AMENDMENT NO. ________      Calendar No. ______

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


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:

3 SECTION 1. ORGANIZATION OF ACT INTO DIVISIONS.

This Act is organized into 4 divisions as follows:

(1) DIVISION A.—Tax Provisions.

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

(3) DIVISION C.—Tariff and Trade Provisions.
(4) DIVISION D.—Medicare, Medicaid, and SCHIP Provisions.

DIVISION A—TAX PROVISIONS

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

(a) Short Title.—This division may be cited as the “Extension of Tax Relief Act of 2006”.

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for 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. 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.

TITLE I—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS

SEC. 101. DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) In General.—Section 222(e) is amended by striking “2005” and inserting “2007”.

(b) Conforming Amendments.—Section 222(b)(2)(B) is amended—

(1) by striking “a taxable year beginning in 2004 or 2005” and inserting “any taxable year beginning after 2003”, and

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


(c) **Effective Date.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

**SEC. 102. EXTENSION AND MODIFICATION OF NEW MARKETS TAX CREDIT.**

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

(b) **Regulations Regarding Non-Metropolitan Counties.**—Section 45D(i) is amended by striking “and” at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “, and”, and by adding at the end the following new paragraph:

“(6) which ensure that non-metropolitan counties receive a proportional allocation of qualified equity investments.”.

(c) **Effective Date.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 103. ELECTION TO DEDUCT STATE AND LOCAL GENERAL SALES TAXES.**

(a) **In General.**—Section 164(b)(5)(I) is amended by striking “2006” and inserting “2008”.

(b) **Effective Date.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.
SEC. 104. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) Extension.—

(1) In general.—Section 41(h)(1)(B) is amended by striking “2005” and inserting “2007”.

(2) Conforming amendment.—Section 45C(b)(1)(D) is amended by striking “2005” and inserting “2007”.

(3) Effective date.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2005.

(b) Increase in Rates of Alternative Incremental Credit.—

(1) In general.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking “2.65 percent” and inserting “3 percent”,

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

(C) by striking “3.75 percent” and inserting “5 percent”.

(2) Effective date.—Except as provided in paragraph (3), the amendments made by this subsection shall apply to taxable years ending after December 31, 2006.
(3) Transition rule.—

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

(i) the applicable 2006 percentage multiplied by the amount determined under section 41(c)(4)(A) of such Code (as in effect for taxable years ending on December 31, 2006), plus

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

(B) Definitions.—For purposes of subparagraph (A)—

(i) Specified transitional taxable year.—The term “specified transitional taxable year” means any taxable year which ends after December 31, 2006, and which includes such date.
(ii) **Applicable 2006 Percentage.**—

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

(iii) **Applicable 2007 Percentage.**—The term “applicable 2007 percentage” means the number of days in the specified transitional taxable year after December 31, 2006, divided by the number of days in such taxable year.

(c) **Alternative Simplified Credit for Qualified Research Expenses.**—

(1) In general.—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

“(5) Election of Alternative Simplified Credit.—

“(A) In general.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the
taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

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

“(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

“(ii) CREDIT RATE.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

“(C) ELECTION.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.”.
(2) Transition rule for deemed revocation of election of alternative incremental credit.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes January 1, 2007, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by this subsection) for such year.

(3) Effective date.—Except as provided in paragraph (4), the amendments made by this subsection shall apply to taxable years ending after December 31, 2006.

(4) Transition rule for noncalendar taxable years.—

(A) In general.—In the case of a specified transitional taxable year for which an election under section 41(c)(5) of the Internal Revenue Code of 1986 (as added by this subsection) applies, the credit determined under section 41(a)(1) of such Code shall be equal to the sum of—

(i) the applicable 2006 percentage multiplied by the amount determined
under section 41(a)(1) of such Code (as in effect for taxable years ending on December 31, 2006), plus

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

(B) DEFINITIONS AND SPECIAL RULES.—

For purposes of subparagraph (A)—

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

(ii) DUAL ELECTIONS PERMITTED.—

Elections under paragraphs (4) and (5) of section 41(c) of such Code may both apply for the specified transitional taxable year.

(iii) DEFERRAL OF DEEMED ELECTION REVOCATION.—Any election under section 41(c)(4) of the Internal Revenue Code of 1986 treated as revoked under paragraph (2) shall be treated as revoked
for the taxable year after the specified transitional taxable year.

SEC. 105. WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) In General.—Sections 51(c)(4)(B) and 51A(f) are each amended by striking “2005” and inserting “2007”.

(b) Eligibility of Ex-Felons Determined Without Regard to Family Income.—Paragraph (4) of section 51(d) is amended by adding “and” at the end of subparagraph (A), by striking “, and” at the end of subparagraph (B) and inserting a period, and by striking all that follows subparagraph (B).

(c) Increase in Maximum Age for Eligibility of Food Stamp Recipients.—Clause (i) of section 51(d)(8)(A) is amended by striking “25” and inserting “40”.

(d) Extension of Paperwork Filing Deadline.—Section 51(d)(12)(A)(ii)(II) is amended by striking “21st day” and inserting “28th day”.

(e) Consolidation of Work Opportunity Credit With Welfare-to-Work Credit.—

(1) In General.—Paragraph (1) of section 51(d) is amended by striking “or” at the end of subparagraph (G), by striking the period at the end of
subparagraph (H) and inserting “, or”, and by adding at the end the following new subparagraph:

“(I) a long-term family assistance recipient.”.

(2) **LONG-TERM FAMILY ASSISTANCE RECIPIENT.**—Subsection (d) of section 51 is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following new paragraph:

“(10) **LONG-TERM FAMILY ASSISTANCE RECIPIENT.**—The term ‘long-term family assistance recipient’ means any individual who is certified by the designated local agency—

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

“(B)(i) as being a member of a family receiving such assistance for 18 months beginning after August 5, 1997, and

“(ii) as having a hiring date which is not more than 2 years after the end of the earliest such 18-month period, or
“(C)(i) as being a member of a family which ceased to be eligible for such assistance by reason of any limitation imposed by Federal or State law on the maximum period such assistance is payable to a family, and

“(ii) as having a hiring date which is not more than 2 years after the date of such cessation.”.

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

“(e) CREDIT FOR SECOND-YEAR WAGES FOR EMPLOYMENT OF LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—

“(1) IN GENERAL.—With respect to the employment of a long-term family assistance recipient—

“(A) the amount of the work opportunity credit determined under this section for the taxable year shall include 50 percent of the qualified second-year wages for such year, and

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

“(2) Qualified second-year wages.—For purposes of this subsection, the term ‘qualified second-year wages’ means qualified wages—

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

“(B) which are attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such recipient determined under subsection (b)(2).

“(3) Special rules for agricultural and railway labor.—If such recipient is an employee to whom subparagraph (A) or (B) of subsection (h)(1) applies, rules similar to the rules of such subparagraphs shall apply except that—

“(A) such subparagraph (A) shall be applied by substituting ‘$10,000’ for ‘$6,000’, and

“(B) such subparagraph (B) shall be applied by substituting ‘$833.33’ for ‘$500’.”.

(4) Repeal of separate welfare-to-work credit.—
(A) IN GENERAL.—Section 51A is hereby repealed.

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

(f) EFFECTIVE DATES.—

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

(2) CONSOLIDATION.—The amendments made by subsections (b), (c), (d), and (e) shall apply to individuals who begin work for the employer after December 31, 2006.

SEC. 106. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

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

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.
SEC. 107. EXTENSION AND MODIFICATION OF QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Paragraph (1) of section 1397E(e) is amended by striking “and 2005” and inserting “2005, 2006, and 2007”.

(b) Special Rules Relating to Expenditures, Arbitrage, and Reporting.—

(1) In General.—Section 1397E is amended—

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

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

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

“(f) Special Rules Relating to Expenditures.—

“(1) In General.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the issuer reasonably expects—
“(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified purposes with respect to qualified zone academies within the 5-year period beginning on the date of issuance of the qualified zone academy bond,

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

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

“(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related purposes will continue to proceed with due diligence.

“(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of
such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

“(g) Special Rules Relating to Arbitrage.—

An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

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

(2) Conforming Amendments.—Sections 54(l)(3)(B) and 1400N(l)(7)(B)(ii) are each amended by striking “section 1397E(i)” and inserting “section 1397E(l)”.

(c) Effective Dates.—

(1) Extension.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2005.
(2) Special rules.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act pursuant to allocations of the national zone academy bond limitation for calendar years after 2005.

SEC. 108. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) In general.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2005” and inserting “2005, 2006, or 2007”.

(b) Effective date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 109. EXTENSION AND EXPANSION OF EXPENSING OF BROWNFIELDS REMEDIATION COSTS.

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

(b) Expansion.—Section 198(d)(1) (defining hazardous substance) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following new subparagraph:

“(C) any petroleum product (as defined in section 4612(a)(3)).”.
(c) **Effective Date.**—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2005.

**SEC. 110. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) **Designation of Zone.**—

(1) **In General.**—Subsection (f) of section 1400 is amended by striking “2005” both places it appears and inserting “2007”.

(2) **Effective Date.**—The amendments made by this subsection shall apply to periods beginning after December 31, 2005.

(b) **Tax-Exempt Economic Development Bonds.**—

(1) **In General.**—Subsection (b) of section 1400A is amended by striking “2005” and inserting “2007”.

(2) **Effective Date.**—The amendment made by this subsection shall apply to bonds issued after December 31, 2005.

(c) **Zero Percent Capital Gains Rate.**—

(1) **In General.**—Subsection (b) of section 1400B is amended by striking “2006” each place it appears and inserting “2008”.

(2) **Conforming Amendments.**—
(A) Section 1400B(e)(2) is amended—

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

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

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

(C) Section 1400F(d) is amended by striking “2010” and inserting “2012”.

(3) EFFECTIVE DATES.—

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

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

(d) FIRST-TIME HOMEBUYER CREDIT.—

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

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2005.
SEC. 111. INDIAN EMPLOYMENT TAX CREDIT.

(a) In General.—Section 45A(f) is amended by striking “2005” and inserting “2007”.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 112. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) In General.—Section 168(j)(8) is amended by striking “2005” and inserting “2007”.

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2005.

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

(a) In General.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking “2006” and inserting “2008”.

(b) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2005.

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

(a) In General.—Section 7652(f)(1) is amended by striking “2006” and inserting “2008”.

(b) Effective Date.—The amendments made by this section shall apply to tax years beginning after December 31, 2005.
(b) EFFECTIVE DATE.—The amendment made by this section shall apply to articles brought into the United States after December 31, 2005.

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

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

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

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

SEC. 116. CORPORATE DONATIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH AND OF COMPUTER TECHNOLOGY AND EQUIPMENT.

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

(1) IN GENERAL.—Section 170(e)(6)(G) is amended by striking “2005” and inserting “2007”. 
(2) **Effective Date.**—The amendment made this subsection shall apply to contributions made in taxable years beginning after December 31, 2005.

(b) **Expansion of Charitable Contribution Allowed for Scientific Property Used for Research and for Computer Technology and Equipment Used for Educational Purposes.**—

(1) **Scientific property used for research.**—

(A) **In general.**—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting “or assembled” after “constructed”.

(B) **Conforming Amendment.**—Clause (iii) of section 170(e)(4)(B) is amended by inserting “or assembly” after “construction”.

(2) **Computer technology and equipment for educational purposes.**—

(A) **In general.**—Clause (ii) of section 170(e)(6)(B) is amended by inserting “or assembled” after “constructed” and “or assembling” after “construction”.

(B) **Conforming Amendment.**—Subparagraph (D) of section 170(e)(6) is amended by
inserting “or assembled” after “constructed”
and “or assembly” after “construction”.

(3) **Effective Date.**—The amendments made
by this subsection shall apply to taxable years begin-
ning after December 31, 2005.

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

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

(b) **Conforming Amendments.**—

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

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

(B) in the heading by striking “OR 2004”

(2) Subparagraph (A) of section 220(j)(4) is
amended by striking “and 2004” and inserting

(c) **Time for Filing Reports, etc.**—

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

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

SEC. 118. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) In General.—Section 613A(c)(6)(H) is amended by striking “2006” and inserting “2008”.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 119. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) In General.—For purposes of section 30A of the Internal Revenue Code of 1986, a domestic corpora-
tion shall be treated as a qualified domestic corporation
to which such section applies if such corporation—

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

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

(b) **Special Rules for Application of Section.**—The following rules shall apply in applying section
30A of the Internal Revenue Code of 1986 for purposes
of this section:

(1) **Amount of Credit.**—Notwithstanding sec-
tion 30A(a)(1) of such Code, the amount of the
credit determined under section 30A(a)(1) of such
Code for any taxable year shall be the amount deter-
mined under section 30A(d) of such Code, except
that section 30A(d) shall be applied without regard
to paragraph (3) thereof.

(2) **Separate Application.**—In applying sec-
tion 30A(a)(3) of such Code in the case of a cor-
poration treated as a qualified domestic corporation
by reason of this section, section 30A of such Code
(and so much of section 936 of such Code as relates
to such section 30A) shall be applied separately with
respect to American Samoa.
(3) FOREIGN TAX CREDIT ALLOWED.—Notwithstanding section 30A(e) of such Code, the provisions of section 936(c) of such Code shall not apply with respect to the credit allowed by reason of this section.

(c) DEFINITIONS.—For purposes of this section, any term which is used in this section which is also used in section 30A or 936 of such Code shall have the same meaning given such term by such section 30A or 936.

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

SEC. 120. AUTHORITY FOR UNDERCOVER OPERATIONS.
Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking “2007” both places it appears and inserting “2008”.

SEC. 121. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.
(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—
(1) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking “2006” and inserting “2007”.

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

(b) DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—

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

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

(e) DISCLOSURES RELATING TO STUDENT LOANS.—

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

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to requests made after December 31, 2006.
SEC. 122. SPECIAL RULE FOR ELECTIONS UNDER EXPIRED PROVISIONS.

(a) Research Credit Elections.—In the case of any taxable year ending after December 31, 2005, and before the date of the enactment of this Act, any election under section 41(c)(4) or section 280C(c)(3)(C) of the Internal Revenue Code of 1986 shall be treated as having been timely made for such taxable year if such election is made not later than the later of April 15, 2007 or such time as the Secretary of the Treasury, or the Secretary’s designee, may specify. Such election shall be made in the manner prescribed by such Secretary or designee.

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

TITLE II—OTHER PROVISIONS

SEC. 201. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) In General.—Subsection (d) of section 199 (relating to definitions and special rules) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:
“(8) TREATMENT OF ACTIVITIES IN PUERTO RICO.—

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

“(B) SPECIAL RULE FOR APPLYING WAGE LIMITATION.—In the case of any taxpayer described in subparagraph (A), for purposes of applying the limitation under subsection (b) for any taxable year, the determination of W–2 wages of such taxpayer shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services performed in Puerto Rico.

“(C) TERMINATION.—This paragraph shall apply only with respect to the first 2 taxable years of the taxpayer beginning after December 31, 2005, and before January 1, 2008.”.
(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 202. CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY MADE REFUNDABLE AFTER PERIOD OF YEARS.

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

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

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

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

“(A) IN GENERAL.—The term ‘AMT refundable credit amount’ means, with respect to any taxable year, the amount equal to the greater of—

“(i) the lesser of—

“(I) $5,000, or
“(II) the amount of long-term unused minimum tax credit for such taxable year, or
“(ii) 20 percent of the amount of such credit.
“(B) Phaseout of AMT refundable credit amount.—
“(i) In general.—In the case of an individual whose adjusted gross income for any taxable year exceeds the threshold amount (within the meaning of section 151(d)(3)(C)), the AMT refundable credit amount determined under subparagraph (A) for such taxable year shall be reduced by the applicable percentage (within the meaning of section 151(d)(3)(B)).
“(ii) Adjusted gross income.—For purposes of clause (i), adjusted gross income shall be determined without regard to sections 911, 931, and 933.
“(3) Long-term unused minimum tax credit.—
“(A) In general.—For purposes of this subsection, the term ‘long-term unused minimum tax credit’ means, with respect to any
taxable year, the portion of the minimum tax credit determined under subsection (b) attributable to the adjusted net minimum tax for taxable years before the 3rd taxable year immediately preceding such taxable year.

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

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

(b) CONFORMING AMENDMENTS.—

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

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

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.
SEC. 203. RETURNS REQUIRED IN CONNECTION WITH CERTAIN OPTIONS.

(a) In General.—So much of section 6039(a) as follows paragraph (2) is amended to read as follows:

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

(b) Statements to Persons With Respect to Whom Information Is Furnished.—Section 6039 is amended by redesignating subsections (b) and (c) as subsection (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

“(b) Statements to Be Furnished to Persons With Respect to Whom Information Is Reported.—Every corporation making a return under subsection (a) shall furnish to each person whose name is set forth in such return a written statement setting forth such information as the Secretary may by regulations prescribe. The written statement required under the preceding sentence shall be furnished to such person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.”.

(c) Conforming Amendments.—

(1) Section 6724(d)(1)(B) is amended by striking “or” at the end of clause (xvii), by striking
and” at the end of clause (xviii) and inserting “or”,
and by adding at the end the following new clause:
“(xix) section 6039(a) (relating to returns required with respect to certain options), and”.

(2) Section 6724(d)(2)(B) is amended by striking “section 6039(a)” and inserting “section 6039(b)”.

(3) The heading of section 6039 and the item relating to such section in the table of sections of subpart A of part III of subchapter A of chapter 61 of such Code are each amended by striking “Information” and inserting “Returns”.

(4) The heading of subsection (a) of section 6039 is amended by striking “FURNISHING OF INFORMATION” and inserting “REQUIREMENT OF REPORTING”.

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

SEC. 204. PARTIAL EXPENSING FOR ADVANCED MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179D the following new section:
"SEC. 179E. ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT."

“(a) Treatment as Expenses.—A taxpayer may elect to treat 50 percent of the cost of any qualified advanced mine safety equipment property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified advanced mine safety equipment property is placed in service.

“(b) Election.—

“(1) In General.—An election under this section for any taxable year shall be made on the taxpayer’s return of the tax imposed by this chapter for the taxable year. Such election shall specify the advanced mine safety equipment property to which the election applies and shall be made in such manner as the Secretary may by regulations prescribe.

“(2) Election Irrevocable.—Any election made under this section may not be revoked except with the consent of the Secretary.

“(c) Qualified Advanced Mine Safety Equipment Property.—For purposes of this section, the term ‘qualified advanced mine safety equipment property’ means any advanced mine safety equipment property for use in any underground mine located in the United States—
“(1) the original use of which commences with
the taxpayer, and
“(2) which is placed in service by the taxpayer
after the date of the enactment of this section.
“(d) ADVANCED MINE SAFETY EQUIPMENT PRO-
PERTY.—For purposes of this section, the term ‘advanced
mine safety equipment property’ means any of the fol-
lowing:
“(1) Emergency communication technology or
device which is used to allow a miner to maintain
constant communication with an individual who is
not in the mine.
“(2) Electronic identification and location de-
vice which allows an individual who is not in the
mine to track at all times the movements and loca-
tion of miners working in or at the mine.
“(3) Emergency oxygen-generating, self-rescue
device which provides oxygen for at least 90 min-
utes.
“(4) Pre-positioned supplies of oxygen which (in
combination with self-rescue devices) can be used to
provide each miner on a shift, in the event of an ac-
cident or other event which traps the miner in the
mine or otherwise necessitates the use of such a self-
rescue device, the ability to survive for at least 48 hours.

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

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

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

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

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) is amended by striking “or” at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting “, or”, and by inserting after subparagraph (K) the following new subparagraph:
“(L) expenditures for which a deduction is allowed under section 179E.”.

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

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

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

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

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

SEC. 205. MINE RESCUE TEAM TRAINING TAX CREDIT.

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

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

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

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

“(2) $10,000.

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

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

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

“(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term ‘eligible employer’ means any taxpayer
which employs individuals as miners in underground mines in the United States.

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

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

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking “and” at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting “, plus”, and by adding at the end the following new paragraph:

“(31) the mine rescue team training credit determined under section 45N(a).”.

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

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

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

“Sec. 45N. Mine rescue team training credit.”.
(c) **Effective Date.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

**SEC. 206. WHISTLEBLOWER REFORMS.**

(a) **Awards to Whistleblowers.**—

(1) **In General.**—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(A) by striking “The Secretary” and inserting “(a) In General.—The Secretary”,

(B) by striking “and” at the end of paragraph (1) and inserting “or”,

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

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

“(b) **Awards to Whistleblowers.**—

“(1) **In General.**—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary’s attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts)
resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

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

“(A) IN GENERAL.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action, taking into account the significance of the individual’s information and
the role of such individual and any legal representative of such individual in contributing to such action.

“(B) Nonapplication of Paragraph Where Individual is Original Source of Information.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

“(3) Reduction in or Denial of Award.—If the Whistleblower Office determines that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax or actions described in subsection (a)(2), then the Whistleblower Office may appropriately reduce such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Whistleblower Office shall deny any award.

“(4) Appeal of Award Determination.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and
the Tax Court shall have jurisdiction with respect to such matter).

“(5) Application of this subsection.—This subsection shall apply with respect to any action—

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

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

“(6) Additional rules.—

“(A) No contract necessary.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

“(B) Representation.—Any individual described in paragraph (1) or (2) may be represented by counsel.

“(C) Submission of information.—No award may be made under this subsection based on information submitted to the Secretary unless such information is submitted under penalty of perjury.”.

(2) Assignment to special trial judges.—
(A) IN GENERAL.—Section 7443A(b) (relating to proceedings which may be assigned to special trial judges) is amended by striking “and” at the end of paragraph (5), by redesignating paragraph (6) as paragraph (7), and by inserting after paragraph (5) the following new paragraph:

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

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

(3) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES.—Subsection (a) of section 62 (relating to general rule defining adjusted gross income) is amended by inserting after paragraph (20) the following new paragraph:

“(21) ATTORNEYS FEES RELATING TO AWARDS TO WHISTLEBLOWERS.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any award under section 7623(b) (relating to awards to whistleblowers). The preceding sentence shall not apply to any deduction in excess of the
amount includible in the taxpayer’s gross income for
the taxable year on account of such award.”.

(b) WHISTLEBLOWER OFFICE.—

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

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

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

(C) in its sole discretion, may ask for addi-
tional assistance from such individual or any
legal representative of such individual.
(2) REQUEST FOR ASSISTANCE.—The guidance issued under paragraph (1) shall specify that any assistance requested under paragraph (1)(C) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under paragraph (1)(A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

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

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

(2) any legislative or administrative recommendations regarding the provisions of such section and its application.

