relating to the detec-
2 tion or prevention of elder abuse.

3 “(3) APPLICATION.—To be eligible to receive a
4 grant under this subsection, a State shall submit an
5 application to the Secretary at such time, in such
6 manner, and containing such information as the Sec-
7 retary may require.

8 “(4) STATE REPORTS.—Each State that re-
9 ceives funds under this subsection shall submit a re-
10 port to the Secretary at such time, in such manner,
11 and containing such information as the Secretary
12 may require on the results of the demonstration pro-
13 gram conducted by the State using funds made
14 available under this subsection.

15 “(5) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to carry out
17 this subsection, \$25,000,000 for each of fiscal years
18 2007 through 2010.

19 **“SEC. 2043. LONG-TERM CARE OMBUDSMAN PROGRAM**
20 **GRANTS AND TRAINING.**

21 “(a) GRANTS TO SUPPORT THE LONG-TERM CARE
22 OMBUDSMAN PROGRAM.—

23 “(1) IN GENERAL.—The Secretary shall make
24 grants to eligible entities with relevant expertise and
25 experience in abuse and neglect in long-term care fa-

1 cilities or long-term care ombudsman programs and
2 responsibilities, for the purpose of—

3 “(A) improving the capacity of State long-
4 term care ombudsman programs to respond to
5 and resolve complaints about abuse and neglect;

6 “(B) conducting pilot programs with State
7 long-term care ombudsman offices or local om-
8 budsman entities; and

9 “(C) providing support for such State
10 long-term care ombudsman programs and such
11 pilot programs (such as through the establish-
12 ment of a national long-term care ombudsman
13 resource center).

14 “(2) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated to carry out
16 this subsection—

17 “(A) for fiscal year 2007, \$5,000,000;

18 “(B) for fiscal year 2008, \$7,500,000; and

19 “(C) for each of fiscal years 2009 and
20 2010, \$10,000,000.

21 “(b) OMBUDSMAN TRAINING PROGRAMS.—

22 “(1) IN GENERAL.—The Secretary shall estab-
23 lish programs to provide and improve ombudsman
24 training with respect to elder abuse, neglect, and ex-

1 exploitation for national organizations and State long-
2 term care ombudsman programs.

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to carry out
5 this subsection, for each of fiscal years 2007
6 through 2010, \$10,000,000.”.

7 (c) STUDY AND RECOMMENDATIONS ON CREATING A

8 UNIFORM NATIONAL DATABASE ON ELDER ABUSE.—

9 (1) STUDY.—

10 (A) IN GENERAL.—The Secretary of
11 Health and Human Services, in consultation
12 with the Attorney General, shall conduct a
13 study on establishing a uniform national data-
14 base on elder abuse.

15 (B) ISSUES STUDIED.—The study con-
16 ducted under subparagraph (A) shall consider
17 the following:

18 (i) The process by which uniform na-
19 tional standards for reporting on elder
20 abuse could be implemented, including the
21 identification and involvement of necessary
22 stakeholders, financial resources needed,
23 timelines, and the treatment of existing
24 standards with respect to elder abuse.

1 (ii) Current methodologies used for
2 collecting data on elder abuse, including a
3 determination of the shortcomings,
4 strengths, and commonalities of existing
5 data collection efforts and how a uniform
6 national database would capitalize on such
7 efforts.

8 (iii) Potential conflicts in Federal,
9 State, and local laws, and jurisdictional
10 issues that could occur, as a result of the
11 creation of a uniform national database on
12 elder abuse.

13 (iv) The scope and variability of appli-
14 cable reporting forms (and other data col-
15 lection tools) already in use by social, legal,
16 law enforcement, and other relevant agen-
17 cies at the Federal, State, and local levels,
18 including any existing legal or pro-
19 grammatic mandates for the use of such
20 forms (and tools).

21 (v) The scope, purpose, and variability
22 of existing definitions used by Federal,
23 State, and local agencies with respect to
24 elder abuse.

1 (vi) The nature and scope of entities
2 currently involved in the protection of, and
3 advocacy for, vulnerable older adults, in-
4 cluding the nature of any data utilized by
5 such entities and any applicable require-
6 ments or protocols related to reporting
7 which such entities comply with.

8 (vii) Policy and enforcement issues
9 that could potentially be addressed by uni-
10 form national data collection requirements.

11 (viii) Incorporating a consensus proc-
12 ess with stakeholders, including Federal,
13 State, and local governments, to reach
14 agreement with respect to a core set of
15 data elements, common definitions, and re-
16 porting forms with respect to elder abuse.

17 (ix) Recommendations for procedures
18 and protocols for collecting appropriate na-
19 tional data on reported and substantiated
20 occurrences of elder abuse and mistreat-
21 ment.