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

SEC. 207. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:
"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.
(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

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

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect, and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

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

(b) Civil Penalty for Specified Frivolous Submissions,—

"(1) Imposition of Penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified Frivolous Submission.—For purposes of this section—
“(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term ‘specified frivolous submission’ means a specified submission if any portion of such submission—

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

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

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

“(i) a request for a hearing under—

“(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

“(II) section 6330 (relating to notice and opportunity for hearing before levy), and

“(ii) an application under—

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

“(II) section 7122 (relating to compromises), or
“(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

“(c) Listing of frivolous positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

“(d) Reduction of penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

“(e) Penalties in addition to other penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law.”.
(b) **TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.**—

(1) **FRIVOLOUS REQUESTS DISREGARDED.**—

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

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“(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—
Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.”.
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(2) **PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.**—Section 6330(c)(4) is amended—

(A) by striking “(A)” and inserting “(A)(i)”;  
(B) by striking “(B)” and inserting “(ii)”;  
(C) by striking the period at the end of the first sentence and inserting “; or”; and  
(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:
“(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).”.

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

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

(1) in subsection (b)(1), by striking “under subsection (a)(3)(B)” and inserting “in writing under subsection (a)(3)(B) and states the grounds for the requested hearing”, and

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

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

“(f) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the re-
quirement of clause (i) or (ii) of section 6702(b)(2)(A),
then the Secretary may treat such portion as if it were
never submitted and such portion shall not be subject to
any further administrative or judicial review.”.

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

“Sec. 6702. Frivolous tax submissions.”.

(f) EFFECTIVE DATE.—The amendments made by
this section shall apply to submissions made and issues
raised after the date on which the Secretary first pre-
scribes a list under section 6702(c) of the Internal Rev-

SEC. 208. ADDITION OF MENINGOCOCCAL AND HUMAN
PAPILLOMAVIRUS VACCINES TO LIST OF TAX-
ABLE VACCINES.

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

“(O) Any meningococcal vaccine.”.

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

“(P) Any vaccine against the human
papillomavirus.”.
(c) **Effective Date.**—

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

(2) **Deliveries.**—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

**SEC. 209. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS MADE PERMANENT.**

(a) **In General.**—Subsection (g) of section 468B, as amended by section 201 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking paragraph (3).

(b) **Effective Date.**—The amendment made by this section shall take effect as if included in section 201 of the Tax Increase Prevention and Reconciliation Act of 2005.
SEC. 210. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355 MADE PERMANENT.
(a) In General.—Subparagraphs (A) and (D) of section 355(b)(3), as amended by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005, are each amended by striking “and on or before December 31, 2010”.

(b) Effective Date.—The amendments made by this section shall take effect as if included in section 202 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 211. REVISION OF STATE VETERANS LIMIT MADE PERMANENT.
(a) In General.—Subparagraph (B) of section 143(l)(3), as amended by section 203 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking clause (iv).

(b) Effective Date.—The amendment made by this section shall take effect as if included in section 203 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 212. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS MADE PERMANENT.
(a) In General.—Paragraph (3) of section 1221(b), as amended by section 204 of the Tax Increase Prevention
and Reconciliation Act of 2005, is amended by striking “before January 1, 2011,”.

(b) Effectivé Date.—The amendment made by this section shall take effect as if included in section 204 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 213. REDUCTION IN MINIMUM VESSEL TONNAGE WHICH QUALIFIES FOR TONNAGE TAX MADE PERMANENT.

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

(b) Effectivé Date.—The amendment made by this section shall take effect as if included in section 205 of the Tax Increase Prevention and Reconciliation Act of 2005.

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

(a) In General.—Section 206 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking “and before August 31, 2009”.
(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 206 of the Tax Increase Prevention and Reconciliation Act of 2005.

**SEC. 215. GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL FROM TONNAGE TAX.**

(a) **IN GENERAL.**—Section 1355 (relating to definitions and special rules) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

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

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

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

“(B) subsection (f) shall not apply with respect to such vessel for such taxable year.
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“(2) Effect of temporarily operating vessel in United States domestic trade.—In the case of a qualifying vessel to which this subsection applies—

“(A) In general.—An electing corporation shall be treated as using such vessel in qualified zone domestic trade during any period of temporary use in the United States domestic trade (other than qualified zone domestic trade) if the electing corporation gives timely notice to the Secretary stating—

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

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

“(B) Notice.—Notice shall be deemed timely if given not later than the due date (including extensions) for the corporation’s tax return for the taxable year in which the temporary cessation begins.
“(C) Period disregard in effect.—

The period of temporary use under subparagraph (A) continues until the earlier of the date of which—

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

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

“(D) No disregard if domestic trade use exceeds 30 days.—Subparagraph (A) shall not apply to any qualifying vessel which is operated in the United States domestic trade (other than qualified zone domestic trade) for more than 30 days during the taxable year.

“(3) Allocation of income and deductions to qualifying shipping activities.—In the case of a qualifying vessel to which this subsection applies, the Secretary shall prescribe rules for the proper allocation of income, expenses, losses, and deductions between the qualified shipping activities and the other activities of such vessel.
“(4) Qualified zone domestic trade.—For purposes of this subsection—

“(A) In general.—The term ‘qualified zone domestic trade’ means the transportation of goods or passengers between places in the qualified zone if such transportation is in the United States domestic trade.

“(B) Qualified zone.—The term ‘qualified zone’ means the Great Lakes Waterway and the St. Lawrence Seaway.”.

(b) Effective date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 216. USE OF QUALIFIED MORTGAGE BONDS TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.

(a) In general.—Section 143(d)(2) (relating to exceptions to 3-year requirement) is amended by striking “and” at the end of subparagraph (B), by adding “and” at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

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

graph.”.

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

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

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

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

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

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

(b) EMPLOYEE OF INTELLIGENCE COMMUNITY DEFINED.—Subparagraph (C) of section 121(d)(9) is amend-
ed by redesignating clause (iv) as clause (v) and by insert-
ing after clause (iii) the following new clause:
(iv) Employee of Intelligence Community.—The term ‘employee of the intelligence community’ means an employee (as defined by section 2105 of title 5, United States Code) of—

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

“(II) the Central Intelligence Agency,

“(III) the National Security Agency,

“(IV) the Defense Intelligence Agency,

“(V) the National Geospatial-Intelligence Agency,

“(VI) the National Reconnaissance Office,

“(VII) any other office within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs,

“(VIII) any of the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the De-
partment of Treasury, the Department of Energy, and the Coast Guard,

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

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

(c) Special Rule.—Subparagraph (C) of section 121(d)(9), as amended by subsection (b), is amended by adding at the end the following new clause:

“(vi) SPECIAL RULE RELATING TO INTELLIGENCE COMMUNITY.—An employee of the intelligence community shall not be treated as serving on qualified extended duty unless such duty is at a duty station located outside the United States.”.

(d) Conforming Amendment.—The heading for section 121(d)(9) is amended to read as follows: “UNIFORMED SERVICES, FOREIGN SERVICE, AND INTELLIGENCE COMMUNITY”.


SEC. 218. TREATMENT OF COKE AND COKE GAS.

(a) Nonapplication of Phaseout.—Section 45K(g)(2) is amended by adding at the end the following new subparagraph:

“(D) Nonapplication of Phaseout.—Subsection (b)(1) shall not apply.”.

(b) Clarification of Qualifying Facility.—Section 45K(g)(1) is amended by inserting “(other than from petroleum based products)” after “coke or coke gas”.

(c) Effective Date.—The amendments made by this section shall take effect as if included in section 1321 of the Energy Policy Act of 2005.

SEC. 219. SALE OF PROPERTY BY JUDICIAL OFFICERS.

(a) In General.—Section 1043(b) (relating to the sale of property to comply with conflict-of-interest requirements) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting “, or a judicial officer,” after “an officer or employee of the executive branch”; and
(B) in subparagraph (B), by inserting “judicial canon,” after “any statute, regulation, rule,”;

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “judicial canon,” after “any Federal conflict of interest statute, regulation, rule,”; and

(B) in subparagraph (B), by inserting after “the Director of the Office of Government Ethics,” the following: “in the case of executive branch officers or employees, or by the Judicial Conference of the United States (or its designee), in the case of judicial officers,”; and

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

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

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

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

SEC. 220. PREMIUMS FOR MORTGAGE INSURANCE.

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

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

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

“(ii) PHASEOUT.—The amount otherwise treated as interest under clause (i)
shall be reduced (but not below zero) by 10 percent of such amount for each $1,000 ($500 in the case of a married individual filing a separate return) (or fraction there-of) that the taxpayer’s adjusted gross income for the taxable year exceeds $100,000 ($50,000 in the case of a married individual filing a separate return).

“(iii) LIMITATION.—Clause (i) shall not apply with respect to any mortgage insurance contracts issued before January 1, 2007.

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

“(I) paid or accrued after December 31, 2007, or

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

(b) DEFINITION AND SPECIAL RULES.—Section 163(h)(4) (relating to other definitions and special rules) is amended by adding at the end the following new subparagraphs:

“(E) QUALIFIED MORTGAGE INSURANCE.—The term ‘qualified mortgage insurance’ means—
“(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

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

“(F) SPECIAL RULES FOR PREPAID QUALIFIED MORTGAGE INSURANCE.—Any amount paid by the taxpayer for qualified mortgage insurance that is properly allocable to any mortgage the payment of which extends to periods that are after the close of the taxable year in which such amount is paid shall be chargeable to capital account and shall be treated as paid in such periods to which so allocated. No deduction shall be allowed for the unamortized balance of such account if such mortgage is satisfied before the end of its term. The preceding sentences shall not apply to amounts paid for qualified mortgage insurance provided by the Veterans Administration or the Rural Housing Administration.”.
(c) INFORMATION RETURNS RELATING TO MORTGAGE INSURANCE.—Section 6050H (relating to returns relating to mortgage interest received in trade or business from individuals) is amended by adding at the end the following new subsection:

"(h) RETURNS RELATING TO MORTGAGE INSURANCE PREMIUMS.—

"(1) IN GENERAL.—The Secretary may prescribe, by regulations, that any person who, in the course of a trade or business, receives from any individual premiums for mortgage insurance aggregating $600 or more for any calendar year, shall make a return with respect to each such individual. Such return shall be in such form, shall be made at such time, and shall contain such information as the Secretary may prescribe.

"(2) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under paragraph (1) shall furnish to each individual with respect to whom a return is made a written statement showing such information as the Secretary may prescribe. Such written statement shall be furnished on or before January 31 of the year
following the calendar year for which the return
under paragraph (1) was required to be made.

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

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

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

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

“(ii) private mortgage insurance (as
defined by section 2 of the Homeowners
as in effect on the date of the enactment
of this subsection).”.

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

SEC. 221. MODIFICATION OF REFUNDS FOR KEROSENE
USED IN AVIATION.

(a) IN GENERAL.—Paragraph (4) of section 6427(l)
(relating to nontaxable uses of diesel fuel and kerosene)
is amended to read as follows:
“(4) Refunds for kerosene used in aviation.—

“(A) Kerosene used in commercial aviation.—In the case of kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4041 or 4081, as the case may be, as is attributable to—

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

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

“(B) Kerosene used in noncommercial aviation.—In the case of kerosene used in aviation that is not commercial aviation (as so defined) (other than any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax), paragraph (1) shall not apply to—
“(i) any tax imposed by subsection (c) and (d)(2) of section 4041, and

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

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

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

“(C) Payments to ultimate, registered vendor.—

“(i) In general.—With respect to any kerosene used in aviation (other than kerosene described in clause (ii) or kerosene to which paragraph (5) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under para-
graph (1) to such ultimate vendor, but
only if such ultimate vendor—

“(I) is registered under section
4101, and

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

“(ii) Payments for kerosene used
in noncommercial aviation.—The
amount which would be paid under para-
graph (1) with respect to any kerosene to
which subparagraph (B) applies shall be
paid only to the ultimate vendor of such
kerosene. A payment shall be made to such
vendor if such vendor—

“(I) is registered under section
4101, and

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

(b) Conforming Amendments.—
(1) Section 6427(l) is amended by striking
paragraph (5) and by redesignating paragraph (6)
as paragraph (5).
(2) Section 4082(d)(2)(B) is amended by striking “section 6427(l)(6)(B)” and inserting “section 6427(l)(5)(B)”.

(3) Section 6427(i)(4)(A) is amended—

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

(B) by striking “(l)(5), and (l)(6)” and inserting “(l)(4)(C)(ii), and (l)(5)”.

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

(5) Section 9502(d) is amended—

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

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

(6) Section 9503(c)(7) is amended—

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

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

“(B) 21.8 cents per gallon of kerosene subject to section 6427(l)(4)(B) with respect to
which a payment has been made by the Secretary under section 6427(l).”, and

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

(c) **Effective Date.**—

(1) **In general.**—The amendments made by this section shall apply to kerosene sold after September 30, 2005.

(2) **Special rule for pending claims.**—In the case of kerosene sold for use in aviation (other than kerosene to which section 6427(l)(4)(C)(ii) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies or kerosene to which section 6427(l)(5) of such Code (as redesignated by subsection (b)) applies) after September 30, 2005, and before the date of the enactment of this Act, the ultimate purchaser shall be treated as having waived the right to payment under section 6427(l)(1) of such Code and as having assigned such right to the ultimate vendor if such ultimate vendor has met the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1) of such Code.

(d) **Special Rule for Kerosene Used in Aviation on a Farm for Farming Purposes.**—
(1) Refunds for purchases after December 31, 2004, and before October 1, 2005.—
The Secretary of the Treasury shall pay to the ultimate purchaser of any kerosene which is used in aviation on a farm for farming purposes and which was purchased after December 31, 2004, and before October 1, 2005, an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081 of the Internal Revenue Code of 1986, as the case may be, reduced by any payment to the ultimate vendor under section 6427(l)(5)(C) of such Code (as in effect on the day before the date of the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users).

(2) Use on a farm for farming purposes.—For purposes of paragraph (1), kerosene shall be treated as used on a farm for farming purposes if such kerosene is used for farming purposes (within the meaning of section 6420(c)(3) of the Internal Revenue Code of 1986) in carrying on a trade or business on a farm situated in the United States. For purposes of the preceding sentence, rules similar to the rules of section 6420(c)(4) of such Code shall apply.
(3) **TIME FOR FILING CLAIMS.**—No claim shall be allowed under paragraph (1) unless the ultimate purchaser files such claim before the date that is 3 months after the date of the enactment of this Act.

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

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

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

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

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

(2) by inserting “(determined without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track)” after “Class II or Class III railroad”.
(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 245(a) of the American Jobs Creation Act of 2004.

SEC. 223. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

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

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

“(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

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

“(1) IN GENERAL.—The term ‘qualifying project expenditure amount’ means, with respect to any calendar year, the sum of—
“(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

“(B) any such expenditures—

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

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

“(2) QUALIFYING PROJECT.—The term ‘qualifying project’ means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

“(3) GENERAL ALLOCATION.—

“(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York.
of New York, New York, shall jointly allocate to
each New York Liberty Zone governmental unit
the portion of the qualifying project expenditure
amount which may be taken into account by
such governmental unit under subsection (a) for
any calendar year in the credit period.

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

“(C) ANNUAL LIMIT.—

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

“(I) the applicable limit, plus

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

“(ii) APPLICABLE LIMIT.—For pur-
poses of clause (i), the applicable limit for
any calendar year is—
“(I) in the case of calendar years 2007 through 2016, $100,000,000,

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

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

“(IV) in the case of calendar year 2020 or 2021, $100,000,000,

and

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

“(D) Unallocated amounts at end of credit period.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

“(i) the lesser of—

“(I) such excess, or
“(II) the qualifying project expenditure amount for such calendar year, reduced by
“(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

“(4) Allocation to Payroll Periods.—
Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

“(c) Carryover of Unused Allocations.—
“(1) In General.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year. No amount may be carried
under the preceding sentence to a calendar year after 2026.

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

“(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

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

“(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term ‘New York Liberty Zone governmental unit’ means—

“(A) the State of New York,

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

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

“(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be consid-
ered State and local funds for the purpose of any Federal program.

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

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

“(1) which certifies—

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

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

“(2) includes such other information as the Secretary may require to carry out this section.
“(f) GUIDANCE.—The Secretary may prescribe such
guidance as may be necessary or appropriate to ensure
compliance with the purposes of this section.

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

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

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

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

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking
“section 1400L(a)” and inserting “section
1400K(a)”.
(2) Section 168(k)(2)(D)(ii) is amended by striking “section 1400L(e)(2)” and inserting “1400K(e)(2)”.

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

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods beginning after December 31, 2006.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect as if included in section 301 of the Job Creation and Worker Assistance Act of 2002.

SEC. 224. EXTENSION OF BONUS DEPRECIATION FOR CERTAIN QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.

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

“(6) EXTENSION FOR CERTAIN PROPERTY.—

“(A) IN GENERAL.—In the case of any specified Gulf Opportunity Zone extension prop-
property, paragraph (2)(A) shall be applied without regard to clause (v) thereof.

“(B) Specified Gulf Opportunity Zone extension property.—For purposes of this paragraph, the term ‘specified Gulf Opportunity Zone extension property’ means property—

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

“(ii) which is—

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

“(II) in the case of a taxpayer who places a building described in subclause (I) in service on or before December 31, 2010, property described in section 168(k)(2)(A)(i) if substantially all of the use of such property is in such building and such property is placed in service by the taxpayer not later than 90 days after such building is placed in service.
“(C) SPECIFIED PORTIONS OF THE GO ZONE.—For purposes of this paragraph, the term ‘specified portions of the GO Zone’ means those portions of the GO Zone which are in any county or parish which is identified by the Secretary as being a county or parish in which hurricanes occurring during 2005 damaged (in the aggregate) more than 60 percent of the housing units in such county or parish which were occupied (determined according to the 2000 Census).

“(D) ONLY PRE-JANUARY 1, 2010, BASIS OF REAL PROPERTY ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified Gulf Opportunity Zone property solely by reason of subparagraph (B)(ii)(I), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before January 1, 2010.”.

(b) EXTENSION NOT APPLICABLE TO INCREASED SECTION 179 EXPENSING.—Paragraph (2) of section 1400(N(e) is amended by inserting “without regard to subsection (d)(6))” after “subsection (d)(2)”.
(c) **Effective Date.**—The amendments made by this section shall take effect as if included in section 101 of the Gulf Opportunity Zone Act of 2005.

**SEC. 225. TECHNICAL CORRECTIONS.**

(a) **Technical Correction Relating to Look-Through Treatment of Payments Between Related Controlled Foreign Corporations Under the Foreign Personal Holding Company Rules.**—

(1) **In general.**—

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

(B) Section 954(c)(6)(A), as so amended, is amended by striking the last sentence and inserting the following: “The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including such regulations as may be necessary or appropriate to prevent the abuse of the purposes of this paragraph.”
(2) Effective date.—The amendments made by this subsection shall take effect as if included in section 103(b) of the Tax Increase Prevention and Reconciliation Act of 2005.

(b) Technical Correction Regarding Authority to Exercise Reasonable Cause and Good Faith Exception.—

(1) In general.—Section 903(d)(2)(B)(iii) of the American Jobs Creation Act of 2004, as amended by section 303(a) of the Gulf Opportunity Zone Act of 2005, is amended by inserting “or the Secretary’s delegate” after “the Secretary of the Treasury”.

(2) Effective date.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.
TITLE III—EXTENSION AND MODIFICATION OF CERTAIN EXPIRING ENERGY AND EXCISE TAX PROVISIONS

SEC. 301. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

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

SEC. 302. CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

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

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

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

(3) by striking “December 31, 2007” in subsection (m) and inserting “December 31, 2008”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by paragraphs (1) and (3) of subsection (a) shall apply to bonds issued after December 31, 2006.
(2) ALLOCATIONS TO GOVERNMENTAL BODIES.—The amendment made by subsection (a)(2) shall apply to allocations or reallocations after December 31, 2006.

SEC. 303. ALTERNATE SULFUR DIOXIDE REMOVAL MEASUREMENT FOR ADVANCED COAL-BASED GENERATION TECHNOLOGY UNITS DESIGNED TO USE SUBBITUMINOUS COAL.

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

“For purposes of the performance requirement for the removal of SO\(_2\) in the table contained in subparagraph (B), the SO\(_2\) removal design level in the case of a unit designed for use of feedstock substantially all of which is subbituminous coal shall be 99 percent SO\(_2\) removal or the achievement of an emission level of 0.04 pounds or less of SO\(_2\) per million Btu, determined on a 30-day average.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to applications for certification under section 48A(d)(2) of the Internal Revenue Code of 1986 submitted after October 2, 2006.
SEC. 304. DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.

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

SEC. 305. CREDIT FOR NEW ENERGY EFFICIENT HOMES.

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

SEC. 306. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) In General.—Subsection (g) of section 25D is amended by striking “December 31, 2007” and inserting “December 31, 2008”.

(b) Qualified Solar Electric Property Expenditures.—Section 25D is amended—

(1) by striking “photovoltaic” each place it appears and inserting “solar electric”, and

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

SEC. 307. ENERGY CREDIT.

Section 48 is amended—

(1) by striking “January 1, 2008” both places it appears and inserting “January 1, 2009”, and
(2) by striking “December 31, 2007” both places it appears and inserting “December 31, 2008”.

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

Section 4041(b)(2) is amended—

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

(2) by striking “October 1, 2007” in subparagraph (D) and inserting “January 1, 2009”.

SEC. 309. ETHANOL TARIFF EXTENSION.

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

(b) Effective Date.—The amendments made by this section shall apply to goods described in heading 9901.00.50 or 9901.00.52 of the Harmonized Tariff Schedule of the United States entered, or withdrawn from warehouse for consumption, on or after October 1, 2007.
SEC. 310. SPECIAL DEPRECIATION ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.

(a) In General.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following:

“(l) Special Allowance for Cellulosic Biomass Ethanol Plant Property.—

“(1) Additional Allowance.—In the case of any qualified cellulosic biomass ethanol plant property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

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

“(2) Qualified Cellulosic Biomass Ethanol Plant Property.—The term ‘qualified cellulosic biomass ethanol plant property’ means prop-
erty of a character subject to the allowance for depreciation—

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

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

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

“(D) which is placed in service by the taxpayer before January 1, 2013.

“(3) CELLULOSIC BIOMASS ETHANOL.—For purposes of this subsection, the term ‘cellulosic biomass ethanol’ means ethanol produced by enzymatic hydrolysis of any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.

“(4) EXCEPTIONS.—

“(A) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).
“(B) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

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

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

“(A) by substituting ‘the date of the enactment of subsection (l)’ for ‘September 10, 2001’ each place it appears therein,

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

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

“(6) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules
similar to the rules of section 168(k)(2)(G) shall apply.

“(7) Recapture.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified cellulosic biomass ethanol plant property which ceases to be qualified cellulosic biomass ethanol plant property.”.

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act in taxable years ending after such date.

SEC. 311. TAXATION OF TAXABLE FUELS IN FOREIGN TRADE ZONES.

(a) Tax Imposed on Removals and Entries in Foreign Trade Zones.—

(1) In General.—Subsection (a) of section 4083 (relating to definitions) is amended by adding at the end the following new paragraph:

“(4) United States.—The term ‘United States’ includes any foreign trade zone or bonded warehouse located in the United States.’’.

(2) Conforming Amendment.—Section 4081(a)(1)(A) (relating to imposition of tax) is amended—
(A) in clause (i), by inserting “in the
United States” after “refinery”; and
(B) in clause (ii), by inserting “in the
United States” after “terminal”.
(b) TREATMENT OF TAXABLE FUEL IN FOREIGN
TRADE ZONES.—Paragraph (2) of section 81c(a) of title
19, United States Code, is amended by inserting “(other
than the provisions relating to taxable fuel (as defined
under section 4083(a) of the Internal Revenue Code of
1986))” after “thereunder”.
(c) EFFECTIVE DATES.—
(1) SUBSECTION (a).—The amendments made
by subsection (a) shall apply to removals and entries
(2) SUBSECTION (b).—The amendment made
by subsection (b) shall take effect on July 1, 2007.
SEC. 312. EXPENDITURES PERMITTED FROM THE LEAKING
UNDERGROUND STORAGE TANK TRUST
FUND.
(a) IN GENERAL.—Subsection (c) of section 9508 of
the Internal Revenue Code of 1986 is amended—
(1) by striking “section 9003(h)” and inserting
“sections 9003(h), 9003(i), 9003(j), 9004(f),
9005(c), 9010, 9011, 9012, and 9013”, and
(2) by striking “Superfund Amendments and
Reauthorization Act of 1986” and inserting “Public
Law 109–168”.

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

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

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.

(a) DEFINITIONS.—In this section:

(1) BUREAU OF LAND MANAGEMENT LAND.—
The term “Bureau of Land Management land”
means the Bureau of Land Management land and
any federally-owned minerals located south of the
Blackfeet Indian Reservation and east of the Lewis
and Clark National Forest to the eastern edge of R.
8 W., beginning in T. 29 N. down to and including
T. 19 N. and all of T. 18 N., R. 7 W.
(2) ELIGIBLE FEDERAL LAND.—The term “eligible Federal land” means the Bureau of Land Management land and the Forest Service land, as generally depicted on the map.

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

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

(B) the Forest Service land and any federally-owned minerals located within the Badger Two Medicine area of the Flathead National Forest, including—

(i) the land located in T. 29 N. from the western edge of R. 16 W. to the eastern edge of R. 13 W.; and

(ii) the land located in T. 28 N., Rs. 13 and 14 W.
(4) Map.—The term “map” means the map entitled “Rocky Mountain Front Mineral Withdrawal Area” and dated December 31, 2006.

(b) Withdrawal.—

(1) In general.—Subject to valid existing rights, the eligible Federal land (including any interest in the eligible Federal land) is withdrawn from—

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

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

(2) Availability of map.—The map shall be on file and available for inspection in the Office of the Chief of the Forest Service.

(c) Tax incentive for sale of existing mineral and geothermal rights to tax-exempt entities.—

(1) Exclusion.—For purposes of the Internal Revenue Code of 1986, gross income shall not include 25 percent of the qualifying gain from a conservation sale of a qualifying mineral or geothermal interest.

(2) Qualifying gain.—For purposes of this subsection, the term “qualifying gain” means any
gain which would be recognized as long-term capital
gain under such Code.

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

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

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

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

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

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

(B) ENTIRE INTEREST.—For purposes of
subparagraph (A)—
(i) an interest in any mineral or geothermal deposit is not a taxpayer’s entire interest if such interest in such mineral or geothermal deposit was divided in order to avoid the requirements of such subparagraph or section 170(f)(3)(A) of such Code, and

(ii) a taxpayer’s entire interest in such deposit does not fail to satisfy such subparagraph solely because the taxpayer has retained an interest in other deposits, even if the other deposits are contiguous with such certain deposit and were acquired by the taxpayer along with such certain deposit in a single conveyance.

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

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

(i) a governmental unit referred to in section 170(c)(1) of such Code, or an agency or department thereof operated primarily for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of such Code, or
(ii) an entity which is—

(I) described in section 170(b)(1)(A)(vi) or section 170(h)(3)(B) of such Code, and

(II) organized and at all times operated primarily for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of such Code.

(B) QUALIFYING LETTER OF INTENT.—

The term “qualifying letter of intent” means a written letter of intent which includes the following statement: “The transferee’s intent is that this acquisition will serve 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986, that the transferee’s use of the deposits so acquired will be consistent with section 170(h)(5) of such Code, and that the use of the deposits will continue to be consistent with such section, even if ownership or possession of such deposits is subsequently transferred to another person.”.

(6) TAX ON SUBSEQUENT TRANSFERS.—
(A) IN GENERAL.—A tax is hereby imposed on any subsequent transfer by an eligible entity of ownership or possession, whether by sale, exchange, or lease, of an interest acquired directly or indirectly in—

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

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

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

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

(ii) the product of—

(I) the highest rate of tax specified in section 11 of such Code, times

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

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

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

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

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

(E) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F of such Code, the taxes imposed by this paragraph shall be treated as
excise taxes with respect to which the deficiency
procedures of such subtitle apply.

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

(d) EFFECTIVE DATES.—

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

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

DIVISION B—ENERGY AND ENVIRONMENTAL PROVISIONS

SECTION 1. TABLE OF CONTENTS.

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.
SECTION 1. SHORT TITLE.

This title may be cited as the “Surface Mining Control and Reclamation Act Amendments of 2006”.
Subtitle A—Mining Control and Reclamation

SEC. 101. ABANDONED MINE RECLAMATION FUND AND PURPOSES.

(a) IN GENERAL.—Section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) is amended—

(1) in subsection (c)—

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

and

(B) by redesignating paragraphs (3), (4), and (5) and paragraphs (7) through (13) as paragraphs (2) through (11), respectively;

(2) by striking subsection (d) and inserting the following:

“(d) AVAILABILITY OF MONEYS; NO FISCAL YEAR LIMITATION.—

“(1) IN GENERAL.—Moneys from the fund for expenditures under subparagraphs (A) through (D) of section 402(g)(3) shall be available only when appropriated for those subparagraphs.

“(2) NO FISCAL YEAR LIMITATION.—Appropriations described in paragraph (1) shall be made without fiscal year limitation.
“(3) OTHER PURPOSES.—Moneys from the fund shall be available for all other purposes of this title without prior appropriation as provided in subsection (f).”;

(3) in subsection (e)—

(A) in the second sentence, by striking “the needs of such fund” and inserting “achieving the purposes of the transfers under section 402(h)”;

(B) in the third sentence, by inserting before the period the following: “for the purpose of the transfers under section 402(h)”;

(4) by adding at the end the following:

“(f) GENERAL LIMITATION ON OBLIGATION AUTHORITY.—

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

“(2) AMOUNTS.—

“(A) FOR FISCAL YEARS 2008 THROUGH 2022.—For each of fiscal years 2008 through 2022, the amount distributed by the Secretary under this subsection shall be equal to—
“(i) the amounts deposited into the fund under paragraphs (1), (2), and (4) of subsection (b) for the preceding fiscal year that were allocated under paragraphs (1) and (5) of section 402(g); plus

“(ii) the amount needed for the adjustment under section 402(g)(8) for the current fiscal year.

“(B) Fiscal years 2023 and thereafter.—For fiscal year 2023 and each fiscal year thereafter, to the extent that funds are available, the Secretary shall distribute an amount equal to the amount distributed under subparagraph (A) during fiscal year 2022.

“(3) Distribution.—

“(A) In general.—Except as provided in subparagraph (B), for each fiscal year, of the amount to be distributed to States and Indian tribes pursuant to paragraph (2), the Secretary shall distribute—

“(i) the amounts allocated under paragraph (1) of section 402(g), the amounts allocated under paragraph (5) of section 402(g), and any amount reallocated under section 411(h)(3) in accordance with
section 411(h)(2), for grants to States and
Indian tribes under section 402(g)(5); and
“(ii) the amounts allocated under sec-
tion 402(g)(8).
“(B) EXCLUSION.—Beginning on October
1, 2007, certified States shall be ineligible to
receive amounts under section 402(g)(1).
“(4) AVAILABILITY.—Amounts in the fund
available to the Secretary for obligation under this
subsection shall be available until expended.
“(5) ADDITION.—
“(A) IN GENERAL.—Subject to subpara-
graph (B), the amount distributed under this
subsection for each fiscal year shall be in addi-
tion to the amount appropriated from the fund
during the fiscal year.
“(B) EXCEPTIONS.—Notwithstanding
paragraph (3), the amount distributed under
this subsection for the first 4 fiscal years begin-
ning on and after October 1, 2007, shall be
equal to the following percentage of the amount
otherwise required to be distributed:
“(i) 50 percent in fiscal year 2008.
“(ii) 50 percent in fiscal year 2009.
“(iii) 75 percent in fiscal year 2010.
“(iv) 75 percent in fiscal year 2011.”.

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

SEC. 102. RECLAMATION FEE.

(a) AMOUNTS.—

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

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

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

and  

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

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

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

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

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

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

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

(1) in paragraph (1)(D)—

(A) by inserting “(except for grants awarded during fiscal years 2008, 2009, and 2010 to the extent not expended within 5 years)” after “this paragraph”; and

(B) by striking “in any area under paragraph (2), (3), (4), or (5)” and inserting “under paragraph (5)”;

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

“(2) In making the grants referred to in paragraph (1)(C) and the grants referred to in paragraph (5), the
Secretary shall ensure strict compliance by the States and Indian tribes with the priorities described in section 403(a) until a certification is made under section 411(a).”;

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “paragraphs (2) and” and inserting “paragraph”;

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

(C) by adding at the end the following:

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

(4) in paragraph (5)—

(A) by inserting “(A)” after “(5)”;

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

(C) in the last sentence, by striking “Funds allocated or expended by the Secretary under paragraphs (2), (3), or (4)” and inserting “Funds made available under paragraph (3) or (4)”;

(D) by adding at the end the following:

“(B) Any amount that is reallocated and available under section 411(h)(3) shall be in addition to amounts that are allocated under subparagraph (A).”; and
(5) by striking paragraphs (6) through (8) and inserting the following:

“(6)(A) Any State with an approved abandoned mine reclamation program pursuant to section 405 may receive and retain, without regard to the 3-year limitation referred to in paragraph (1)(D), up to 30 percent of the total of the grants made annually to the State under paragraphs (1) and (5) if those amounts are deposited into an acid mine drainage abatement and treatment fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State for the abatement of the causes and the treatment of the effects of acid mine drainage in a comprehensive manner within qualified hydrologic units affected by coal mining practices.

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

“(i) in which the water quality has been significantly affected by acid mine drainage from coal mining practices in a manner that adversely impacts biological resources; and

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

“(I) eligible pursuant to section 404 and include any of the priorities described in section 403(a); and
“(II) the subject of expenditures by the State from the forfeiture of bonds required under section 509 or from other States sources to abate and treat acid mine drainage.

“(7) In complying with the priorities described in section 403(a), any State or Indian tribe may use amounts available in grants made annually to the State or tribe under paragraphs (1) and (5) for the reclamation of eligible land and water described in section 403(a)(3) before the completion of reclamation projects under paragraphs (1) and (2) of section 403(a) only if the expenditure of funds for the reclamation is done in conjunction with the expenditure before, on, or after the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 of funds for reclamation projects under paragraphs (1) and (2) of section 403(a).

“(8)(A) In making funds available under this title, the Secretary shall ensure that the grant awards total not less than $3,000,000 annually to each State and each Indian tribe having an approved abandoned mine reclamation program pursuant to section 405 and eligible land and water pursuant to section 404, so long as an allocation of funds to the State or tribe is necessary to achieve the priorities stated in paragraphs (1) and (2) of section 403(a).
“(B) Notwithstanding any other provision of law, this paragraph applies to the States of Tennessee and Missouri.”

(d) Transfers of Interest Earned by Abandoned Mine Reclamation Fund.—Section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended by striking subsection (h) and inserting the following:

“(h) Transfers of Interest Earned by Fund.—

“(1) In general.—

“(A) Transfers to Combined Benefit Fund.—As soon as practicable after the beginning of fiscal year 2007 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year to make the transfer described in paragraph (2)(A).

“(B) Transfers to 1992 and 1993 Plans.—As soon as practicable after the beginning of fiscal year 2008 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection
(g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year (reduced by the amount used under subparagraph (A)) to make the transfers described in paragraphs (2)(B) and (2)(C).

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

“(A) UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND.—A transfer to the United Mine Workers of America Combined Benefit Fund equal to the amount that the trustees of the Combined Benefit Fund estimate will be expended from the fund for the fiscal year in which the transfer is made, reduced by—

“(i) the amount the trustees of the Combined Benefit Fund estimate the Combined Benefit Fund will receive during the fiscal year in—

“(I) required premiums; and

“(II) payments paid by Federal agencies in connection with benefits
provided by the Combined Benefit Fund; and

“(ii) the amount the trustees of the Combined Benefit Fund estimate will be expended during the fiscal year to provide health benefits to beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, but only to the extent that such amount does not exceed the amounts described in subsection (i)(1)(A) that the Secretary estimates will be available to pay such estimated expenditures.

“(B) UNITED MINE WORKERS OF AMERICA 1992 BENEFIT PLAN.—A transfer to the United Mine Workers of America 1992 Benefit Plan, in an amount equal to the difference between—

“(i) the amount that the trustees of the 1992 UMWA Benefit Plan estimate will be expended from the 1992 UMWA Benefit Plan during the next calendar year to provide the benefits required by the 1992 UMWA Benefit Plan on the date of enactment of this subparagraph; minus
“(ii) the amount that the trustees of the 1992 UMWA Benefit Plan estimate the 1992 UMWA Benefit Plan will receive during the next calendar year in—

“(I) required monthly per beneficiary premiums, including the amount of any security provided to the 1992 UMWA Benefit Plan that is available for use in the provision of benefits; and

“(II) payments paid by Federal agencies in connection with benefits provided by the 1992 UMWA benefit plan.

“(C) MULTIEmployER HEALTH BENEFIT PLAN.—A transfer to the Multiemployer Health Benefit Plan established after July 20, 1992, by the parties that are the settlors of the 1992 UMWA Benefit Plan referred to in subparagraph (B) (referred to in this subparagraph and subparagraph (D) as ‘the Plan’), in an amount equal to the excess (if any) of—

“(i) the amount that the trustees of the Plan estimate will be expended from the Plan during the next calendar year, to
provide benefits no greater than those provided by the Plan as of December 31, 2006; over

“(ii) the amount that the trustees estimated the Plan will receive during the next calendar year in payments paid by Federal agencies in connection with benefits provided by the Plan.

Such excess shall be calculated by taking into account only those beneficiaries actually enrolled in the Plan as of December 31, 2006, who are eligible to receive benefits under the Plan on the first day of the calendar year for which the transfer is made.

“(D) INDIVIDUALS CONSIDERED ENROLLED.—For purposes of subparagraph (C), any individual who was eligible to receive benefits from the Plan as of the date of enactment of this subsection, even though benefits were being provided to the individual pursuant to a settlement agreement approved by order of a bankruptcy court entered on or before September 30, 2004, will be considered to be actually enrolled in the Plan and shall receive bene-
fits from the Plan beginning on December 31, 2006.

“(3) ADJUSTMENT.—If, for any fiscal year, the amount of a transfer under subparagraph (A), (B), or (C) of paragraph (2) is more or less than the amount required to be transferred under that subparagraph, the Secretary shall appropriately adjust the amount transferred under that subparagraph for the next fiscal year.

“(4) ADDITIONAL AMOUNTS.—

“(A) PREVIOUSLY CREDITED INTEREST.—

Notwithstanding any other provision of law, any interest credited to the fund that has not previously been transferred to the Combined Benefit Fund referred to in paragraph (2)(A) under this section—

“(i) shall be held in reserve by the Secretary until such time as necessary to make the payments under subparagraphs (A) and (B) of subsection (i)(1), as described in clause (ii); and

“(ii) in the event that the amounts described in subsection (i)(1) are insufficient to make the maximum payments described in subparagraphs (A) and (B) of sub-
section (i)(1), shall be used by the Secretary to supplement the payments so that the maximum amount permitted under those paragraphs is paid.

“(B) Previously Allocated Amounts.—All amounts allocated under subsection (g)(2) before the date of enactment of this subparagraph for the program described in section 406, but not appropriated before that date, shall be available to the Secretary to make the transfers described in paragraph (2).

“(C) Adequacy of Previously Credited Interest.—The Secretary shall—

“(i) consult with the trustees of the plans described in paragraph (2) at reasonable intervals; and

“(ii) notify Congress if a determination is made that the amounts held in reserve under subparagraph (A) are insufficient to meet future requirements under subparagraph (A)(ii).

“(D) Additional Reserve Amounts.—

In addition to amounts held in reserve under subparagraph (A), there is authorized to be appropriated such sums as may be necessary for
transfer to the fund to carry out the purposes of subparagraph (A)(ii).

“(E) INAPPLICABILITY OF CAP.—The limitation described in subsection (i)(3)(A) shall not apply to payments made from the reserve fund under this paragraph.

“(5) LIMITATIONS.—

“(A) AVAILABILITY OF FUNDS FOR NEXT FISCAL YEAR.—The Secretary may make transfers under subparagraphs (B) and (C) of paragraph (2) for a calendar year only if the Secretary determines, using actuarial projections provided by the trustees of the Combined Benefit Fund referred to in paragraph (2)(A), that amounts will be available under paragraph (1), after the transfer, for the next fiscal year for making the transfer under paragraph (2)(A).

“(B) RATE OF CONTRIBUTIONS OF OBLIGORS.—

“(i) IN GENERAL.—

“(I) RATE.—A transfer under paragraph (2)(C) shall not be made for a calendar year unless the persons that are obligated to contribute to the plan referred to in paragraph (2)(C)
on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of this subsection.

“(II) APPLICATION.—The contributions described in subclause (I) shall be applied first to the provision of benefits to those plan beneficiaries who are not described in paragraph (2)(C)(ii).

“(ii) INITIAL CONTRIBUTIONS.—

“(I) IN GENERAL.—From the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 through December 31, 2010, the persons that, on the date of enactment of that Act, are obligated to contribute to the plan referred to in paragraph (2)(C) shall be obligated, collectively, to make contributions equal to the amount described in paragraph (2)(C), less the
amount actually transferred due to
the operation of subparagraph (C).

“(II) FIRST CALENDAR YEAR.—
Calendar year 2006 is the first cal-
endar year for which contributions are
required under this clause.

“(III) AMOUNT OF CONTRIBUTION FOR 2006.—Except as provided
in subclause (IV), the amount de-
scribed in paragraph (2)(C) for cal-
endar year 2006 shall be calculated as
if paragraph (2)(C) had been in effect
during 2005.

“(IV) LIMITATION.—The con-
tributions required under this clause
for calendar year 2006 shall not ex-
ceed the amount necessary for sol-
vency of the plan described in para-
graph (2)(C), measured as of Decem-
ber 31, 2006 and taking into account
all assets held by the plan as of that
date.

“(iii) DIVISION.—The collective an-
nual contribution obligation required under
clause (ii) shall be divided among the per-
sons subject to the obligation, and applied uniformly, based on the hours worked for which contributions referred to in clause (i) would be owed.

“(C) PHASE-IN OF TRANSFERS.—For each of calendar years 2008 through 2010, the transfers required under subparagraphs (B) and (C) of paragraph (2) shall equal the following amounts:

“(i) For calendar year 2008, the Secretary shall make transfers equal to 25 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

“(ii) For calendar year 2009, the Secretary shall make transfers equal to 50 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

“(iii) For calendar year 2010, the Secretary shall make transfers equal to 75 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

“(i) FUNDING.—
“(1) IN GENERAL.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the plans described in subsection (h)(2) such sums as are necessary to pay the following amounts:

“(A) To the Combined Fund (as defined in section 9701(a)(5) of the Internal Revenue Code of 1986 and referred to in this paragraph as the ‘Combined Fund’), the amount that the trustees of the Combined Fund estimate will be expended from premium accounts maintained by the Combined Fund for the fiscal year to provide benefits for beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, subject to the following limitations:

“(i) For fiscal year 2008, the amount paid under this subparagraph shall equal—

“(I) the amount described in subparagraph (A); minus

“(II) the amounts required under section 9706(h)(3)(A) of the Internal Revenue Code of 1986.
“(ii) For fiscal year 2009, the amount paid under this subparagraph shall equal—

“(I) the amount described in subparagraph (A); minus

“(II) the amounts required under section 9706(h)(3)(B) of the Internal Revenue Code of 1986.

“(iii) For fiscal year 2010, the amount paid under this subparagraph shall equal—

“(I) the amount described in subparagraph (A); minus

“(II) the amounts required under section 9706(h)(3)(C) of the Internal Revenue Code of 1986.

“(B) On certification by the trustees of any plan described in subsection (h)(2) that the amount available for transfer by the Secretary pursuant to this section (determined after application of any limitation under subsection (h)(5)) is less than the amount required to be transferred, to the plan the amount necessary to meet the requirement of subsection (h)(2).

“(C) To the Combined Fund, $9,000,000 on October 1, 2007, $9,000,000 on October 1,
2008, and $9,000,000 on October 1, 2009 (which amounts shall not be exceeded) to pro-
vide a refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1986) paid on or before September 7, 2000, to the Combined Fund, plus interest on the pre-
mium calculated at the rate of 7.5 percent per year, on a proportional basis and to be paid not later than 60 days after the date on which each payment is received by the Combined Fund, to those signatory operators (to the extent that the Combined Fund has not previously returned the premium amounts to the operators), or any related persons to the operators (as defined in section 9701(c) of the Internal Revenue Code of 1986), or their heirs, successors, or assigns who have been denied the refunds as the result of final judgments or settlements if—

“(i) prior to the date of enactment of this paragraph, the signatory operator (or any related person to the operator)—

“(I) had all of its beneficiary as-
signments made under section 9706 of the Internal Revenue Code of 1986
voided by the Commissioner of the Social Security Administration; and

“(II) was subject to a final judgment or final settlement of litigation adverse to a claim by the operator that the assignment of beneficiaries under section 9706 of the Internal Revenue Code of 1986 was unconstitutional as applied to the operator; and

“(ii) on or before September 7, 2000, the signatory operator (or any related person to the operator) had paid to the Combined Fund any premium amount that had not been refunded.