22 (C) DURATION.—The study conducted
23 under subparagraph (A) shall be conducted for
24 a period not to exceed 2 years.

1 (2) REPORT.—Not later than 180 days after
2 the completion of the study conducted under para-
3 graph (1)(A), the Secretary of Health and Human
4 Services shall submit a report to the Committee on
5 Finance of the Senate and the Committee on Ways
6 and Means and the Committee on Energy and Com-
7 merce of the House of Representatives containing
8 the findings of the study, together with rec-
9 ommendations on how to implement a uniform na-
10 tional database on elder abuse.

11 (3) AUTHORIZATION.—There are authorized to
12 be appropriated to carry out this subsection,
13 \$500,000 for each of fiscal years 2007 and 2008.

14 (d) OPTION FOR STATE PLAN UNDER PROGRAM FOR
15 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.—

16 (1) IN GENERAL.—Section 402(a)(1)(B) of the
17 Social Security Act (42 U.S.C. 602(a)(1)(B)) is
18 amended by adding at the end the following new
19 clause:

20 “(v) The document shall indicate
21 whether the State intends to assist individ-
22 uals to train for, seek, and maintain
23 employment—

1 “(I) providing direct care in a
2 long-term care facility (as such terms
3 are defined under section 2011); or

4 “(II) in other occupations related
5 to elder care determined appropriate
6 by the State for which the State iden-
7 tifies an unmet need for service per-
8 sonnel,

9 and, if so, shall include an overview of such
10 assistance.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall take effect on October 1,
13 2007.

14 (e) PROTECTING RESIDENTS OF LONG-TERM CARE
15 FACILITIES.—

16 (1) NATIONAL TRAINING INSTITUTE FOR SUR-
17 VEYORS.—

18 (A) IN GENERAL.—The Secretary of
19 Health and Human Services shall enter into a
20 contract with an entity for the purpose of estab-
21 lishing and operating a National Training Insti-
22 tute for Federal and State surveyors. Such In-
23 stitute shall provide and improve the training of
24 surveyors with respect to investigating allega-
25 tions of abuse, neglect, and misappropriation of

1 property in programs and long-term care facili-
2 ties that receive payments under title XVIII or
3 XIX of the Social Security Act.

4 (B) ACTIVITIES CARRIED OUT BY THE IN-
5 STITUTE.—The contract entered into under
6 subparagraph (A) shall require the Institute es-
7 tablished and operated under such contract to
8 carry out the following activities:

9 (i) Assess the extent to which State
10 agencies use specialized surveyors for the
11 investigation of reported allegations of
12 abuse, neglect, and misappropriation of
13 property in such programs and long-term
14 care facilities.

15 (ii) Evaluate how the competencies of
16 surveyors may be improved to more effec-
17 tively investigate reported allegations of
18 such abuse, neglect, and misappropriation
19 of property, and provide feedback to Fed-
20 eral and State agencies on the evaluations
21 conducted.

22 (iii) Provide a national program of
23 training, tools, and technical assistance to
24 Federal and State surveyors on inves-

1 (II) The extent to which such
2 complaints are referred to law en-
3 forcement agencies.

4 (III) General results of Federal
5 and State investigations of such com-
6 plaints.

7 (viii) Conduct a national study of the
8 cost to State agencies of conducting com-
9 plaint investigations of skilled nursing fa-
10 cilities and nursing facilities under sections
11 1819 and 1919, respectively, of the Social
12 Security Act (42 U.S.C. 1395i-3; 1396r),
13 and making recommendations to the Sec-
14 retary of Health and Human Services with
15 respect to options to increase the efficiency
16 and cost-effectiveness of such investiga-
17 tions.

18 (C) AUTHORIZATION.—There are author-
19 ized to be appropriated to carry out this para-
20 graph, for the period of fiscal years 2007
21 through 2010, \$12,000,000.

22 (2) GRANTS TO STATE SURVEY AGENCIES.—

23 (A) IN GENERAL.—The Secretary of
24 Health and Human Services shall make grants
25 to State agencies that perform surveys of

1 skilled nursing facilities or nursing facilities
2 under sections 1819 or 1919, respectively, of
3 the Social Security Act (42 U.S.C. 1395i-3;
4 1395r).

5 (B) USE OF FUNDS.—A grant awarded
6 under subparagraph (A) shall be used for the
7 purpose of designing and implementing com-
8 plaint investigations systems that—

9 (i) promptly prioritize complaints in
10 order to ensure a rapid response to the
11 most serious and urgent complaints;

12 (ii) respond to complaints with opti-
13 mum effectiveness and timeliness; and

14 (iii) optimize the collaboration be-
15 tween local authorities, consumers, and
16 providers, including—

17 (I) such State agency;

18 (II) the State Long-Term Care
19 Ombudsman;

20 (III) local law enforcement agen-
21 cies;

22 (IV) advocacy and consumer or-
23 ganizations;

24 (V) State aging units;

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1 (VI) Area Agencies on Aging;

2 and

3 (VII) other appropriate entities.