“(2) Payments to States and Indian Tribes.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior for distribution to States and Indian tribes such sums as are necessary to pay amounts described in paragraphs (1)(A) and (2)(A) of section 411(h).

“(3) Limitations.—
“(A) CAP.—The total amount transferred under this subsection for any fiscal year shall not exceed $490,000,000.

“(B) INSUFFICIENT AMOUNTS.—In a case in which the amount required to be transferred without regard to this paragraph exceeds the maximum annual limitation in subparagraph (A), the Secretary shall adjust the transfers of funds so that—

“(i) each transfer for the fiscal year is a percentage of the amount described;

“(ii) the amount is determined without regard to subsection (h)(5)(A); and

“(iii) the percentage transferred is the same for all transfers made under this subsection for the fiscal year.

“(4) AVAILABILITY OF FUNDS.—Funds shall be transferred under paragraph (1) and (2) beginning in fiscal year 2008 and each fiscal year thereafter, and shall remain available until expended.”.

SEC. 103. OBJECTIVES OF FUND.

Section 403 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—
(i) by striking “(1) the protection” and inserting the following:

“(1)(A) the protection;”;

(ii) in subparagraph (A) (as designated by clause (i)), by striking “general welfare,”; and

(iii) by adding at the end the following:

“(B) the restoration of land and water resources and the environment that—

“(i) have been degraded by the adverse effects of coal mining practices; and

“(ii) are adjacent to a site that has been or will be remediated under subparagraph (A);”;

(B) in paragraph (2)—

(i) by striking “(2) the protection” and inserting the following:

“(2)(A) the protection”;

(ii) in subparagraph (A) (as designated by clause (i), by striking “health, safety, and general welfare” and inserting “health and safety”; and

(iii) by adding at the end the following:
“(B) the restoration of land and water resources and the environment that—

“(i) have been degraded by the adverse effects of coal mining practices; and

“(ii) are adjacent to a site that has been or will be remediated under subparagraph (A); and”;

(C) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (4) and (5);

(2) in subsection (b)—

(A) by striking the subsection heading and inserting “WATER SUPPLY RESTORATION.—”;

and

(B) in paragraph (1), by striking “up to 30 percent of the”; and

(3) in the second sentence of subsection (c), by inserting “, subject to the approval of the Secretary,” after “amendments”.

SEC. 104. RECLAMATION OF RURAL LAND.

(a) Administration.—Section 406(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236(h)) is amended by striking “Soil Conservation Service” and inserting “Natural Resources Conservation Service”.
(b) Authorization of Appropriations for Carrying Out Rural Land Reclamation.—Section 406 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236) is amended by adding at the end the following:

“(i) There are authorized to be appropriated to the Secretary of Agriculture, from amounts in the Treasury other than amounts in the fund, such sums as may be necessary to carry out this section.”.

SEC. 105. LIENS.

Section 408(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1238) is amended in the last sentence by striking “who owned the surface prior to May 2, 1977, and”.

SEC. 106. CERTIFICATION.

Section 411 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a) is amended—

(1) in subsection (a)—

(A) by inserting “(1)” before the first sentence; and

(B) by adding at the end the following:

“(2)(A) The Secretary may, on the initiative of the Secretary, make the certification referred to in paragraph (1) on behalf of any State or Indian tribe referred to in paragraph (1) if on the basis of the inventory referred to
in section 403(c) all reclamation projects relating to the
priorities described in section 403(a) for eligible land and
water pursuant to section 404 in the State or tribe have
been completed.

“(B) The Secretary shall only make the certification
after notice in the Federal Register and opportunity for
public comment.”; and

(2) by adding at the end the following:

“(h) Payments to States and Indian Tribes.—

“(1) In general.—

“(A) Payments.—

“(i) In general.—Notwithstanding
section 401(f)(3)(B), from funds referred
to in section 402(i)(2), the Secretary shall
make payments to States or Indian tribes
for the amount due for the aggregate un-
appropriated amount allocated to the State
or Indian tribe under subparagraph (A) or
(B) of section 402(g)(1).

“(ii) Conversion as equivalent
payments.—Amounts allocated under sub-
paragraphs (A) or (B) of section 402(g)(1)
shall be reallocated to the allocation estab-
lished in section 402(g)(5) in amounts
equivalent to payments made to States or Indian tribes under this paragraph.

“(B) AMOUNT DUE.—In this paragraph, the term ‘amount due’ means the unappropriated amount allocated to a State or Indian tribe before October 1, 2007, under subparagraph (A) or (B) of section 402(g)(1).

“(C) SCHEDULE.—Payments under subparagraph (A) shall be made in 7 equal annual installments, beginning with fiscal year 2008.

“(D) USE OF FUNDS.—

“(i) CERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that makes a certification under subsection (a) in which the Secretary concurs shall use any amounts provided under this paragraph for the purposes established by the State legislature or tribal council of the Indian tribe, with priority given for addressing the impacts of mineral development.

“(ii) UNCERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that has not made a certification under subsection (a) in which the Secretary has concurred shall use any amounts provided
under this paragraph for the purposes described in section 403.

“(2) Subsequent state and Indian tribe share for certified states and Indian tribes.—

“(A) In general.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall pay to each certified State or Indian tribe an amount equal to the sum of the aggregate unappropriated amount allocated on or after October 1, 2007, to the certified State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

“(B) Certified state or Indian tribe defined.—In this paragraph the term ‘certified State or Indian tribe’ means a State or Indian tribe for which a certification is made under subsection (a) in which the Secretary concurs.

“(3) Manner of payment.—

“(A) In general.—Subject to subparagraph (B), payments to States or Indian tribes under this subsection shall be made without regard to any limitation in section 401(d) and
concurrently with payments to States under that section.

“(B) INITIAL PAYMENTS.—The first 3 payments made to any State or Indian tribe shall be reduced to 25 percent, 50 percent, and 75 percent, respectively, of the amounts otherwise required under paragraph (2)(A).

“(C) INSTALLMENTS.—Amounts withheld from the first 3 annual installments as provided under subparagraph (B) shall be paid in 2 equal annual installments beginning with fiscal year 2018.

“(4) REALLOCATION.—

“(A) IN GENERAL.—The amount allocated to any State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1) that is paid to the State or Indian tribe as a result of a payment under paragraph (1) or (2) shall be reallocated and available for grants under section 402(g)(5).

“(B) ALLOCATION.—The grants shall be allocated based on the amount of coal historically produced before August 3, 1977, in the same manner as under section 402(g)(5).”.
SEC. 107. REMINING INCENTIVES.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) is amended by adding at the following:

"SEC. 415. REMINING INCENTIVES.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remining of eligible land under section 404 in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

“(b) REQUIREMENTS.—Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State regulatory authority referred to in title V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

“(c) INCENTIVES.—

“(1) IN GENERAL.—Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to—
“(A) a rebate or waiver of the reclamation fees required under section 402(a); and

“(B) the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 509.

“(2) LIMITATIONS.—

“(A) USE.—A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

“(i) remove or reprocess abandoned coal mine waste; or

“(ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 403(a).

“(B) AMOUNT.—The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section.”.

SEC. 108. EXTENSION OF LIMITATION ON APPLICATION OF PROHIBITION ON ISSUANCE OF PERMIT.

Section 510(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(e)) is amended by striking the last sentence.
SEC. 109. TRIBAL REGULATION OF SURFACE COAL MINING AND RECLAMATION OPERATIONS.

(a) IN GENERAL.—Section 710 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300) is amended by adding at the end the following:

“(j) TRIBAL REGULATORY AUTHORITY.—

“(1) TRIBAL REGULATORY PROGRAMS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe may apply for, and obtain the approval of, a tribal program under section 503 regulating in whole or in part surface coal mining and reclamation operations on reservation land under the jurisdiction of the Indian tribe using the procedures of section 504(e).

“(B) REFERENCES TO STATE.—For purposes of this subsection and the implementation and administration of a tribal program under title V, any reference to a ‘State’ in this Act shall be considered to be a reference to a ‘tribe’.

“(2) CONFLICTS OF INTEREST.—

“(A) IN GENERAL.—The fact that an individual is a member of an Indian tribe does not in itself constitute a violation of section 201(f).

“(B) EMPLOYEES OF TRIBAL REGULATORY AUTHORITY.—Any employee of a tribal regu-
latory authority shall not be eligible for a per
icapita distribution of any proceeds from coal
mining operations conducted on Indian reserva-
tion lands under this Act.

“(3) SOVEREIGN IMMUNITY.—To receive pri-
mary regulatory authority under section 504(e), an
Indian tribe shall waive sovereign immunity for pur-
poses of section 520 and paragraph (4).

“(4) JUDICIAL REVIEW.—

“(A) CIVIL ACTIONS.—

“(i) IN GENERAL.—After exhausting
all tribal remedies with respect to a civil
action arising under a tribal program ap-
proved under section 504(e), an interested
party may file a petition for judicial review
of the civil action in the United States cir-
cuit court for the circuit in which the sur-
face coal mining operation named in the
petition is located.

“(ii) SCOPE OF REVIEW.—

“(I) QUESTIONS OF LAW.—The
United States circuit court shall re-
view de novo any questions of law
under clause (i).
“(II) Findings of Fact.—The United States circuit court shall re-
view findings of fact under clause (i) using a clearly erroneous standard.

“(B) Criminal Actions.—Any criminal action brought under section 518 with respect to surface coal mining or reclamation oper-
ations on Indian reservation lands shall be brought in—

“(i) the United States District Court for the District of Columbia; or

“(ii) the United States district court in which the criminal activity is alleged to have occurred.

“(5) Grants.—

“(A) In General.—Except as provided in subparagraph (B), grants for developing, ad-
ministering, and enforcing tribal programs ap-
proved in accordance with section 504(e) shall be provided to an Indian tribe in accordance with section 705.

“(B) Exception.—Notwithstanding sub-
paragraph (A), the Federal share of the costs of developing, administering, and enforcing an approved tribal program shall be 100 percent.
“(6) REPORT.—Not later than 18 months after the date on which a tribal program is approved under subsection (e) of section 504, the Secretary shall submit to the appropriate committees of Congress a report, developed in cooperation with the applicable Indian tribe, on the tribal program that includes a recommendation of the Secretary on whether primary regulatory authority under that subsection should be expanded to include additional Indian lands.”.

(b) CONFORMING AMENDMENT.—Section 710(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300(i)) is amended in the first sentence by striking “, except” and all that follows through “section 503”.

Subtitle B—Coal Industry Retiree Health Benefit Act

SEC. 111. CERTAIN RELATED PERSONS AND SUCCESSORS IN INTEREST RELIEVED OF LIABILITY IF PREMIUMS PREPAID.

(a) COMBINED BENEFIT FUND.—

(1) IN GENERAL.—Section 9704 of the Internal Revenue Code of 1986 (relating to liability of assigned operators) is amended by adding at the end the following new subsection:
“(j) PREPAYMENT OF PREMIUM LIABILITY.—

“(1) IN GENERAL.—If—

“(A) a payment meeting the requirements of paragraph (3) is made to the Combined Fund by or on behalf of—

“(i) any assigned operator to which this subsection applies, or

“(ii) any related person to any assigned operator described in clause (i), and

“(B) the common parent of the controlled group of corporations described in paragraph (2)(B) is jointly and severally liable for any premium under this section which (but for this subsection) would be required to be paid by the assigned operator or related person,

then such common parent (and no other person) shall be liable for such premium.

“(2) ASSIGNED OPERATORS TO WHICH SUB-SECTION APPLIES.—

“(A) IN GENERAL.—This subsection shall apply to any assigned operator if—

“(i) the assigned operator (or a related person to the assigned operator)—

“(I) made contributions to the 1950 UMWA Benefit Plan and the
1974 UMWA Benefit Plan for employment during the period covered by the 1988 agreement; and

“(II) is not a 1988 agreement operator,

“(ii) the assigned operator (and all related persons to the assigned operator) are not actively engaged in the production of coal as of July 1, 2005, and

“(iii) the assigned operator was, as of July 20, 1992, a member of a controlled group of corporations described in subparagraph (B).

“(B) CONTROLLED GROUP OF CORPORATIONS.—A controlled group of corporations is described in this subparagraph if the common parent of such group is a corporation the shares of which are publicly traded on a United States exchange.

“(C) COORDINATION WITH REPEAL OF ASSIGNMENTS.—A person shall not fail to be treated as an assigned operator to which this subsection applies solely because the person ceases to be an assigned operator by reason of section 9706(h)(1) if the person otherwise
meets the requirements of this subsection and is liable for the payment of premiums under section 9706(h)(3).

“(D) CONTROLLED GROUP.—For purposes of this subsection, the term ‘controlled group of corporations’ has the meaning given such term by section 52(a).

“(3) REQUIREMENTS.—A payment meets the requirements of this paragraph if—

“(A) the amount of the payment is not less than the present value of the total premium liability under this chapter with respect to the Combined Fund of the assigned operators or related persons described in paragraph (1) or their assignees, as determined by the operator’s or related person’s enrolled actuary (as defined in section 7701(a)(35)) using actuarial methods and assumptions each of which is reasonable and which are reasonable in the aggregate, as determined by such enrolled actuary;

“(B) such enrolled actuary files with the Secretary of Labor a signed actuarial report containing—

“(i) the date of the actuarial valuation applicable to the report; and
“(ii) a statement by the enrolled actuary signing the report that, to the best of the actuary’s knowledge, the report is complete and accurate and that in the actuary’s opinion the actuarial assumptions used are in the aggregate reasonably related to the experience of the operator and to reasonable expectations; and

“(C) 90 calendar days have elapsed after the report required by subparagraph (B) is filed with the Secretary of Labor, and the Secretary of Labor has not notified the assigned operator in writing that the requirements of this paragraph have not been satisfied.

“(4) USE OF PREPAYMENT.—The Combined Fund shall—

“(A) establish and maintain an account for each assigned operator or related person by, or on whose behalf, a payment described in paragraph (3) was made,

“(B) credit such account with such payment (and any earnings thereon), and

“(C) use all amounts in such account exclusively to pay premiums that would (but for
this subsection) be required to be paid by the
assigned operator.

Upon termination of the obligations for the premium
liability of any assigned operator or related person
for which such account is maintained, all funds re-
maining in such account (and earnings thereon)
shall be refunded to such person as may be des-
ignated by the common parent described in para-
graph (1)(B).”.

(b) INDIVIDUAL EMPLOYER PLANS.—Section
9711(c) of the Internal Revenue Code of 1986 (relating
to joint and several liability) is amended to read as follows:

“(c) JOINT AND SEVERAL LIABILITY OF RELATED
PERSONS.—

“(1) IN GENERAL.—Except as provided in para-
graph (2), each related person of a last signatory op-
erator to which subsection (a) or (b) applies shall be
jointly and severally liable with the last signatory op-
erator for the provision of health care coverage de-
scribed in subsection (a) or (b).

“(2) LIABILITY LIMITED IF SECURITY PRO-
VIDED.—If—

“(A) security meeting the requirements of
paragraph (3) is provided by or on behalf of—
“(i) any last signatory operator which is an assigned operator described in section 9704(j)(2), or

“(ii) any related person to any last signatory operator described in clause (i), and

“(B) the common parent of the controlled group of corporations described in section 9704(j)(2)(B) is jointly and severally liable for the provision of health care under this section which, but for this paragraph, would be required to be provided by the last signatory operator or related person, then, as of the date the security is provided, such common parent (and no other person) shall be liable for the provision of health care under this section which the last signatory operator or related person would otherwise be required to provide. Security may be provided under this paragraph without regard to whether a payment was made under section 9704(j).

“(3) SECURITY.—Security meets the requirements of this paragraph if—

“(A) the security—

“(i) is in the form of a bond, letter of credit, or cash escrow,
“(ii) is provided to the trustees of the 1992 UMWA Benefit Plan solely for the purpose of paying premiums for beneficiaries who would be described in section 9712(b)(2)(B) if the requirements of this section were not met by the last signatory operator, and

“(iii) is in an amount equal to 1 year of liability of the last signatory operator under this section, determined by using the average cost of such operator’s liability during the prior 3 calendar years;

“(B) the security is in addition to any other security required under any other provision of this title; and

“(C) the security remains in place for 5 years.

“(4) REFUNDS OF SECURITY.—The remaining amount of any security provided under this subsection (and earnings thereon) shall be refunded to the last signatory operator as of the earlier of—

“(A) the termination of the obligations of the last signatory operator under this section, or
“(B) the end of the 5-year period described in paragraph (4)(C).”.

(c) 1992 UMWA Benefit Plan.—Section 9712(d)(4) of the Internal Revenue Code of 1986 (relating to joint and several liability) is amended by adding at the end the following new sentence: “The provisions of section 9711(c)(2) shall apply to any last signatory operator described in such section (without regard to whether security is provided under such section, a payment is made under section 9704(j), or both) and if security meeting the requirements of section 9711(c)(3) is provided, the common parent described in section 9711(c)(2)(B) shall be exclusively responsible for any liability for premiums under this section which, but for this sentence, would be required to be paid by the last signatory operator or any related person.”.

(d) Successor in Interest.—Section 9701(c) of the Internal Revenue Code of 1986 (relating to terms relating to operators) is amended by adding at the end the following new paragraph:

“(8) Successor in interest.—

“(A) Safe Harbor.—The term ‘successor in interest’ shall not include any person who—
“(i) is an unrelated person to an eligible seller described in subparagraph (C); and

“(ii) purchases for fair market value assets, or all of the stock, of a related person to such seller, in a bona fide, arm’s-length sale.

“(B) UNRELATED PERSON.—The term ‘unrelated person’ means a purchaser who does not bear a relationship to the eligible seller described in section 267(b).

“(C) ELIGIBLE SELLER.—For purposes of this paragraph, the term ‘eligible seller’ means an assigned operator described in section 9704(j)(2) or a related person to such assigned operator.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendment made by subsection (d) shall apply to transactions after the date of the enactment of this Act.

SEC. 112. TRANSFERS TO FUNDS; PREMIUM RELIEF.

(a) COMBINED FUND.—

(1) FEDERAL TRANSFERS.—Section 9705(b) of the Internal Revenue Code of 1986 (relating to
transfers from Abandoned Mine Reclamation Fund) is amended—

(A) in paragraph (1), by striking “section 402(h)” and inserting “subsections (h) and (i) of section 402”;

(B) by striking paragraph (2) and inserting the following new paragraph:

“(2) USE OF FUNDS.—Any amount transferred under paragraph (1) for any fiscal year shall be used to pay benefits and administrative costs of beneficiaries of the Combined Fund or for such other purposes as are specifically provided in the Acts described in paragraph (1).”; and

(C) by striking “FROM ABANDONED MINE RECLAMATION FUND”.

(2) MODIFICATIONS OF PREMIUMS TO REFLECT FEDERAL TRANSFERS.—

(A) ELIMINATION OF UNASSIGNED BENEFICIARIES PREMIUM.—Section 9704(d) of such Code (establishing unassigned beneficiaries premium) is amended to read as follows:

“(d) UNASSIGNED BENEFICIARIES PREMIUM.—

“(1) PLAN YEARS ENDING ON OR BEFORE SEPTEMBER 30, 2006.—For plan years ending on or before September 30, 2006, the unassigned bene-
ficiaries premium for any assigned operator shall be equal to the applicable percentage of the product of the per beneficiary premium for the plan year multiplied by the number of eligible beneficiaries who are not assigned under section 9706 to any person for such plan year.

“(2) PLAN YEARS BEGINNING ON OR AFTER OCTOBER 1, 2006.—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2006, subject to subparagraph (B), there shall be no unassigned beneficiaries premium, and benefit costs with respect to eligible beneficiaries who are not assigned under section 9706 to any person for any such plan year shall be paid from amounts transferred under section 9705(b).

“(B) INADEQUATE TRANSFERS.—If, for any plan year beginning on or after October 1, 2006, the amounts transferred under section 9705(b) are less than the amounts required to be transferred to the Combined Fund under subsection (h)(2)(A) or (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232)), then the unassigned beneficiaries premium for any assigned operator
shall be equal to the operator’s applicable percentage of the amount required to be so transferred which was not so transferred.”.

(B) PREMIUM ACCOUNTS.—

(i) CREDITING OF ACCOUNTS.—Section 9704(e)(1) of such Code (relating to premium accounts; adjustments) is amended by inserting “and amounts transferred under section 9705(b)” after “premiums received”.

(ii) SURPLUSES ATTRIBUTABLE TO PUBLIC FUNDING.—Section 9704(e)(3)(A) of such Code is amended by adding at the end the following new sentence: “Amounts credited to an account from amounts transferred under section 9705(b) shall not be taken into account in determining whether there is a surplus in the account for purposes of this paragraph.”

(C) APPLICABLE PERCENTAGE.—Section 9704(f)(2) of such Code (relating to annual adjustments) is amended by adding at the end the following new subparagraph:

“(C) In the case of plan years beginning on or after October 1, 2007, the total number
of assigned eligible beneficiaries shall be reduced by the eligible beneficiaries whose assignments have been revoked under section 9706(h).”.

(3) ASSIGNMENTS AND REASSIGNMENT.—Section 9706 of the Internal Revenue Code of 1986 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

“(h) ASSIGNMENTS AS OF OCTOBER 1, 2007.—

“(1) IN GENERAL.—Subject to the premium obligation set forth in paragraph (3), the Commissioner of Social Security shall—

“(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for plan years beginning on and after October 1, 2007; and

“(B) make no further assignments to persons other than 1988 agreement operators, except that no individual who becomes an unassigned beneficiary by reason of subparagraph (A) may be assigned to a 1988 agreement operator.

“(2) REASSIGNMENT UPON PURCHASE.—This subsection shall not be construed to prohibit the re-
assignment under subsection (b)(2) of an eligible beneficiary.

“(3) Liability of persons during three fiscal years beginning on and after October 1, 2007.—In the case of each of the fiscal years beginning on October 1, 2007, 2008, and 2009, each person other than a 1988 agreement operator shall pay to the Combined Fund the following percentage of the amount of annual premiums that such person would otherwise be required to pay under section 9704(a), determined on the basis of assignments in effect without regard to the revocation of assignments under paragraph (1)(A):

“(A) For the fiscal year beginning on October 1, 2007, 55 percent.

“(B) For the fiscal year beginning on October 1, 2008, 40 percent.

“(C) For the fiscal year beginning on October 1, 2009, 15 percent.”.

(4) Effective date.—The amendments made by this subsection shall apply to plan years of the Combined Fund beginning after September 30, 2006.