4 (C) AUTHORIZATION.—There are author-
5 ized to be appropriated to carry out this para-
6 graph, for each of fiscal years 2007 through
7 2010, \$5,000,000.

8 (3) ENSURING SAFETY OF RESIDENTS WHEN
9 FEDERALLY FUNDED LONG-TERM CARE FACILITIES
10 CLOSE.—Part A of title XI of the Social Security
11 Act (42 U.S.C. 1301 et seq.) is amended by adding
12 at the end the following new section:

13 “ENSURING SAFETY OF RESIDENTS WHEN FEDERALLY
14 FUNDED LONG-TERM CARE FACILITIES CLOSE

15 “SEC. 1150A. (a) IN GENERAL.—

16 “(1) DETERMINATION.—The owner or operator
17 of each long-term care facility that receives Federal
18 funds under this Act shall annually determine
19 whether the facility received at least \$10,000 in such
20 Federal funds during the preceding year.

21 “(2) NOTIFICATION OF FACILITY CLOSURE.—
22 Subject to paragraph (3), if the owner or operator
23 determines under paragraph (1) that a long-term
24 care facility received at least \$10,000 in Federal
25 funds under this Act during the preceding year, the
26 owner or operator of the facility shall—

1 “(A) submit to the Secretary and the ap-
2 propriate State regulatory agency written notifi-
3 cation of an impending closure not later than
4 the date that is 60 days prior to the date of
5 such closure;

6 “(B) include in the notice a plan for the
7 transfer and adequate relocation of the resi-
8 dents of the facility prior to closure, including
9 assurances that the residents will be transferred
10 to the most appropriate facility in terms of
11 quality, services, and location; and

12 “(C) not later than 10 days after the facil-
13 ity closure, submit to the Secretary and the ap-
14 propriate State agency information identifying
15 where residents of the closed facility were trans-
16 ferred and on what date.

17 “(3) EXCEPTION WHERE THE SECRETARY HAS
18 ISSUED A TERMINATION NOTICE.—In the case of a
19 long-term care facility described in paragraph (2) for
20 which the Secretary has issued a termination notice
21 for the facility to close by not later than 15 days
22 after the issuance of such notice, the Secretary shall
23 establish requirements for the notification, transfer,
24 and adequate relocation of residents within an ap-
25 propriate timeframe.

1 “(b) SANCTIONS.—Any person owning or operating
2 a long-term care facility that fails to comply with the re-
3 quirements of subsection (a) shall be subject to—

4 “(1) a civil monetary penalty of up to
5 \$1,000,000;

6 “(2) exclusion from participation in the pro-
7 grams under this Act (in accordance with the proce-
8 dures of section 1128); and

9 “(3) any other applicable civil monetary pen-
10 alties and assessments.

11 “(c) PROCEDURE.—The provisions of section 1128A
12 (other than subsections (a) and (b) and the second sen-
13 tence of subsection (f)) shall apply to a civil money penalty
14 or assessment under this section in the same manner as
15 such provisions apply to a penalty or proceeding under
16 section 1128A(a).

17 “(d) DEFINITION.—In this section, the term ‘long-
18 term care facility’ has the meaning given that term in sec-
19 tion 2011.”.

20 (f) NATIONAL NURSE AIDE REGISTRY.—

21 (1) DEFINITION OF NURSE AIDE.—In this sub-
22 section, the term “nurse aide” has the meaning
23 given that term in sections 1819(b)(5)(F) and
24 1919(b)(5)(F) of the Social Security Act (42 U.S.C.
25 1395i–3(b)(5)(F); 1396r(b)(5)(F)).

1 (2) STUDY AND REPORT.—

2 (A) IN GENERAL.—The Secretary, in con-
3 sultation with appropriate government agencies
4 and private sector organizations, shall conduct
5 a study on establishing a national nurse aide
6 registry.

7 (B) AREAS EVALUATED.—The study con-
8 ducted under this subsection shall include an
9 evaluation of—

10 (i) who should be included in the reg-
11 istry;

12 (ii) how such a registry would comply
13 with Federal and State privacy laws and
14 regulations;

15 (iii) how data would be collected for
16 the registry;

17 (iv) what entities and individuals
18 would have access to the data collected;

19 (v) how the registry would provide ap-
20 propriate information regarding violations
21 of Federal and State law by individuals in-
22 cluded in the registry;

23 (vi) how the functions of a national
24 nurse aide registry would be coordinated
25 with the pilot program for national and

1 State background checks on direct patient
2 access employees of long-term care facili-
3 ties or providers established under section
4 307 of the Medicare Prescription Drug,
5 Improvement, and Modernization Act of
6 2003 (Public Law 108–173); and

7 (vii) how the information included in
8 State nurse aide registries developed and
9 maintained under sections 1819(e)(2) and
10 1919(e)(2) of the Social Security Act (42
11 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2))
12 would be provided as part of a national
13 nurse aide registry.

14 (C) CONSIDERATIONS.—In conducting the
15 study and preparing the report required under
16 this subsection, the Secretary shall take into
17 consideration the findings and conclusions of
18 relevant reports and other relevant resources,
19 including the following:

20 (i) The Department of Health and
21 Human Services Office of Inspector Gen-
22 eral Report, Nurse Aide Registries: State
23 Compliance and Practices (February
24 2005).

1 (ii) The General Accounting Office
2 (now known as the Government Account-
3 ability Office) Report, Nursing Homes:
4 More Can Be Done to Protect Residents
5 from Abuse (March 2002).

6 (iii) The Department of Health and
7 Human Services Office of the Inspector
8 General Report, Nurse Aide Registries:
9 Long-Term Care Facility Compliance and
10 Practices (July 2005).

11 (iv) The Department of Health and
12 Human Services Health Resources and
13 Services Administration Report, Nursing
14 Aides, Home Health Aides, and Related
15 Health Care Occupations—National and
16 Local Workforce Shortages and Associated
17 Data Needs (2004)(in particular with re-
18 spect to chapter 7 and appendix F).

19 (v) The 2001 Report to CMS from
20 the School of Rural Public Health, Texas
21 A&M University, Preventing Abuse and
22 Neglect in Nursing Homes: The Role of
23 Nurse Aide Registries.

24 (vi) Information included in State
25 nurse aide registries developed and main-

1 tained under sections 1819(e)(2) and
2 1919(e)(2) of the Social Security Act (42
3 U.S.C. 1395i-3(e)(2); 1396r(e)(2)(2)).

4 (D) REPORT.—Not later than 18 months
5 after the date of enactment of this Act, the Sec-
6 retary shall submit a report to the Elder Jus-
7 tice Coordinating Council, the Committee on
8 Finance of the Senate, and the Committee on
9 Ways and Means and the Committee on Energy
10 and Commerce of the House of Representatives
11 containing the findings and recommendations of
12 the study conducted under this paragraph.

13 (E) FUNDING LIMITATION.—Funding for
14 the study conducted under this subsection shall
15 not exceed \$500,000.

16 (3) CONGRESSIONAL ACTION.—After receiving
17 the report submitted by the Secretary under para-
18 graph (2)(D), the Committee on Finance of the Sen-
19 ate and the Committee on Ways and Means and the
20 Committee on Energy and Commerce of the House
21 of Representatives shall, as they deem appropriate,
22 take action based on the recommendations contained
23 in the report.

24 (4) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated such sums

1 as are necessary for the purpose of carrying out this
2 subsection.

3 (g) CONFORMING AMENDMENTS.—

4 (1) TITLE XX.—Title XX of the Social Security
5 Act (42 U.S.C. 1397 et seq.), as amended by sub-
6 section (b), is amended—

7 (A) in the heading of section 2001, by
8 striking “TITLE” and inserting “SUBTITLE”;
9 and

10 (B) in subtitle 1, by striking “this title”
11 each place it appears and inserting “this sub-
12 title”.

13 (2) TITLE IV.—Title IV of such Act (42 U.S.C.
14 601 et seq.) is amended—

15 (A) in section 404(d)—

16 (i) in paragraphs (1)(A), (2)(A), and
17 (3)(B), by inserting “subtitle 1 of” before
18 “title XX” each place it appears;

19 (ii) in the heading of paragraph (2),
20 by inserting “SUBTITLE 1 OF” before
21 “TITLE XX”; and

22 (iii) in the heading of paragraph
23 (3)(B), by inserting “SUBTITLE 1 OF” be-
24 fore “TITLE XX”; and

1 (B) in sections 422(b), 471(a)(4),
2 472(h)(1), and 473(b)(2), by inserting “subtitle
3 1 of” before “title XX” each place it appears.

4 (3) TITLE XI.—Title XI of the Social Security
5 Act (42 U.S.C. 1301 et seq.) is amended—

6 (A) in section 1128(h)(3)—

7 (i) by inserting “subtitle 1 of” before
8 “title XX”; and

9 (ii) by striking “such title” and in-
10 serting “such subtitle”; and

11 (B) in section 1128A(i)(1), by inserting
12 “subtitle 1 of” before “title XX”.