(b) 1992 UMWA Benefit and Other Plans.—
(1) TRANSFERS TO PLANS.—Section 9712(a) of the Internal Revenue Code of 1986 (relating to the establishment and coverage of the 1992 UMWA Benefit Plan) is amended by adding at the end the following:

“(3) TRANSFERS UNDER OTHER FEDERAL STATUTES.—

“(A) IN GENERAL.—The 1992 UMWA Benefit Plan shall include any amount transferred to the plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

“(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in subsection (c) with respect to any beneficiary for whom no monthly per beneficiary premium is paid pursuant to paragraph (1)(A) or (3) of subsection (d).

“(4) SPECIAL RULE FOR 1993 PLAN.—

“(A) IN GENERAL.—The plan described in section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) shall include any amount transferred to the plan under sub-
sections (h) and (i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

“(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in section 402(h)(2)(C)(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)(i)) to individuals described in section 402(h)(2)(C) of such Act (30 U.S.C. 1232(h)(2)(C)).”.

(2) PREMIUM ADJUSTMENTS.—

(A) IN GENERAL.—Section 9712(d)(1) of such Code (relating to guarantee of benefits) is amended to read as follows:

“(1) IN GENERAL.—All 1988 last signatory operators shall be responsible for financing the benefits described in subsection (c) by meeting the following requirements in accordance with the contribution requirements established in the 1992 UMWA Benefit Plan:

“(A) The payment of a monthly per beneficiary premium by each 1988 last signatory operator for each eligible beneficiary of such operator who is described in subsection (b)(2) and
who is receiving benefits under the 1992 UMWA benefit plan.

“(B) The provision of a security (in the form of a bond, letter of credit, or cash escrow) in an amount equal to a portion of the projected future cost to the 1992 UMWA Benefit Plan of providing health benefits for eligible and potentially eligible beneficiaries attributable to the 1988 last signatory operator.

“(C) If the amounts transferred under subsection (a)(3) are less than the amounts required to be transferred to the 1992 UMWA Benefit Plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232), the payment of an additional backstop premium by each 1988 last signatory operator which is equal to such operator’s share of the amounts required to be so transferred but which were not so transferred, determined on the basis of the number of eligible and potentially eligible beneficiaries attributable to the operator.”.

(B) CONFORMING AMENDMENTS.—Section 9712(d) of such Code is amended—
(i) in paragraph (2)(B), by striking “prefunding” and inserting “backstop”, and
(ii) in paragraph (3), by striking “paragraph (1)(B)” and inserting “paragraph (1) (A)”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to fiscal years beginning on or after October 1, 2010.

SEC. 113. OTHER PROVISIONS.

(a) BOARD OF TRUSTEES.—Section 9702(b) of the Internal Revenue Code of 1986 (relating to board of trustees of the Combined Fund) is amended to read as follows:

“(b) BOARD OF TRUSTEES.—

“(1) IN GENERAL.—For purposes of subsection (a), the board of trustees for the Combined Fund shall be appointed as follows:

“(A) 2 individuals who represent employers in the coal mining industry shall be designated by the BCOA;

“(B) 2 individuals designated by the United Mine Workers of America; and

“(C) 3 individuals selected by the individuals appointed under subparagraphs (A) and (B).
“(2) Successor Trustees.—Any successor trustee shall be appointed in the same manner as the trustee being succeeded. The plan establishing the Combined Fund shall provide for the removal of trustees.

“(3) Special Rule.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.”.

(b) Enforcement of Obligations.—

(1) Failure to Pay Premiums.—Section 9707(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) Failures to Pay.—

“(1) Premiums for Eligible Beneficiaries.—There is hereby imposed a penalty on the failure of any assigned operator to pay any premium required to be paid under section 9704 with respect to any eligible beneficiary.

“(2) Contributions Required Under the Mining Laws.—There is hereby imposed a penalty on the failure of any person to make a contribution required under section 402(h)(5)(B)(ii) of the Sur-
face Mining Control and Reclamation Act of 1977 to a plan referred to in section 402(h)(2)(C) of such Act. For purposes of applying this section, each such required monthly contribution for the hours worked of any individual shall be treated as if it were a premium required to be paid under section 9704 with respect to an eligible beneficiary.”.

(2) CIVIL ENFORCEMENT.—Section 9721 of such Code is amended to read as follows:

“SEC. 9721. CIVIL ENFORCEMENT.

“The provisions of section 4301 of the Employee Retirement Income Security Act of 1974 shall apply, in the same manner as any claim arising out of an obligation to pay withdrawal liability under subtitle E of title IV of such Act, to any claim—

“(1) arising out of an obligation to pay any amount required to be paid by this chapter; or

TITLE II—GULF OF MEXICO
ENERGY SECURITY

SEC. 201. SHORT TITLE.
This title may be cited as the “Gulf of Mexico Energy Security Act of 2006”.

SEC. 202. DEFINITIONS.

In this title:


(2) 181 SOUTH AREA.—The term “181 South Area” means any area—

(A) located—

(i) south of the 181 Area;

(ii) west of the Military Mission Line;

and

(iii) in the Central Planning Area;

(B) excluded from the Proposed Final Outer Continental Shelf Oil and Gas Leasing
Program for 1997–2002, dated August 1996, of
the Minerals Management Service; and

(C) included in the areas considered for oil
and gas leasing, as identified in map 8, page 37
of the document entitled “Draft Proposed Pro-
gram Outer Continental Shelf Oil and Gas
Leasing Program 2007–2012”, dated February
2006.

(3) BONUS OR ROYALTY CREDIT.—The term
“bonus or royalty credit” means a legal instrument
or other written documentation, or an entry in an
account managed by the Secretary, that may be used
in lieu of any other monetary payment for—

(A) a bonus bid for a lease on the outer
Continental Shelf; or

(B) a royalty due on oil or gas production
from any lease located on the outer Continental
Shelf.

(4) CENTRAL PLANNING AREA.—The term
“Central Planning Area” means the Central Gulf of
Mexico Planning Area of the outer Continental
Shelf, as designated in the document entitled “Draft
Proposed Program Outer Continental Shelf Oil and
Gas Leasing Program 2007–2012”, dated February
2006.

(6) **2002–2007 PLANNING AREA.**—The term “2002–2007 planning area” means any area—

(A) located in—

(i) the Eastern Planning Area, as designated in the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program 2002–2007, dated April 2002, of the Minerals Management Service;

(ii) the Central Planning Area, as designated in the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program 2002–2007, dated April 2002, of the Minerals Management Service; or

(iii) the Western Planning Area, as designated in the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program 2002–2007, dated April 2002, of the Minerals Management Service; and
(B) not located in—

(i) an area in which no funds may be expended to conduct offshore preleasing, leasing, and related activities under sections 104 through 106 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as in effect on August 2, 2005);

(ii) an area withdrawn from leasing under the “Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition”, from 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998; or

(iii) the 181 Area or 181 South Area.

(7) GULF PRODUCING STATE.—The term “Gulf producing State” means each of the States of Alabama, Louisiana, Mississippi, and Texas.

(8) MILITARY MISSION LINE.—The term “Military Mission Line” means the north-south line at 86°41’ W. longitude.

(9) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—
(A) In general.—The term “qualified outer Continental Shelf revenues” means—

(i) in the case of each of fiscal years 2007 through 2016, all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for—

(I) areas in the 181 Area located in the Eastern Planning Area; and

(II) the 181 South Area; and

(ii) in the case of fiscal year 2017 and each fiscal year thereafter, all rentals, royalties, bonus bids, and other sums due and payable to the United States received on or after October 1, 2016, from leases entered into on or after the date of enactment of this Act for—

(I) the 181 Area;

(II) the 181 South Area; and

(III) the 2002–2007 planning area.

(B) Exclusions.—The term “qualified outer Continental Shelf revenues” does not include—
(i) revenues from the forfeiture of a bond or other surety securing obligations other than royalties, civil penalties, or royalties taken by the Secretary in-kind and not sold; or

(ii) revenues generated from leases subject to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).

(10) COASTAL POLITICAL SUBDIVISION.—The term “coastal political subdivision” means a political subdivision of a Gulf producing State any part of which political subdivision is—

(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the Gulf producing State as of the date of enactment of this Act; and

(B) not more than 200 nautical miles from the geographic center of any leased tract.

(11) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
SEC. 203. OFFSHORE OIL AND GAS LEASING IN 181 AREA AND 181 SOUTH AREA OF GULF OF MEXICO.

(a) 181 AREA LEASE SALE.—Except as provided in section _04, the Secretary shall offer the 181 Area for oil and gas leasing pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) as soon as practicable, but not later than 1 year, after the date of enactment of this Act.

(b) 181 SOUTH AREA LEASE SALE.—The Secretary shall offer the 181 South Area for oil and gas leasing pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) as soon as practicable after the date of enactment of this Act.

(c) LEASING PROGRAM.—The 181 Area and 181 South Area shall be offered for lease under this section notwithstanding the omission of the 181 Area or the 181 South Area from any outer Continental Shelf leasing program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

(d) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 522) is amended by inserting “(other than the 181 South Area (as defined in section _02 of the Gulf of Mexico Energy Security Act of 2006))” after “lands located outside Sale 181”.

SEC. 204. MORATORIUM ON OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Effective during the period beginning on the date of enactment of this Act and ending on June 30, 2022, the Secretary shall not offer for leasing, preleasing, or any related activity—

(1) any area east of the Military Mission Line in the Gulf of Mexico;

(2) any area in the Eastern Planning Area that is within 125 miles of the coastline of the State of Florida; or

(3) any area in the Central Planning Area that is—

(A) within—

(i) the 181 Area; and

(ii) 100 miles of the coastline of the State of Florida; or

(B)(i) outside the 181 Area;

(ii) east of the western edge of the Pensacola Official Protraction Diagram (UTM X coordinate 1,393,920 (NAD 27 feet)); and

(iii) within 100 miles of the coastline of the State of Florida.

(b) MILITARY MISSION LINE.—Notwithstanding subsection (a), the United States reserves the right to designate by and through the Secretary of Defense, with the
approval of the President, national defense areas on the outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

(c) Exchange of Certain Leases.—

(1) In General.—The Secretary shall permit any person that, as of the date of enactment of this Act, has entered into an oil or gas lease with the Secretary in any area described in paragraph (2) or (3) of subsection (a) to exchange the lease for a bonus or royalty credit that may only be used in the Gulf of Mexico.

(2) Valuation of Existing Lease.—The amount of the bonus or royalty credit for a lease to be exchanged shall be equal to—

(A) the amount of the bonus bid; and

(B) any rental paid for the lease as of the date the lessee notifies the Secretary of the decision to exchange the lease.

(3) Revenue Distribution.—No bonus or royalty credit may be used under this subsection in lieu of any payment due under, or to acquire any interest in, a lease subject to the revenue distribution provisions of section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).
(4) REGULATIONS.—Not later than 1 year after
the date of enactment of this Act, the Secretary
shall promulgate regulations that shall provide a
process for—

(A) notification to the Secretary of a deci-
sion to exchange an eligible lease;

(B) issuance of bonus or royalty credits in
exchange for relinquishment of the existing
lease;

(C) transfer of the bonus or royalty credit
to any other person; and

(D) determining the proper allocation of
bonus or royalty credits to each lease interest
owner.

SEC. 205. DISPOSITION OF QUALIFIED OUTER CONTI-
NENTAL SHELF REVENUES FROM 181 AREA,
181 SOUTH AREA, AND 2002-2007 PLANNING
AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Notwithstanding section 9 of the
Outer Continental Shelf Lands Act (43 U.S.C. 1338) and
subject to the other provisions of this section, for each ap-
licable fiscal year, the Secretary of the Treasury shall
deposit—
(1) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

(A) 75 percent to Gulf producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460l–5).

(b) Allocation Among Gulf Producing States and Coastal Political Subdivisions.—

(1) Allocation Among Gulf Producing States for Fiscal Years 2007 Through 2016.—

(A) In General.—Subject to subparagraph (B), effective for each of fiscal years 2007 through 2016, the amount made available under subsection (a)(2)(A) shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by
regulation) that are inversely proportional to
the respective distances between the point on
the coastline of each Gulf producing State that
is closest to the geographic center of the applic-
cable leased tract and the geographic center of
the leased tract.

(B) Minimum Allocation.—The amount
allocated to a Gulf producing State each fiscal
year under subparagraph (A) shall be at least
10 percent of the amounts available under sub-
section (a)(2)(A).

(2) Allocation Among Gulf Producing
States for Fiscal Year 2017 and Thereafter.—

(A) In General.—Subject to subpara-
graphs (B) and (C), effective for fiscal year
2017 and each fiscal year thereafter—

(i) the amount made available under
subsection (a)(2)(A) from any lease en-
tered into within the 181 Area or the 181
South Area shall be allocated to each Gulf
producing State in amounts (based on a
formula established by the Secretary by
regulation) that are inversely proportional
to the respective distances between the
point on the coastline of each Gulf pro-
Somewhere in the document I can't read, but it seems to be about leasing practices and possibly environmental regulations.
planning area shall include all leases entered into by the Secretary for an area in the Gulf of Mexico during the period beginning on October 1, 1982 (or an earlier date if practicable, as determined by the Secretary), and ending on December 31, 2015.

(ii) Adjustment.—Effective January 1, 2022, and every 5 years thereafter, the ending date described in clause (i) shall be extended for an additional 5 calendar years.

(3) Payments to Coastal Political Subdivisions.—

(A) In General.—The Secretary shall pay 20 percent of the allocable share of each Gulf producing State, as determined under paragraphs (1) and (2), to the coastal political subdivisions of the Gulf producing State.

(B) Allocation.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B), (C), and (E) of section 31(b)(4) of the Outer
Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)).

(c) TIMING.—The amounts required to be deposited under paragraph (2) of subsection (a) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) AUTHORIZED USES.—

(1) IN GENERAL.—Subject to paragraph (2), each Gulf producing State and coastal political subdivision shall use all amounts received under subsection (b) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(A) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.
(D) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(E) Planning assistance and the administrative costs of complying with this section.

(2) LIMITATION.—Not more than 3 percent of amounts received by a Gulf producing State or coastal political subdivision under subsection (b) may be used for the purposes described in paragraph (1)(E).

(e) ADMINISTRATION.—Amounts made available under subsection (a)(2) shall—

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under—

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); or

(C) any other provision of law.

(f) LIMITATIONS ON AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—
(1) **In General.**—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues made available under subsection (a)(2) shall not exceed $500,000,000 for each of fiscal years 2016 through 2055.

(2) **Expenditures.**—For the purpose of paragraph (1), for each of fiscal years 2016 through 2055, expenditures under subsection (a)(2) shall be net of receipts from that fiscal year from any area in the 181 Area in the Eastern Planning Area and the 181 South Area.

(3) **Pro Rata Reductions.**—If paragraph (1) limits the amount of qualified outer Continental Shelf revenue that would be paid under subparagraphs (A) and (B) of subsection (a)(2)—

(A) the Secretary shall reduce the amount of qualified outer Continental Shelf revenue provided to each recipient on a pro rata basis; and

(B) any remainder of the qualified outer Continental Shelf revenues shall revert to the general fund of the Treasury.
TITLE III—TEMPORARY MORATORIUM ON REGULATION OF AGRICULTURAL DUST

SEC. 301. TEMPORARY MORATORIUM ON REGULATION OF AGRICULTURAL DUST.

Notwithstanding any other provision of law, for the 5-year period beginning on September 20, 2006, no national ambient air quality standard for particulate matter promulgated pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) shall be enforced by the Federal Government, or required by the Federal Government to be enforced by any State or local government, with respect to particulate matter deposited in the ambient air as a result of the conduct of an agricultural activity (as that term is defined by the Secretary of Agriculture).

DIVISION C—TARIFF AND TRADE PROVISIONS

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.— This division may be cited as the “Miscellaneous Trade and Technical Corrections Act of 2006”.

(b) Table of Contents.—The table of contents for this division is as follows:

Sec. 1001. Short title; table of contents.

TITLE I—TARIFF PROVISIONS
Sec. 1002. Reference; expired provisions.

Subtitle A—New Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS

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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.
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Sec. 1173. Phosphor-bag-barium magnesium aluminate phosphor.
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Sec. 1175. Phosphor scap strontium chlorapatite-europium.
Sec. 1176. Phosphor zine silicate.
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Sec. 1180. Ceramic frit powder.
Sec. 1181. Phosphor lite white and phosphor blue halo.
Sec. 1182. Phosphor-sea, strontium halophosphate doped with europium.
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Sec. 1207. 4-(Trifluoromethoxy)phenyl isocyanate.
Sec. 1208. 4-Methylbenzonitrile.
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Sec. 1223. Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated.
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Sec. 1228. Certain specialty monomers.
Sec. 1229. Suspension of duty on exoflex F BX7011.
Sec. 1230. Triphenyl phosphine.
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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.
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Sec. 1235. Parts for use in the manufacture of certain high-performance loudspeakers.
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Sec. 1267. Basic Violet 1.
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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-trisc[(2r)-oxiranylmethyl]- and 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-trisc[(2s)-oxiranylmethyl]-.
Sec. 1275. 9H-Thioxanthene-2-carboxaldehyde, 9-oxo-, 2-(o-acetyloxime).
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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.
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Sec. 1286. Certain footwear with coated or laminated textile fabrics.
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Sec. 1290. Felt-bottom boots for use in fishing waders.
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Sec. 1292. Certain parts and accessories for measuring or checking instruments.
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. Boltron-1 (bolt-1).
Sec. 1301. Boltron-2 (bolt-2).
Sec. 1302. Cyclic TMP formal (CTF).
Sec. 1303. DITMP.
Sec. 1304. Polyl DPP (DPP).
Sec. 1305. Hydroxypivalic acid (HPA).
Sec. 1306. TMPDE.
Sec. 1307. TMPME.
Sec. 1308. TMP octane (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)carboxyl]-, rel-(1R,6R)-, reaction products with pentafluorodiethane-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-piperidinyl]iminio]-1,6-hexamethyl[2,2,6,6-tetramethyl-4-piperidinyl]iminio]] 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-Difluoroamiline.
Sec. 1326. Clomazone.
Sec. 1327. Chloropivaloyl chloride.
Sec. 1328. N,N'-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)).
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. Bispyriac-sodium.
Sec. 1335. Dinotefuran.
Sec. 1336. Etoxazole.
Sec. 1337. Bioallethrin.
Sec. 1338. S-Bioallethrin.
Sec. 1339. Tetramethrin.
Sec. 1340. Tralomethrin.
Sec. 1341. Flumiclorac-pentyl.
Sec. 1342. 1-Propene-2-methyl homopolymer.
Sec. 1343. Aeronal-S-600.
Sec. 1344. Lacerin TPO.
Sec. 1345. Sokalan PG IME.
Sec. 1346. Lycopeone 10 percent.
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.
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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.
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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)amino)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-sulfophenylazo]-5-
hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium so-
dium salt.
Sec. 1381. Reactive Red 123.
Sec. 1382. Reactive Blue 250.
Sec. 1383. Reactive Black 5.
Sec. 1384. 5-[(2-Cyano-4-nitrophosphyl)azo]-2-[(2-(2-hydroxyethoxy)ethyl)amino]-4-methyl-6-(phenylamino)-3-pyrindinecarbonitrile.

Sec. 1385. Cyano[3-(6-methoxy-2-benzothiazolyl)amino]-1H-isooindol-1-ylidene]-acetic acid, pentyl ester.

Sec. 1386. [(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[amino][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-propanoxyphenyl)-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][sulfonfyl]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-[Amino(3,6,8-trisulfo-2-naphthalenyl)azo]-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-(Acyctalamino)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. Triacetonamine.

Sec. 1398. Ipconazole.

Sec. 1399. Omite tech.

Sec. 1400. Pantera technical.

Sec. 1401. p-Toluenesulfonfyl 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-Chloroaetoacetanilide.

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-Naphththalamide (1H-benz[de]isoquinoline-1,3(2H)-dione).

Sec. 1412. Diisopropyl succinate.

Sec. 1413. 2,4-Di-tetra-butyl-6-(5-chlorobenzotriazol-2-yI)phenol.

Sec. 1414. Direct Black 22.

Sec. 1415. Methylene bis-benzotriazolyl tetramethylbutylyphenol.

Sec. 1416. Bis-ethylhexyloxyp phenol methoxyphenol triazine.

Sec. 1417. Reactive Orange 132.

Sec. 1418. Acid Black 244.

Sec. 1419. Certain cores used in remanufacture.

Sec. 1420. ADTP.

Sec. 1421. DCBTF.
Sec. 1422. Noviflumuron.
Sec. 1423. Parachlorobenzotrifluoride.
Sec. 1424. Mixtures of insecticide.
Sec. 1425. Mixture of fungicide.
Sec. 1426. 1,2-Benzisothiazol-3(2H)-one.
Sec. 1427. Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6CI) beads with low ash.
Sec. 1428. Mixtures of fungicide.
Sec. 1429. 2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt.
Sec. 1430. Charge control agent 7.
Sec. 1431. Pro-jet Black 820 liquid feed.
Sec. 1432. Pro-jet Magenta M700.
Sec. 1433. Pro-jet Fast Black 287 NA liquid feed.
Sec. 1434. Pro-jet Fast Black 286 stage.
Sec. 1435. Pro-jet Cyan 485 stage.
Sec. 1436. Pro-jet Black 661 liquid feed.
Sec. 1437. Pro-jet Black Cyan 854 liquid feed.
Sec. 1438. Erasers.
Sec. 1439. Artificial flowers.
Sec. 1440. Suspension system stabilizer bars.
Sec. 1441. Rattan webbing.
Sec. 1442. Tractor body parts.
Sec. 1443. AC electric motors of an output exceeding 74.6 W but not exceeding 85 W.
Sec. 1444. AC electric motors of an output exceeding 74.6 W but not exceeding 105 W.
Sec. 1445. AC electric motors of an output exceeding 74.6 W but not exceeding 95 W.
Sec. 1446. Certain AC electric motors.
Sec. 1447. Viscose rayon yarn.
Sec. 1448. Certain twisted yarn of viscose rayon.
Sec. 1449. Allyl ureido monomer.
Sec. 1450. Synthetic elastic staple fiber.
Sec. 1451. Certain fiberglass sheets.
Sec. 1452. Halophosphor calcium diphosphate.
Sec. 1453. Certain rayon staple fibers.
Sec. 1454. Synthetic quartz or fused silica photomask substrates.
Sec. 1455. Certain integrated machines for manufacturing pneumatic tires.
Sec. 1456. Tramway cars.
Sec. 1457. Certain artificial filament single yarn (other than 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.
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-propenlyoxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoriodoethane-tetrafluoroethylene telomer.
Sec. 1475. Diethyl ketone.
Sec. 1476. Acephate.
Sec. 1477. Flumioxazin.
Sec. 1478. Garennoxacin 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.
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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 provided, whenever in this title, title II, and title III of this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

4 (b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:
<table>
<thead>
<tr>
<th>9902.05.34</th>
<th>9902.32.20</th>
</tr>
</thead>
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<tr>
<td>9902.06.01</td>
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<td>9902.08.10</td>
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<td>9902.19.80</td>
<td>9902.32.44 (relating to CAS No. 201932-24-3)</td>
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<td>9902.20.05</td>
<td>9902.32.44 (relating to CAS No. 186537-30-4)</td>
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<td>9902.29.06 (relating to racemic dl-menthol)</td>
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</table>
Subtitle A—New Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS

SEC. 1111. DIETHYL SULFATE.

Subchapter II of chapter 99 is amended by inserting 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 
```

SEC. 1112. SORAFENIB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.22.02  4-(4-{3-[4-Chloro-3-(trifluoromethyl)phenyl(ureido)phenaxy]-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 
```

SEC. 1113. PROHEXADIONE CALCIUM.

Subchapter II of chapter 99 is amended by inserting 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 
```

SEC. 1114. METHYL METHOXYACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1 **SEC. 1115. METHOXYACETIC ACID.**

2 Subchapter II of chapter 99 is amended by inserting

3 in numerical sequence the following new heading:

4 **SEC. 1116. N-METHYLPIPERIDINE.**

5 Subchapter II of chapter 99 is amended by inserting

6 in numerical sequence the following new heading:

7 **SEC. 1117. QUINCLORAC TECHNICAL.**

8 Subchapter II of chapter 99 is amended by inserting

9 in numerical sequence the following new heading:

10 **SEC. 1118. PYRIDABEN.**

11 Subchapter II of chapter 99 is amended by inserting

12 in numerical sequence the following new heading:
1 **SEC. 1119. CERTAIN RUBBER OR PLASTIC FOOTWEAR.**

Subchapter II of chapter 99 is amended by inserting 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 .
```

4 **SEC. 1120. SODIUM ORTHO-PHENYLPHENOL.**

Subchapter II of chapter 99 is amended by inserting 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 .
```

7 **SEC. 1121. CERTAIN CHEMICAL.**

Subchapter II of chapter 99 is amended by inserting 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 .
```

10 **SEC. 1122. BAYPURE CX.**

Subchapter II of chapter 99 is amended by inserting 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 .
```
1 **SEC. 1123. ISOEICOSANE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
| 9902.22.13 | Isoeicosane (CAS No. 93165-79-1) (provided for in subheading 2710.19.90) | Free | No change | No change | On or before 12/31/2009 |
```

2 **SEC. 1124. ISODODECANE.**

Subchapter II of chapter 99 is amended by inserting 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 |
```

3 **SEC. 1125. ISOHEXADECANE.**

Subchapter II of chapter 99 is amended by inserting 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 |
```

4 **SEC. 1126. AMINO GUANIDINE BICARBONATE.**

Subchapter II of chapter 99 is amended by inserting 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 |
```

5 **SEC. 1127. O-CHLOROTOLUENE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

```
| 9902.22.17 | O-Chlorotoluene (CAS No. 108-63-8) | Free | No change | No change | On or before 12/31/2009 |
```
**1 SEC. 1128. BAYDERM BOTTOM DLV-N.**

Subchapter II of chapter 99 is amended by inserting 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-dimethyloctane, dimethyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, and \(\omega\)-hydro-\(\omega\)-hydroxy(poly(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 |
```

**4 SEC. 1129. 2,3-DICHLORONITROBENZENE.**

Subchapter II of chapter 99 is amended by inserting 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 |
```

**7 SEC. 1130. 1-METHOXY-2-PROPAHOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1  SEC. 1131. BASIC RED 1 DYE.

Subchapter II of chapter 99 is amended by inserting
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
```

4  SEC. 1132. BASIC RED 1:1 DYE.

Subchapter II of chapter 99 is amended by inserting
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
```

7  SEC. 1133. BASIC VIOLET 11 DYE.

Subchapter II of chapter 99 is amended by inserting
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
```

10  SEC. 1134. BASIC VIOLET 11:1 DYE.

Subchapter II of chapter 99 is amended by inserting
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
```

13  SEC. 1135. N-CYCLOHEXYLTHIOPHTHALIMIDE.

Subchapter II of chapter 99 is amended by inserting
in numerical sequence the following new heading:
1 SEC. 1136. 4,4′-DITHIODIMORPHOLINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
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 ``,
```

2 SEC. 1137. TETRAETHYLTHIURAM DISULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.22.27  4,4′-Dithiodimorpholine
(CAS No. 103–34–4) (provided for in subheading
2930.90.90) ......................... Free No change No change On or before 12/31/2009 ``,
```

3 SEC. 1138. CERTAIN TETRAMETHYLTHIURAM DISULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.22.28  Tetraethylthiuram disulfide
(CAS No. 97–77–8) (provided for in subheading
2930.30.60) ......................... Free No change No change On or before 12/31/2009 ``,
```

4 SEC. 1139. CERTAIN AEROSOL VALVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.22.29  Tetramethylthiuram disulfide
(CAS No. 137–26–8) (provided for in subheading
2930.30.60) ......................... Free No change No change On or before 12/31/2009 ``,
```
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 ".

1  SEC. 1140. 4-METHYL-5-N-PROPOXY-2,4-DIHYDRO-1,2,4-

TRIAZOL-3-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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 ".

5  SEC. 1141. ETHOXYQUIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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 ".

8  SEC. 1142. TRICHLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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 ".
SEC. 1143. BENZOIC ACID, 3,4,5-TRIHYDROXY-, PROPYL ESTER.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1144. 2-CYANOPYRIDINE.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1145. MIXED XYOLIDINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.22.36 Mixed xyloidines (CAS No. 1300-73-8) (provided for in subheading 2921.49.50) Free No change No change On or before 12/31/2009```

SEC. 1146. CERTAIN RECEPTION APPARATUS NOT CONTAINING A CLOCK OR CLOCK TIMER, INCORPORATING ONLY AM RADIO.

Subchapter II of chapter 99 is amended by inserting 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 8327.19.50) Free No change No change On or before 12/31/2009```

1. **SEC. 1147. PIGMENT YELLOW 219.**

Subchapter II of chapter 99 is amended by inserting 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 |
```

2. **SEC. 1148. PIGMENT BLUE 80.**

Subchapter II of chapter 99 is amended by inserting 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 |
```

3. **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, POLYMERIZED.**

Subchapter II of chapter 99 is amended by inserting 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 |
```
SEC. 1150. ISOBUTYL PARAHYDROXYBENZOIC ACID AND ITS SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting 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 |

SEC. 1151. PHOSPHINIC ACID, DIETHYL-, ALUMINUM SALT.

Subchapter II of chapter 99 is amended by inserting 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 |

SEC. 1152. EXOLIT OP 1312.

Subchapter II of chapter 99 is amended by inserting 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 |

SEC. 1153. SODIUM HYPOPHOSPHITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.22.44 | Sodium hypophosphite monohydrate (CAS No. 16039–56–2) (provided for in subheading 2835.10.00) | Free | No change | No change | On or before 12/31/2009 |
211

1 **SEC. 1154. CYANURIC CHLORIDE.**

Subchapter II of chapter 99 is amended by inserting
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 ".
```

2 **SEC. 1155. CERTAIN LEATHER FOOTWEAR FOR PERSONS OTHER THAN MEN OR WOMEN.**

Subchapter II of chapter 99 is amended by inserting
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 ".
```

3 **SEC. 1156. CERTAIN OTHER WORK FOOTWEAR.**

Subchapter II of chapter 99 is amended by inserting
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 ".
```

4 **SEC. 1157. CERTAIN TURN OR TURNED FOOTWEAR.**

Subchapter II of chapter 99 is amended by inserting
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 ".
```
SEC. 1158. CERTAIN WORK FOOTWEAR WITH OUTER SOLES OF LEATHER.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

SEC. 1159. CERTAIN FOOTWEAR WITH OUTER SOLES OF RUBBER OR PLASTICS AND WITH OPEN TOES OR HEELS.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

SEC. 1160. CERTAIN ATHLETIC FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting 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 ".
```
1 **SEC. 1161. CERTAIN WORK FOOTWEAR.**

2 Subchapter II of chapter 99 is amended by inserting

3 in numerical sequence the following new heading:

4 SEC. 1162. CERTAIN FOOTWEAR.

5 Subchapter II of chapter 99 is amended by inserting

6 in numerical sequence the following new heading:

7 SEC. 1163. 1-NAPHTHYL METHYLCARBAMATE.

8 Subchapter II of chapter 99 is amended by inserting

9 in numerical sequence the following new heading:

10 SEC. 1164. CERTAIN 16-INCH VARIABLE SPEED SCROLL SAW MACHINES.

11 Subchapter II of chapter 99 is amended by inserting

12 in numerical sequence the following new heading:
1 SEC. 1165. 3,4-DIMETHOXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting 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 
```

4 SEC. 1166. 2-AMINOTHIOPHENOL.

Subchapter II of chapter 99 is amended by inserting 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 
```

7 SEC. 1167. SOLVENT RED 227.

Subchapter II of chapter 99 is amended by inserting 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 
```

10 SEC. 1168. MIXTURES OF FORMALDEHYDE POLYMER AND TOLUENE.

Subchapter II of chapter 99 is amended by inserting 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 
```
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.

Subchapter II of chapter 99 is amended by inserting 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 sub-
heading 3812.30.60) ........................ Free  No change  No change  On or before
215 12/31/2009 ''.
```

SEC. 1170. MIXTURE OF BARIUM CARBONATE, STRONTIUM
CARBONATE, CALCIUM CARBONATE, 1-
METHOXY-2-PROPanANOL ACETATE, FOR USE
AS EMITTER SUSPENSION CATHODE COAT-
ING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.22.61 A mixture of barium car-
bonate, strontium carbonate, calcium carbonate, and 1-
methoxy-2-propanol acetate, for use as emitter suspen-
sion cathode coating (CAS Nos. 519–77–9, 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 ''.
```

SEC. 1171. RESIN CEMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
Resin cement based on calcium carbonate and silicone resins (CAS Nos. 471–34–1 and 68076–83–2) (provided for in subheading 3214.10.00) ................. Free No change No change On or before 12/31/2009

1 SEC. 1172. PHOSPHOR YOX, YTTRIUM OXIDE PHOSPHOR, ACTIVATED BY EUROPium.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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

5 SEC. 1173. PHOSPHOR-BAG-BARIUM MAGNESIUM ALUMINATE PHOSPHOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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

9 SEC. 1174. YTTRIUM VANADATE PHOSPHOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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
SEC. 1175. PHOSPHOR SCAP STRONTIUM CHLOROAPATITE-EUROPIUM.

Subchapter II of chapter 99 is amended by inserting 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
```

SEC. 1176. PHOSPHOR ZINC SILICATE.

Subchapter II of chapter 99 is amended by inserting 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
```

SEC. 1177. STRONTIUM MAGNESIUM PHOSPHATE-TIN DOPED.

Subchapter II of chapter 99 is amended by inserting 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
```

SEC. 1178. PHOSPHOR-YOF FLU PDR YOX; YTTRIUM OXIDE PHOSPHOR, ACTIVATED BY EUROPIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
**SEC. 1179. CALCIUM CHLORIDE PHOSPHATE PHOSPHOR.**

Subchapter II of chapter 99 is amended by inserting 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. 75555-31-8) (provided for in subheading 3206.50.00) ... Free No change No change On or before 12/31/2009 ".
```

**SEC. 1180. CERAMIC FRIT POWDER.**

Subchapter II of chapter 99 is amended by inserting 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 arc tubes (CAS Nos. 1344-28-1, 1305-78-8, 1304-28-5, 1309-48-4, 1303-86-2, 9003-63-8, and 85-83-6) (provided for in subheading 3824.90.91) ......................... Free No change No change On or before 12/31/2009 ".
```

**SEC. 1181. PHOSPHOR LITE WHITE AND PHOSPHOR BLUE HALO.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.22.72 Calcium chloride phosphate phosphor used as a luminophore (CAS No. 75555-31-8) (provided for in subheading 3206.50.00) ... Free No change No change On or before 12/31/2009 ".
```
SEC. 1182. PHOSPHOR-SCA, STRONTIUM HALOPHOSPHATE

DOPED WITH EUROPIUM.

Subchapter II of chapter 99 is amended by inserting 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
```

SEC. 1183. PHOSPHOR-COOL WHITE SMALL PARTICLE CALCIUM HALOPHOSPHATE PHOSPHOR ACTIVATED BY MANGANESE AND ANTIMONY.

Subchapter II of chapter 99 is amended by inserting 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
```

SEC. 1184. PHOSPHOR LAP LANTHANUM PHOSPHATE PHOSPHOR, ACTIVATED BY CERIUM AND TERBIUM.

Subchapter II of chapter 99 is amended by inserting 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
```
SEC. 1185. KASHMIR.

(a) In General.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following 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 |

(b) Conforming Amendment.—Subchapter II of chapter 99 is amended by striking headings 9902.51.15 (relating to articles provided for in subheading 5102.11.10) and 9902.51.16 (relating to articles provided for in subheading 5102.11.90).

SEC. 1186. CERTAIN ARTICLES OF PLATINUM.

Subchapter II of chapter 99 is amended by inserting 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 |

SEC. 1187. NICKEL ALLOY WIRE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Description</th>
<th>Rate</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.22.79</td>
<td>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)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.22.80</td>
<td>Titanium mononitride (CAS No. 25583-20-4) (provided for in subheading 2850.00.07)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.22.81</td>
<td>Marine sextants of metal, designed for use in navigating by celestial bodies (provided for in subheading 9014.80.10)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.22.82</td>
<td>Electrically operated pencil sharpeners (provided for in subheading 8472.90.40)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

1. **SEC. 1188. TITANIUM MONONITRIDE.**
   Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

2. **SEC. 1189. HIGH ACCURACY, METAL, MARINE Sextants, USED FOR NAVIGATING BY CELESTIAL BODIES.**
   Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

3. **SEC. 1190. ELECTRICALLY OPERATED PENCIL SHARPENERS.**
   Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 1191. VALVE ASSEMBLIES (VACUUM RELIEF).

Subchapter II of chapter 99 is amended by inserting 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 ''.
```

SEC. 1192. SEALS, AERODYNAMIC, FIREPROOF.

Subchapter II of chapter 99 is amended by inserting 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 subheadings 3926.90.00 or 5911.90.00) .... Free No change No change On or before 12/31/2009 ''. 
```

SEC. 1193. WING ILLUMINATION LIGHTS.

Subchapter II of chapter 99 is amended by inserting 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 ''. 
```

SEC. 1194. EXTERIOR EMERGENCY LIGHTS.

Subchapter II of chapter 99 is amended by inserting 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 ''. 
```

SEC. 1195. MAGNESIUM PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1 **SEC. 1196. CERTAIN FOOTWEAR OTHER THAN FOR MEN.**

Subchapter II of chapter 99 is amended by inserting 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 
```

4 **SEC. 1197. GRASS SHEARS WITH ROTATING BLADE.**

Subchapter II of chapter 99 is amended by inserting 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 
```

7 **SEC. 1198. CERIUM SULFIDE PIGMENTS.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.22.90 Cerium sulfide pigments (CAS Nos. 12014–95–6 and 12031–49–1) (provided for in subheading 3206.49.50) ................ Free No change No change On or before 12/31/2009 
```

10 **SEC. 1199. KRESOXIM METHYL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.22.91 Mixtures of methyl (E)-methoxyimino-α-(o-tolyloxy)-o-tolylacetate (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 
```
1 **SEC. 1200. 4-PIECE OR 5-PIECE FIREPLACE TOOLS OF IRON OR STEEL.**

Subchapter II of chapter 99 is amended by inserting 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 |

2 **SEC. 1201. RSD 1235.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.22.93 | 3-Pyrrolidinol, 1-[1(R,2R)-2-[2-(3,4-dimethoxyphenyl)ethoxy][ethyl]ethyl]-, hydrochloride, (3R) (CAS No. 748810-28-8) (provided for in subheading 2931.99.53) | Free | No change | No change | On or before 12/31/2009 |

3 **SEC. 1202. MCPB ACID AND MCPB SODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting 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 |

4 **SEC. 1203. GIBBERELLIC ACID.**

Subchapter II of chapter 99 is amended by inserting 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 |
1 **SEC. 1204. TRIPHENYLTIN HYDROXIDE.**

Subchapter II of chapter 99 is amended by inserting 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 |

2 **SEC. 1205. BROMOXYNIL OCTONOATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.22.97 | 3,5-Dibromo-4-hydroxybenzonitrile octonoate (CAS No. 1689–84–5) (provided for in subheading 2926.90.25) | Free | No change | No change | On or before 12/31/2009 |

3 **SEC. 1206. METHYL 3-(TRIFLUOROMETHYL)BENZOATE.**

Subchapter II of chapter 99 is amended by inserting 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 |

4 **SEC. 1207. 4-(TRIFLUOROMETHOXY)PHENYL ISOCYANATE.**

Subchapter II of chapter 99 is amended by inserting 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 |

5 **SEC. 1208. 4-METHYLBENZONITRILE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.23.01 | 4-Methylbenzonitrile (CAS No. 104–85–8) (provided for in subheading 2926.90.43) | Free | No change | No change | On or before 12/31/2009 |
SEC. 1209. DIAMINODECANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.23.02  Diaminododecane (CAS No. 646–25–3) (provided for in subheading 2921.29.00) Free No change No change On or before 12/31/2009 .
```

SEC. 1210. CERTAIN COMPOUNDS OF LANTHANUM PHOSPHATES.

Subchapter II of chapter 99 is amended by inserting 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 .
```

SEC. 1211. CERTAIN COMPOUNDS OF YTTRIUM EUROPIUM OXIDE COPRECIPITATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.23.04  Mixtures or coprecipitates of yttrium oxide (CAS No. 1314–36–9) and europium 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 .
```

SEC. 1212. CERTAIN COMPOUNDS OF LANTHANUM, CERIUM, AND TERBIUM PHOSPHATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.23.05  Mixtures or coprecipitates of lanthanum phosphate, cerium phosphate, and terbium phosphate (CAS Nos. 13778–59–1, 13454–71–2, and 13863–48–4 or 95823–43–0) (provided for in subheadings 2846.10.00 and 2846.90.80) Free No change No change On or before 12/31/2009 .
```
SEC. 1213. CERTAIN COMPOUNDS OF YTTRIUM CERIUM PHOSPHATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.23.06 Mixtures or coprecipitates of yttrium phosphate (CAS No. 13990–34–0) 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 ".
```

SEC. 1214. CANNED, BOILED OYSTERS, NOT SMOKED.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

SEC. 1215. BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.23.08 Boots constructed by hand of natural rubber, the foregoing with steel toes and incorporating ballistic nylon for cut protection, with self-cleaning lug soles or with “caulked” soles for slip and fall protection (provided for in subheading 6401.10.00) ...................... Free No change No change On or before 12/31/2009 ".
```

SEC. 1216. VINYLIDENE CHLORIDE-METHYL METHACRYLATE-ACRYLONITRILE COPOLYMER.

Subchapter II of chapter 99 is amended by inserting 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 ".
```
SEC. 1217. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED, POLYMERIZED, REDUCED HYDROLYZED.

Subchapter II of chapter 99 is amended by inserting 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 .
```

SEC. 1218. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED, POLYMERIZED.

Subchapter II of chapter 99 is amended by inserting 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 .
```

SEC. 1219. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, TELOMER WITH CHLOROTRIFLUOROETHENE, OXIDIZED, REDUCED, ETHYL ESTER, HYDROLYZED.

Subchapter II of chapter 99 is amended by inserting 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 .
```

SEC. 1220. INFRARED ABSORBING DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1  **SEC. 1221. 1,1,2-2-TETRAFLUOROETHENE, OXIDIZED, POLYMERIZED.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.23.14 | 1,1,2-2-Tetrafluoroethylene, 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 |

5  **SEC. 1222. METHOXYCARBONYL-TERMINATED PERFLUORINATED POLYOXYMETHYLENE-POLYOXYETHYLENE.**

Subchapter II of chapter 99 is amended by inserting 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 |

10  **SEC. 1223. ETHENE, TETRAFLUORO, OXIDIZED, POLYMERIZED, REDUCED, DECARBOXYLATED.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.23.16 | Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated (CAS No. 161075-92-1) (provided for in subheading 3824.90.91) Free No change No change On or before 12/31/2009 |
SEC. 1224. ETHENE, TETRAFLUORO, OXIDIZED, POLYM-
erized Reduced, Methyl Esters, Reduced, Ethoxylated.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1225. OXIRANEMETHANOL, POLYMERS WITH REDUCED METHYL ESTERS OF REDUCED POLYMERIZED OXIDIZED TETRAFLUOROETHYLENE.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1226. ETHENE, TETRAFLUORO, OXIDIZED, POLYM-
erized Reduced, Methyl Esters, Reduced.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1227. CERTAIN LIGHT-ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.23.20  Morpholine, 4-[4,5-dihydro-4-[3-[5-hydroxy-1-methyl-3-[2-propanyldiene]-1-methyl-5-oxo-1H-pyrazol-3-yl]carbonyl]-2-propenylidene]-1-methyl-5-oxo-1H-pyrazol-3-yl]carbonyl]-, potassium salt (CAS No. 183196–37–8) (provided for in subheading 2934.99.90); 1,4-benzenedicarboxylic 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
```

SEC. 1228. CERTAIN SPECIALTY MONOMERS.

Subchapter II of chapter 99 is amended by inserting 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
```

SEC. 1229. SUSPENSION OF DUTY ON EXOFLEX F BX7011.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.23.22  1,4-Benzenedicarboxylic acid, dimethyl ester, polymer with 1,4-butanediol and hexanediol acid (CAS No. 55231–08–8) (provided for in subheading 3907.99.00) Free No change No change On or before 12/31/2009
```

SEC. 1230. TRIPHENYL PHOSPHINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1 SEÇ. 1231. CERTAIN GOLF BAG BODIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

2 SEC. 1232. DICHLORPROP-P ACID, DICHLORPROP-P DI-

METHYLAMINE SALT, AND DICHLORPROP-P 2-

ETHYLHEXYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

3 SEC. 1233. 2,4-DB ACID AND 2,4-DB DIMETHYLAMINE SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 1234. FILAMENT FIBER TOW OF RAYON.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

SEC. 1235. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

SEC. 1236. CERTAIN PLASTIC LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

SEC. 1237. CERTAIN PORCELAIN LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting 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 ".
```
SEC. 1238. CERTAIN ALUMINUM LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.23.31 Lamp-holder housings of aluminum, containing sockets (provided for in sub-heading 8536.61.00) Free No change No change On or before 12/31/2009 .
```

SEC. 1239. CERTAIN BRASS LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.23.32 Lamp-holder housings of brass, containing sockets (provided for in sub-heading 8536.61.00) Free No change No change On or before 12/31/2009 .
```

SEC. 1240. STAPLE FIBERS OF VISCOS Rayon, not carded.

Subchapter II of chapter 99 is amended by inserting 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 denier 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 .
```

SEC. 1241. STAPLE FIBERS OF RAYON, CARDED, COMBED, OR OTHERWISE PROCESSED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
<table>
<thead>
<tr>
<th>H/S</th>
<th>Description</th>
<th>Free</th>
<th>No change</th>
<th>On or before</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.23.34</td>
<td>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)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
<td>Sec. 1242. Mini DVD Camcorder with 680K Pixel CCD.</td>
</tr>
</tbody>
</table>

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:

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:

7. **SEC. 1244. METAL HALIDE LAMP.**

8. Subchapter II of chapter 99 is amended by inserting

9. in numerical sequence the following new heading:

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:
1 SEC. 1246. ELECTRIC KNIVES.

Subchapter II of chapter 99 is amended by inserting 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 ".

4 SEC. 1247. TOASTER OVENS WITH SINGLE-SLOT TRADITIONAL TOASTER OPENING ON TOP OF OVEN.

Subchapter II of chapter 99 is amended by inserting 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 ".

8 SEC. 1248. ICE SHAVERS.

Subchapter II of chapter 99 is amended by inserting 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 ".

11 SEC. 1249. DUAL-PRESS SANDWICH MAKERS WITH FLOATING UPPER LID AND LOCK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

" 9902.23.42 Dual-grid electric sandwich griller, 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 ".
SEC. 1250. ELECTRIC JUICE EXTRACTORS GREATER THAN 300 WATTS BUT LESS THAN 400 WATTS.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

SEC. 1251. ELECTRIC JUICE EXTRACTORS NOT LESS THAN 800 WATTS.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

SEC. 1252. OPEN-TOP ELECTRIC INDOOR GRILLS.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

SEC. 1253. AUTOMATIC DRIP COFFEEMAKERS OTHER THAN THOSE WITH CLOCKS.

Subchapter II of chapter 99 is amended by inserting 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 ".
```
1 SEC. 1254. AUTOMATIC DRIP COFFEEMAKERS WITH ELECTRONIC CLOCKS.

Subchapter II of chapter 99 is amended by inserting 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 8516.71.80) Free No change No change On or before 12/31/2009```

5 SEC. 1255. ELECTRIC UNDER-THE-CABINET MOUNTING CAN OPENERS.

Subchapter II of chapter 99 is amended by inserting 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```

9 SEC. 1256. DIMETHYL MALONATE.

Subchapter II of chapter 99 is amended by inserting 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```

12 SEC. 1257. LIGHTWEIGHT DIGITAL CAMERA LENSES.

Subchapter II of chapter 99 is amended by inserting 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```

"
1 **SEC. 1258. DIGITAL ZOOM CAMERA LENSES.**

Subchapter II of chapter 99 is amended by inserting

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 |
```

2 **SEC. 1259. COLOR FLAT PANEL SCREEN MONITORS.**

Subchapter II of chapter 99 is amended by inserting

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 |
```

3 **SEC. 1260. COLOR MONITORS WITH A VIDEO DISPLAY DIAGONAL OF 35.56 CM OR GREATER.**

Subchapter II of chapter 99 is amended by inserting

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 |
```

4 **SEC. 1261. COLOR MONITORS.**

Subchapter II of chapter 99 is amended by inserting

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 |
```
1 SEC. 1262. BLACK AND WHITE MONITORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
Subheading 8528.22.00) ...... Free No change No change On or before 12/31/2009 ",
```

4 SEC. 1263. 6 V LEAD-ACID STORAGE BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
Subheading 8507.20.80) ............................................. Free No change No change On or before 12/31/2009 ",
```

7 SEC. 1264. ZIRCONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
Subheading 2827.49.50) ................................ Free No change No change On or before 12/31/2009 ",
```

10 SEC. 1265. NAPHTHOL AS-CA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
Subheading 2924.29.36) ....... Free No change No change On or before 12/31/2009 ",
```
SEC. 1266. NAPHTHOL AS-KB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.23.59 | 5'-Chloro-3-hydroxy-2'-methyl-2-naphthanilide (CAS No. 135–63–7) (provided for in subheading 2924.29.36) | Free | No change | No change | On or before 12/31/2009 |

SEC. 1267. BASIC VIOLET 1.

Subchapter II of chapter 99 is amended by inserting 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 |

SEC. 1268. BASIC BLUE 7.

Subchapter II of chapter 99 is amended by inserting 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 |

SEC. 1269. 3-AMINO-4-METHYL BENZAMIDE.

Subchapter II of chapter 99 is amended by inserting 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 |

SEC. 1270. ACETOACETYL-2,5-DIMETHOXY-4-CHLOROANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1. **SEC. 1271. PHENYL SALICYLATE (BENZOIC ACID, 2-HYDROXY-, PHENYL ESTER).**

   Subchapter II of chapter 99 is amended by inserting 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 |

2. **SEC. 1272. SYNTHETIC INDIGO POWDER.**

   Subchapter II of chapter 99 is amended by inserting 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 |

3. **SEC. 1273. 1,3,5-TRIAZINE-2,4-DIAMINE, 6-[2-(2-METHYL-1H-IMIDAZOL-1-YL)ETHYL]-.**

   Subchapter II of chapter 99 is amended by inserting 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 |
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-TRIS[(2S)-OXIRANYLMETHYL]-.

Subchapter II of chapter 99 is amended by inserting
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 ''.
```

SEC. 1275. 9H-THIOXANTHENE-2-CARBOXALDEHYDE, 9-OXO-2-(O-ACETYLOXIME).

Subchapter II of chapter 99 is amended by inserting
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 ''.
```

SEC. 1276. 1H-IMIDAZOLE, 2-ETHYL-4-METHYL-.

Subchapter II of chapter 99 is amended by inserting
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 ''.
```

SEC. 1277. 1H-IMIDAZOLE-4-METHANOL, 5-METHYL-2-PHENYL-.

Subchapter II of chapter 99 is amended by inserting
in numerical sequence the following new heading:
Sec. 1278. 4-Cyclohexene-1,2-dicarboxylic Acid, Compd. with 1,3,5-Triazine-2,4,6-Triamine (1:1).

Subchapter II of chapter 99 is amended by inserting 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 |
```

Sec. 1279. 1,3,5-Triazine-2,4-Diamine, 6-[2-(2-Undecyl-1H-imidazol-1-yl)ethyl].

Subchapter II of chapter 99 is amended by inserting 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 |
```

Sec. 1280. Certain Footwear Valued Over $20 a Pair with Coated or Laminated Textile Fabrics.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Rate</th>
<th>Change</th>
<th>Change</th>
<th>On or before</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.23.74</td>
<td>Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
</tbody>
</table>

**1 SEC. 1281. CERTAIN WOMEN'S FOOTWEAR WITH COATED OR LAMINATED TEXTILE FABRICS.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Rate</th>
<th>Change</th>
<th>Change</th>
<th>On or before</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.23.75</td>
<td>Women's footwear with outer soles and uppers of rubber or plastics (except footwear of vulcanized rubber and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
</tbody>
</table>
SEC. 1282. CERTAIN MEN'S FOOTWEAR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting 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 subheading 6402.91.50) ............ Free  No change  No change  On or before 12/31/2009  
```

SEC. 1283. CERTAIN MEN'S FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting 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 subheading 6402.99.20) ............ Free  No change  No change  On or before 12/31/2009  
```
SEC. 1284. CERTAIN WOMEN’S FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting 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 |
```

SEC. 1285. CERTAIN OTHER FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting 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 |
```
SEC. 1286. CERTAIN FOOTWEAR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting 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 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 6404.19.20) | Free | No change | No change |

On or before 12/31/2009.

SEC. 1287. CERTAIN OTHER FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting 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 waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20) Free No change No change On or before 12/31/2009 ''. 

1 SEC. 1288. CERTAIN WOMEN'S FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS. 

Subchapter II of chapter 99 is amended by inserting 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 ''. 
250

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, de-
signed to be worn in lieu of,
but not over, other footwear
as a protection against
water, oil, grease or chemi-
cals or cold or inclement
weather where such protec-
tion includes protection
against water that is im-
parted by the use of a coat-
ed or laminated textile fabric
(provided for in subheading
6404.19.20) | Free | No change | No change | On or before 12/31/2009 |

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 |

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 |
251

1 SEC. 1292. CERTAIN PARTS AND ACCESSORIES FOR MEASURING OR CHECKING INSTRUMENTS.

2 Subchapter II of chapter 99 is amended by inserting 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 |
```

5 SEC. 1293. CERTAIN PRINTED CIRCUIT ASSEMBLIES.

6 Subchapter II of chapter 99 is amended by inserting 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 |
```

8 SEC. 1294. CERTAIN SUBASSEMBLIES FOR MEASURING EQUIPMENT FOR TELECOMMUNICATIONS.

9 Subchapter II of chapter 99 is amended by inserting 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 |
```

12 SEC. 1295. CHLORONEB.

13 Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1. SEC. 1296. P-NITROBENZOIC ACID (PNBA).

Subchapter II of chapter 99 is amended by inserting 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 
```

2. SEC. 1297. ALLYL PENTAERYTHRITOL (APE).

Subchapter II of chapter 99 is amended by inserting 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 
```

3. SEC. 1298. BUTYL ETHYL PROPANEDIOL (BEP).

Subchapter II of chapter 99 is amended by inserting 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 
```

4. SEC. 1299. BEPD70L.

Subchapter II of chapter 99 is amended by inserting 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 
```
1 SEC. 1300. BOLTORN-1 (BOLT-1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.23.94 Polymers of propionic acid, 3-hydroxy-2-
  (hydroxymethyl)-2-methyl-
  with 2,2-bis(hydroxymethyl)-
  1,3-propanediol and oxirane
  (CAS No. 326794–48–5)
  (provided for in subheading
  3907.99.00) ..................... Free No change No change On or before
  12/31/2009 ''.
```

4 SEC. 1301. BOLTORN-2 (BOLT-2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.23.95 Polymer of propionic acid, 3-hydroxy-2-
  (hydroxymethyl)-2-methyl-
  polymer with 2,2-
  bis(hydroxymethyl)-1,3-
  propandiol 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 ''.
```

7 SEC. 1302. CYCLIC TMP FORMAL (CTF).

Subchapter II of chapter 99 is amended by inserting 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 ''.
```

10 SEC. 1303. DITMP.

Subchapter II of chapter 99 is amended by inserting 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 ''.
```
1 SEC. 1304. POLYOL DPP (DPP).

Subchapter II of chapter 99 is amended by inserting 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 3907.29.00) Free No change No change On or before 12/31/2009 .
```

4 SEC. 1305. HYDROXYPIVALIC ACID (HPA).

Subchapter II of chapter 99 is amended by inserting 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 .
```

7 SEC. 1306. TMPDE.

Subchapter II of chapter 99 is amended by inserting 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 .
```

10 SEC. 1307. TMPME.

Subchapter II of chapter 99 is amended by inserting 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 .
```
**SEC. 1308. TMP OXETANE (TMPO).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
| 9902.24.03 | 3-Ethyl-3-oxetanemethanol (trimethylolpropane oxetane) (CAS No. 3047-32-3) (provided for in subheading 2932.99.90) | Free | No change | No change | On or before 12/31/2009 |
```

**SEC. 1309. TMPO ETHOXYLATE (TMPOE).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
| 9902.24.04 | Poly(oxy-1,2-ethanediyl), α-((3-ethyl-3-oxetanyl) methyl)-ω-hydroxy- (CAS No. 76996-65-1) (provided for in subheading 3907.20.00) | Free | No change | No change | On or before 12/31/2009 |
```

**SEC. 1310. AMYL-ANTHRAQUINONE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
| 9902.24.05 | 9, 10-Anthracenedione, 2-pentyl- (CAS No. 13936-21-5) (provided for in subheading 2914.69.90) or in organic solution (provided for in subheading 3824.90.28) | Free | No change | No change | On or before 12/31/2009 |
```

**SEC. 1311. T-BUTYL ACRYLATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
| 9902.24.06 | Acrylic acid, tert-butyl ester (CAS No. 1663-39-4) (provided for in subheading 2916.12.50) | Free | No change | No change | On or before 12/31/2009 |
```
1. **SEC. 1312. 3-CYCLOHEXENE-1-CARBOXYLIC ACID, 6-[(DI-2-PROPENYLAMINO)CARBONYL]-, REL-(1R,6R)-, REACTION PRODUCTS WITH PENTAFLUOROIODOETHANE-TETRAFLUOROETHYLENE TELOMER, AMMONIUM SALT.**

Subchapter II of chapter 99 is amended by inserting 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 |

2. **SEC. 1313. MIXTURES OF PHOSPHATE AMMONIUM SALT DERIVATIVES OF A FLUOROCHEMICAL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.24.08 | 5,5-Bis[(γ,ω-perfluoro(C4–20)alkythio)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)alkythio)methyl]-3-hydroxypropyl phosphate, diammonium salt (CAS No. 148240–87–3) and di(2,2-bis[(γ,ω-perfluoro(C4–20)alkythio)methyl]-3-hydroxypropyl phosphate, ammonium salt (CAS No. 148240–89–5) and 2,2-bis[(γ,ω-perfluoro(C4–20)alkythio)methyl]-1,3-di-(dihydrogenphosphat- e)propane, tetraammonium salt (provided for in subheading 3809.92.50) | Free | No change | No change | On or before 12/31/2009 |
SEC. 1314. 1-(3H)-ISOBENZOFURANONE, 3,3-BIS(2-METHYL-1-OCTYL-1H-INDOL-3-YL) -

Subchapter II of chapter 99 is amended by inserting 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 |
```

SEC. 1315. MIXTURE OF POLY[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl]imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]] AND BIS(2,2,6,6-tetramethyl-4-piperidyl) sebacate.

Subchapter II of chapter 99 is amended by inserting 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-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]] and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate (CAS Nos. 71878–19–8 and 52828–07–9) (provided for in subheading 3812.30.90) | Free | No change | No change | On or before 12/31/2009 |
```
SEC. 1316. CERTAIN BITUMEN-COATED POLYETHYLENE SLEEVES SPECIFICALLY DESIGNED TO PROTECT IN-GROUND WOOD POSTS. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
| 9902.24.11 | Bitumen-coated shrink-wrap polyethylene boots for the protection of in-ground wood posts (provided for in subheading 3926.90.98) | Free | No change | No change |
|            |                                                                                     |       |           | On or before 12/31/2009 |
```

SEC. 1317. NYLON WOOLPACKS USED TO PACKAGE WOOL. Subchapter II of chapter 99 is amended by inserting 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 subheading 6305.39.00) | Free | No change | No change |
|            |                                                                                     |       |           | On or before 12/31/2009 |
```

SEC. 1318. MAGNESIUM ZINC ALUMINUM HYDROXIDE CARBONATE HYDRATE. Subchapter II of chapter 99 is amended by inserting 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 subheading 3812.30.90) | Free | No change | No change |
|            |                                                                                     |       |           | On or before 12/31/2009 |
```

SEC. 1319. C12–18 ALKENES. (a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
Sec. 1320. Acrypet UT100.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.24.15 2-Propenoic acid, 2-methyl-, methyl ester, polymer with 1-cyclohexyl-1H-pyrrole-2,5-dione, ethenylbenzene and 1-methylthienylbenzene (CAS No. 107194–09–2) (provided for in subheading 3906.90.20) Free No change No change On or before 12/31/2009 ".

Sec. 1321. 5-Amino-1[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)-(trifluoromethyl)sulfinyl]-1H-pyrazole-3-carbonitrile (Fipronil).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.24.16 5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)-(trifluoromethyl)sulfinyl]-1H-pyrazole-3-carbonitrile (Fipronil) (CAS No. 120068–37–3) (provided for in subheading 2933.19.23) Free No change No change On or before 12/31/2009 ".

Sec. 1322. 2,3-Pyridinedicarboxylic Acid.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1323.</td>
<td>MIXTURES OF 2-AMMINO-2,3-DIMETHYLBUTYNITRILE AND TOLUENE.</td>
</tr>
<tr>
<td>1324.</td>
<td>2,3-QUINOLINEDICARBOXYLIC ACID.</td>
</tr>
<tr>
<td>1325.</td>
<td>3,5-DIFLUOROANILINE.</td>
</tr>
<tr>
<td>1326.</td>
<td>CLOMAZONE.</td>
</tr>
</tbody>
</table>

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.

Mixtures of 2-amino-2,3-dimethylbutanenitrile (CAS No. 13893-53-3) and toluene (provided for in subheading 3924.90.28) Free No change No change On or before 12/31/2009.

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.

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.
<table>
<thead>
<tr>
<th></th>
<th>9902.24.21</th>
<th>2-[(2-Chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone (Clomazone) (CAS No. 81777-89-1) (provided for in subheading 2934.99.15)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2009</th>
</tr>
</thead>
</table>

**SEC. 1327. CHLOROPIVALOYL CHLORIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th></th>
<th>9902.24.22</th>
<th>3-Chloropivaloyl chloride (CAS No. 4300–97–4) (provided for in subheading 2915.90.50)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2009</th>
</tr>
</thead>
</table>

**SEC. 1328. N,N'-HEXANE-1,6-DIYLBIS(3-(3,5-DI-TERT-BUTYL-4-HYDROXYPHENYLPROPIONAMIDE)).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th></th>
<th>9902.24.23</th>
<th>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)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2009</th>
</tr>
</thead>
</table>

**SEC. 1329. REACTIVE RED 268.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th></th>
<th>9902.24.24</th>
<th>Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2009</th>
</tr>
</thead>
</table>

**SEC. 1330. REACTIVE RED 270.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1 **SEC. 1331. CERTAIN GLASS THERMO BULBS.**

Subchapter II of chapter 99 is amended by inserting 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 |

2 **SEC. 1332. PYRIPROXYFEN.**

Subchapter II of chapter 99 is amended by inserting 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 |

3 **SEC. 1333. UNICONAZOLE-P.**

Subchapter II of chapter 99 is amended by inserting 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 |

4 **SEC. 1334. BISPYRIBAC-SODIUM.**

Subchapter II of chapter 99 is amended by inserting 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. 83457-17-4) (provided for in subheading 2933.69.60) | Free | No change | No change | On or before 12/31/2009 |
SEC. 1335. DINOTEFURAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
```

SEC. 1336. ETOXAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
```

SEC. 1337. BIOALLETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
```
SEC. 1338. S-BIOALLETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.24.33 [1R-[(1S*,3R)*]-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 
```

SEC. 1339. TETRAMETHRIN.

Subchapter II of chapter 99 is amended by inserting 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 (Tetramethrin) (CAS No. 7696-12-0) (provided for in subheading 2925.19.90) . Free No change No change On or before 12/31/2009 
```

SEC. 1340. TRALOMETHRIN.

Subchapter II of chapter 99 is amended by inserting 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 
```

SEC. 1341. FLUMICLORAC-PENTYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
265

```
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 ''. 

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 ''. 

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 ''. 

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 ''. 

10 **SEC. 1345. SOKALAN PG IME.**

11 Subchapter II of chapter 99 is amended by inserting

12 in numerical sequence the following new heading:
SEC. 1346. LYCOPENE 10 PERCENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
| 9902.24.40 | L-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 |
```


Subchapter II of chapter 99 is amended by inserting 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 |
```

SEC. 1348. 2-METHYL-1-[4-(METHYLTHIO)PHENYL]-2-(4-MORPHOLINYL)-1-PROPANONE.

Subchapter II of chapter 99 is amended by inserting 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) carbamidoalkoxysulfonate, sodium salt (Propoxycarbazone-sodium) (CAS No. 181274–15–7), 2-[(4,6-dimethoxy-2-yl)carbamoyl]sulfamoyl-α-(methanesulfonamido)-p-toluric 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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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 ".

1 SEC. 1349. 1,6-Hexanediame, N,N- BIS(2,2,6,6-
Tetramethyl-4- piperidinyl)-, POLYMER

WITH 2,4,6-TRICHLORO-1,3,5-TRIAZINE, REAC-
TION PRODUCTS WITH N-BUTYL-1-
BUTANAMINE AND N-BUTYL- 2,2,6,6-
Tetramethyl-4- piperidinamine.

Subchapter II of chapter 99 is amended by inserting
in numerical sequence the following new heading:

9902 24.44

1,6-Hexanediame, 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-
buty1:2,2,6,6-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 ".

9 SEC. 1350. VAT BLACK 25.

Subchapter II of chapter 99 is amended by inserting
in numerical sequence the following new heading:

9902 24.45

Vat Black 25 (CAS No.
4195–53–3) (provided for in
subheading 3204.15.80) ..... Free No change No change On or before 12/31/2009 ".

12 SEC. 1351. ACID ORANGE 162.

Subchapter II of chapter 99 is amended by inserting
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 ".
1 **SEC. 1352. METHYL SALICYLATE.**

Subchapter II of chapter 99 is amended by inserting 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 |

2 **SEC. 1353. 1,2-OCTANEDIOL.**

Subchapter II of chapter 99 is amended by inserting 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 |

3 **SEC. 1354. MENTHONE GLYCERIN ACETAL.**

Subchapter II of chapter 99 is amended by inserting 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 |

4 **SEC. 1355. PONTAMINE GREEN 2B.**

Subchapter II of chapter 99 is amended by inserting 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)bisch(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 |
1  **SEC. 1356. BAYDERM BOTTOM 10 UD.**

Subchapter II of chapter 99 is amended by inserting
in numerical sequence the following new heading:

```
9902.24.51  Aqueous polyurethane dispersions containing 29 percent to 31 percent solids content of hexanediolic acid, polymer with N-(2-aminoethyl)-1,2-ethanedianine, 2-buten-1,4-diol, 1,6-diisocyanatohexane, 1,2-ethanediol, 1,3-isobenzofurandione, methylurethane, 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
```

4  **SEC. 1357. BAYDERM FINISH DLH.**

Subchapter II of chapter 99 is amended by inserting
in numerical sequence the following new heading:

```
9902.24.52  Hexanediolic acid, polymer with 1,4-butanediol, 1,6-diisocyanatohexane and 1,6-hexanediol, 2-(2-aminoethyl)aminopyrrolmethane sulfonic 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
```

7  **SEC. 1358. LEVAGARD DMPP.**

Subchapter II of chapter 99 is amended by inserting
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
```


1 SEC. 1359. BAYDERM BOTTOM DLV.

Subchapter II of chapter 99 is amended by inserting 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-dimethylaminohexane, diphenyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, methylolxirane, 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```

4 SEC. 1360. CERTAIN ETHYLENE-VINYL ACETATE COPOLYMERS.

Subchapter II of chapter 99 is amended by inserting 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```

8 SEC. 1361. CYAZOFAMID.

Subchapter II of chapter 99 is amended by inserting 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```
1 SEC. 1362. FLONICAMID.

Subchapter II of chapter 99 is amended by inserting 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 2983.39.27) ... Free  No change  No change  12/31/2009
```

4 SEC. 1363. ZETA-CYPERMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.24.58  (S)-Cyano-(3-
phenoxyphenyl)methyl
(+)-cis-3-(2,2-
dichloroethenyl)-2,2-
dimethylcyclopropanecarbox-
ylate and (S)-cyano-(3-
phenoxyphenyl)methyl
(+)-trans-3-(2,2-
dichloroethenyl)-2,2-
dimethylcyclopropanecarbox-
ylate  (Zeta-cypermethrin)
(CAS No. 52315–07–8)
(provided for in subheading
2926.90.30) ......................... Free  No change  No change  12/31/2009
```

7 SEC. 1364. 2-ETHYLHEXYL 4-METHOXICINNAMATE.

Subchapter II of chapter 99 is amended by inserting 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  12/31/2009
```

10 SEC. 1365. CERTAIN FLAME RETARDANT PLASTICIZERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:
<table>
<thead>
<tr>
<th>HS Code</th>
<th>Description</th>
<th>Action 1</th>
<th>Action 2</th>
<th>Action 3</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.24.61</td>
<td>Plasticizers containing diphenyl cresyl phosphate (CAS No. 26444-49-5), tris(p-xylyl) phosphate (CAS No. 115-86-6), tricresyl phosphate (CAS No. 1330-78-5), and phenyl diresyl phosphate (CAS No. 26446-73-1) (provided for in subheading 3812.20.10)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.24.62</td>
<td>Phosphoric acid, tris (2-ethylhexyl) ester (CAS No. 78-42-2) (provided for in subheading 2919.00.50)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
</tbody>
</table>

1. **SEC. 1366. BAYPURE DS.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>HS Code</th>
<th>Description</th>
<th>Action 1</th>
<th>Action 2</th>
<th>Action 3</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.24.63</td>
<td>Polyaspartic acid, sodium salt, in aqueous solution (CAS No. 181828-06-8) (provided for in subheading 3911.90.90)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
</tbody>
</table>

2. **SEC. 1367. BAYOWET C4.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>HS Code</th>
<th>Description</th>
<th>Action 1</th>
<th>Action 2</th>
<th>Action 3</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.24.64</td>
<td>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)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
</tbody>
</table>

3. **SEC. 1368. CERTAIN BICYCLE PARTS.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>HS Code</th>
<th>Description</th>
<th>Action 1</th>
<th>Action 2</th>
<th>Action 3</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.24.65</td>
<td>Bicycle speedometers (provided for in subheading 9029.20.20)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
</tbody>
</table>
SEC. 1369. OTHER CYCLES.

Subchapter II of chapter 99 is amended by inserting 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 |
```

SEC. 1370. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting 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 |
```

SEC. 1371. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting 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 |
```

SEC. 1372. (2-CHLOROETHYL)PHOSPHONIC ACID

Subchapter II of chapter 99 is amended by inserting 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 |
```
274

SEC. 1373. PREPARATIONS CONTAINING 2-(1-(((3-CHLORO-2-
PROPENYL)OXY)IMINO)PROPYL)–5-(2-
(ETHYLTHIO)PROPYL)–3-HYDROXY-2-
CYCLOHEXENE-1-ONE (CLETHODIM).

Subchapter II of chapter 99 is amended by inserting
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
adjuncts (provided for in subheading 3808.39.20) | Free | No change | No change | On or before 12/31/2009 |

SEC. 1374.UREA, POLYMER WITH FORMALDEHYDE

(PERGOPAK).

Subchapter II of chapter 99 is amended by inserting
in numerical sequence the following new heading:

| 9902.24.75 | Urea, polymer with formaldehdyde (Pergopak) (CAS
No. 9011–05–6) (provided for in subheading
3909.10.00) | Free | No change | No change | On or before 12/31/2009 |

SEC. 1375. ORTHO NITROANILINE.

Subchapter II of chapter 99 is amended by inserting
in numerical sequence the following new heading:

| 9902.24.76 | 2-Nitroaniline (CAS No. 88–74–4) (provided for in sub-
heading 2921.42.90) | Free | No change | No change | On or before 12/31/2009 |
SEC. 1376. 2,2-(2,5-Thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.24.77 2,2-(2,5-Thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole)
(CAS No. 7128-64-5) (provided for in subheading 3204.20.80) ......... Free No change No change On or before 12/31/2009 
```

SEC. 1377. CERTAIN CHEMICALS AND CHEMICAL MIXTURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.24.78</td>
<td>3-[(2-Chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine (Thiamethoxam) (CAS No. 154719-23-4) (provided for in subheading 2934.10.90) .. Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.24.79</td>
<td>Mixtures of (±)-(cis and trans)-1-[(2,4-Dichlorophenyl)-1,3-dioxolan-2-ylmethyl]-1H-1,2,4-triazole (Propiconazole) (CAS No. 60267-90-1) and 3-iodo-2-propynyl butylcarbamate (CAS No. 55496-53-6), and application adjuvants (provided for in subheading 3808.20.15)</td>
<td>Free</td>
<td>No change</td>
<td>No change On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.24.80</td>
<td>Mixtures of 4,6-dimethyl-N-phenyl-2-pyrindiamine (Pyrimethanil) (CAS No. 53112-28-0), (±)-1-[2-(2,4-dichlorophenyl)-2-(2-propenylxyloxy)ethyl]-1H-imidazole sulfate (Imazalil Sulfate) (CAS No. 58595-72-2) and application adjuvants (provided for in subheading 3808.20.15)</td>
<td>Free</td>
<td>No change</td>
<td>No change On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.24.81</td>
<td>(±)-3-[(6-PHenoxy-1,2-benzisoxazol-3-yl)-1-piperininyl(ethyl)-6,7,8,9-tetrahydri-2-methyl-1H-pyridyl]2-alpyrimidin4-one (CAS No. 144598-75-4) (provided for in subheading 2934.99.12)</td>
<td>Free</td>
<td>No change</td>
<td>No change On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.24.82</td>
<td>3-Benz[b]thien-2-yl-6-dihydro-1,4,2-oxathiazine 4-oxide (Bethoxazin) (CAS No. 163269-30-5) (provided for in subheading 2934.99.12)</td>
<td>Free</td>
<td>No change</td>
<td>No change On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.24.83</td>
<td>4-Bromo-2-(4-Chlorophenyl)-1-(ethoxymethyl)-2-trifluoromethyl-1H-pyrrole-3-carbonitrile (Chlorfenapyr) (CAS No. 122453-73-0) (provided for in subheading 2933.99.17)</td>
<td>Free</td>
<td>No change</td>
<td>No change On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.24.84</td>
<td>2-(p-Chlorophenyl)-3-cyano-4-bromo-5-trifluoromethylpyrrole (Tralopyril) (CAS No. 122454-29-9) (provided for in subheading 2933.99.22)</td>
<td>Free</td>
<td>No change</td>
<td>No change On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.24.85</td>
<td>Mixtures of 4,6-dimethyl-N-phenyl-2-pyrindiamine (Pyrimethanil) (CAS No. 53112-28-0) and application adjuvants (provided for in subheading 3808.20.15)</td>
<td>Free</td>
<td>No change</td>
<td>No change On or before 12/31/2009</td>
</tr>
</tbody>
</table>
SEC. 1378. ACID RED 414.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

SEC. 1379. SOLVENT YELLOW 163.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

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-NAPHTHALENESULFONIC

ACID, LITHIUM POTASSIUM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.24.88 4-Amino-3,6-bis[[5-[[4-chloro-6-methyl[2-

(methylamino)-2-

(oxethyl)]amino]-1,3,5-

triazin-2-yl]amino]-2-

sulfophenyl]azo]-5-

hydroxy-

2,7-naphthalenesulfonic 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 ".
```

SEC. 1381. REACTIVE RED 123.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
278

| 9902.24.89  | Reactive Red 123 (CAS No. 83291-83-9) (provided for in subheading 3204.16.20) | Free | No change | No change | On or before 12/31/2009 |

1 **SEC. 1382. REACTIVE BLUE 250.**

2 Subchapter II of chapter 99 is amended by inserting 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 |

4 **SEC. 1383. REACTIVE BLACK 5.**

5 Subchapter II of chapter 99 is amended by inserting 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 |

7 **SEC. 1384. 5-[(2-CYANO-4-NITROPHENYL)AZO]-2-[(2-(2-HYDROXYETHOXY)ETHYL)AMINO]-4-METHYL-6-(PHENYLAMINO)-3-PYRIDINECARBONITRILE.**

11 Subchapter II of chapter 99 is amended by inserting 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 |
SEC. 1385. CYANO[3-[(6-METHOXY-2-BENZOTHIAZOLYL)AMINO]-1H-ISOIDOL-1-YLIDENE]-ACETIC ACID, PENTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.24.94 Cyano[3-((6-methoxy-2-benzothiazolyl)amino)-1H-isoidol-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 .
```

SEC. 1386. [(9,10-DIHYDRO-9,10-DIOXO-1,4-ANTHRACENEDIYL)BIS[IMINO[3-(2-METHYLPROPYL)-3,1-PROPANEDIYL]]BISBENZENESULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting 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 .
```

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.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
280

9902.24.96 [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b']difuran-3-yloxy)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

1 SEC. 1388. 3-PHENYL-7-(4-PROPOXYPHENYL)BENZO[1,2-B:4,5- B']DIFURAN-2,6-DIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.24.97 3-Phenyl-7-(4-propoxypyphenyl)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

5 SEC. 1389. 2-[[2, 5-DICHLORO-4-((2-METHYL-1H-INDOL-3- YL)AZO)PHENYL]SULFONYL]AMINO]-ETHANESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting 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
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.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902 24.99 | 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo], sodium salt. (CAS No. 78952–61–1) (provided for in subheading 3204.16.30) ............ Free No change No change On or before 12/31/2009 |


Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
<table>
<thead>
<tr>
<th>Number</th>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1392.</td>
<td>4-[[3-(ACETYLAMINO)PHENYL]AMINO]-1-AMINO-9,10-DIHYDRO-9,10-DIOXO-2-ANTHRACENESULFONIC ACID, MONOSODIUM SALT.</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>1393.</td>
<td>[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.</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
</tr>
</tbody>
</table>
SEC. 1394. BASIC YELLOW 40 CHLORIDE BASED.

Subchapter II of chapter 99 is amended by inserting 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 
```

SEC. 1395. DIRECT YELLOW 119.

Subchapter II of chapter 99 is amended by inserting 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 
```

SEC. 1396. NAUGARD 412S.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.25.06 Pentaerythritol tetrakis[3-(dodecylthio)propionate] (CAS No. 29538–76–3) (provided for in subheading 2930.90.90) ......................... Free No change No change On or before 12/31/2009 
```

SEC. 1397. TRIACETONAMINE.

Subchapter II of chapter 99 is amended by inserting 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 
```
1 **SEC. 1398. IPCONAZOLE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.25.08 | 2-[4-Chlorophenylmethyl]-5-(1-ethyl-1H-1,2,4-triazol-1-ylmethyl)cyclopentanol (Ipconazole) (CAS No. 125225–28–7) (provided for in subheading 2933.99.22) | Free | No change | No change | On or before 12/31/2009 |

2 **SEC. 1399. OMITE TECH.**

Subchapter II of chapter 99 is amended by inserting 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 |

3 **SEC. 1400. PANTERA TECHNICAL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.25.10 | (+)-Tetrahydrofurfuryl)-(R)-2-[4-(6-chloroquinoxalin-2-yloxy)phenoxylpropionato (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 |

4 **SEC. 1401. P-TOLUENESULFONYL CHLORIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.25.11 | p-Toluenesulfonfyl chloride (CAS No. 98–59–9) (provided for in subheading 2904.10.10) | Free | No change | No change | On or before 12/31/2009 |
285

1 SEC. 1402. PREFORMED PELLETS OF A MIXTURE OF SODIUM IODIDE, THALLIUM IODIDE, DYSPROSIIUM TRI-IODIDE, HOLMIUM TRI-IODIDE, THULIUM TRI-IODIDE, AND SOMETIMES CALCIUM IODIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.25.12</td>
<td>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)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
</tbody>
</table>
```

8 SEC. 1403. P-AMINOBENZAMIDE (4-AMINOBENZAMIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.25.13</td>
<td>p-Aminobenzamide (4-aminobenzamide) (CAS No. 2835–68–9) (provided for in subheading 2924.29.76)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
</tbody>
</table>
```

11 SEC. 1404. P-CHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.25.14</td>
<td>p-Chloroaniline (CAS No. 106–47–8) (provided for in subheading 2921.42.90)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2009</td>
</tr>
</tbody>
</table>
```

14 SEC. 1405. 4-CHLORO-2-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1 SEC. 1406. O-CHLORO-P-TOLUIDINE (3-CHLORO-4-METHYLANILINE).

Subchapter II of chapter 99 is amended by inserting 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 ".
```

5 SEC. 1407. 2-CHLOROACETOACETANILIDE.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

8 SEC. 1408. P-ACETOACETANISIDIDE.

Subchapter II of chapter 99 is amended by inserting 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 ".
```

11 SEC. 1409. 1-HYDROXY-2-NAPHTHOIC ACID.

Subchapter II of chapter 99 is amended by inserting 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 ".
```
1. **SEC. 1410. PIGMENT GREEN 7 CRUDE, NOT READY FOR USE AS A PIGMENT.**

Subchapter II of chapter 99 is amended by inserting 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
```

2. **SEC. 1411. 1,8-NAPHTHALIMIDE (1H-BENZ[DE]ISOQUINOLINE-1,3(2H)-DIONE).**

Subchapter II of chapter 99 is amended by inserting 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
```

3. **SEC. 1412. DIISOPROPYL SUCCINATE.**

Subchapter II of chapter 99 is amended by inserting 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
```

4. **SEC. 1413. 2,4-DI-TERT-BUTYL-6-(5-CHLOROBENZOTRIAZOL-2-YL)PHENOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.25.23 2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol (CAS No. 3864–99–1) (provided for in subheading 2933.99.12) Free No change No change On or before 12/31/2009
```
**SEC. 1414. DIRECT BLACK 22.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>9902.25.25</th>
<th>Direct Black 22 (CAS No. 6473–13–8) (provided for in subheading 3204.14.50)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2009</th>
</tr>
</thead>
</table>

**SEC. 1415. METHYLENE BIS-BENZOTRIAZOLOYL TETRAMETHYL BUTYLPHENOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>9902.25.26</th>
<th>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)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2009</th>
</tr>
</thead>
</table>

**SEC. 1416. BIS-ETHYLHEXYLOXYPHENOL METHOXYPHENOL TRIAZINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>9902.25.27</th>
<th>2,2′-(6-(4-Methoxyphenyl)-1,3,5-triazine-2,4-diyl)bis[5-(2-ethylhexyloxoyl)phenol] (CAS No. 187393–00–6) (provided for in subheading 2933.69.60)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2009</th>
</tr>
</thead>
</table>

**SEC. 1417. REACTIVE ORANGE 132.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>9902.25.28</th>
<th>Reactive Orange 132 (CAS No. 149850–31–7) (provided for in subheading 3204.16.30)</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
<th>On or before 12/31/2009</th>
</tr>
</thead>
</table>
1 **SEC. 1418. ACID BLACK 244.**

2 Subchapter II of chapter 99 is amended by inserting
3 in numerical sequence the following new heading:

4 | 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 |

5 **SEC. 1419. CERTAIN CORES USED IN REMANUFACTURE.**

6 Subchapter II of chapter 99 is amended by inserting
7 in numerical sequence the following new headings:

8 | 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 |

9 | 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 |

10 | 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 |

11 **SEC. 1420. ADTP.**

12 Subchapter II of chapter 99 is amended by inserting
13 in numerical sequence the following new heading:

14 | 9902.25.33 | 2-Amino-5,8-dimethoxy-(1,2,4)triazolo(1,5-c)pyrimidine (CAS No. 219715–62–5) (provided for in subheading 2933.59.95) | Free | No change | No change | On or before 12/31/2009 |

15 **SEC. 1421. DCBTF.**

16 Subchapter II of chapter 99 is amended by inserting
17 in numerical sequence the following new heading:
1 SEC. 1422. NOVIFLUMURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.25.35  N-[[1,5-Dichloro-2-fluoro-4-(1,1,2,3,3,3-hexafluoropropoxy)phenylamino]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 
```

2 SEC. 1423. PARACHLOROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting 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 
```

3 SEC. 1424. MIXTURES OF INSECTICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.25.37  Mixtures of insecticide containing gamma-cyfluthrin ((S)-α-cyano-3-phenoxybenzyl (Z)-(1R, 3R)-3-(2-chloro-3,3,3-trifluoropropoxy)-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 
```
1 **SEC. 1425. MIXTURE OF FUNGICIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
  9902.25.38 Mixture of quinoxyfen (5,7-dichloro-4-(4-fluorophenoxy)quinoline) 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 '
```

2 **SEC. 1426. 1,2-BENZISOTHIAZOL-3(2H)-ONE.**

Subchapter II of chapter 99 is amended by inserting 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 '
```

3 **SEC. 1427. STYRENE, AR-ETHYL-, POLYMER WITH DIVINYLBENZENE AND STYRENE (6CI) BEADS WITH LOW ASH.**

Subchapter II of chapter 99 is amended by inserting 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 '
```

4 **SEC. 1428. MIXTURES OF FUNGICIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
"292

2902.25.41 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 ".

1 SEC. 1429. 2-METHYL-4-CHLOROPHENOXY-ACETIC ACID, DIMETHYLAMINE SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"2902.25.42 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 ".

5 SEC. 1430. CHARGE CONTROL AGENT 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"2902.25.43 Charge control agent 7 Chromate(1-),bis{1-{(5-chloro-2-hydroxyphenyl)azo}-2-naphthalenolate(2-)–hydrogen (provided for in subheading 2942.00.10) Free No change No change On or before 12/31/2009 ".

8 SEC. 1431. PRO-JET BLACK 820 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"2902.25.44 Substituted naphthalene [[substituted pyridinyl azo]alkoxyphenyl azo]azo, potassium/sodium salt (PMN No. P94–390) (provided for in subheading 3204.14.30) Free No change No change On or before 12/31/2009 ".

11 SEC. 1432. PRO-JET MAGENTA M700.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1 SEC. 1433. PRO-JET FAST BLACK 287 NA LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting 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 | ”.
```

2 SEC. 1434. PRO-JET FAST BLACK 286 STAGE.

Subchapter II of chapter 99 is amended by inserting 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 | ”.
```

3 SEC. 1435. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
| 9902.25.48 | Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium salt (PMN No. P-99-185) (provided for in subheading 3204.14.30) | Free | No change | No change | On or before 12/31/2009 | ”.
```

4 SEC. 1436. PRO-JET BLACK 661 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
294

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:

```
| 9902.25.49 | Aryl substituted pyrazonyl [([(substituted phenyl azo(substituted naphthylene)] Azo phenyl)azo, sodium salt (PMN No. P-04-78) (provided for in subheading 3204.14.30) ............... | Free | No change | No change | On or before 12/31/2009 |
```

4 **SEC. 1438. ERASERS.**

5 Subchapter II of chapter 99 is amended by inserting

6 in numerical sequence the following new heading:

```
| 9902.25.50 | Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonamides, sodium/ammonium salts (PMN No. P02–893) (provided for in subheading 3204.14.30) ............... | Free | No change | No change | On or before 12/31/2009 |
```

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 |
```

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

O: CRA06118.LC (file 3 of 4) S.L.C.

2 Suspension system stabilizer bars of alloy steel of Japanese JIS grade SCM525 (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 

1 SEC. 1441. RATTAN WEBBING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1 9902.25.78 Rattan webbing (provided for in subheading 4601.91.20) ......................... Free No change No change On or before 12/31/2009 

4 SEC. 1442. TRACTOR BODY PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

4 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 

7 SEC. 1443. AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 85 W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

7 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 

8 ING 74.6 W BUT NOT EXCEEDING 85 W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1 SEC. 1444. AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 105 W.

Subchapter II of chapter 99 is amended by inserting 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 |
```

2 SEC. 1445. AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 95 W.

Subchapter II of chapter 99 is amended by inserting 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 |
```

3 SEC. 1446. CERTAIN AC ELECTRIC MOTORS.

Subchapter II of chapter 99 is amended by inserting 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 |
```

4 SEC. 1447. VISCOSE RAYON YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 1448. CERTAIN TWISTED YARN OF VISCOSE RAYON.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1449. ALLYL UREIDO MONOMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.06.02 2-Imidazolidinone, 1-(2-aminoethyl)-, reaction product with oxirane, (2-propenloyloxy)methyl)- (CAS No. 90412-00-3) (provided for in subheading 2933.29.90) Free No change No change On or before 12/31/2007```

SEC. 1450. SYNTHETIC ELASTIC STAPLE FIBER.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1451. CERTAIN FIBERGLASS SHEETS.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1452. HALOPHOSPHOR CALCIUM DIPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting 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
```

SEC. 1453. CERTAIN RAYON STAPLE FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.55.04 Viscose rayon filaments having a denier of less than 3.0 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
```

SEC. 1454. SYNTHETIC QUARTZ OR FUSED SILICA PHOTOMASK SUBSTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.70.60 Synthetic fused silica (100 percent SiO2) photomask blank substrates in squares having a surface area of 150 cm2 or more but not over 522 cm2 and a thickness of 2.2 mm or more but not over 6.45 mm (provided for in subheading 7006.00.40) ......................... Free No change No change On or before 12/31/2008
```

SEC. 1455. CERTAIN INTEGRATED MACHINES FOR MANUFACTURING PNEUMATIC TIRES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
" 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 (OTHER THAN SEWING THREAD).

5 Subchapter II of chapter 99 is amended by inserting 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/in (provided for in subheading 5403.31) .... Free No change No change On or before 12/31/2009 ".
CHAPTER 2—REDUCTIONS

SEC. 1461. FLOOR COVERINGS AND MATS OF VULCANIZED RUBBER.

Subchapter II of chapter 99 is amended by inserting 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
```

SEC. 1462. MANICURE AND PEDICURE SETS.

Subchapter II of chapter 99 is amended by inserting 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
```

SEC. 1463. NITROCELLULOSE.

Subchapter II of chapter 99 is amended by inserting 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
```

SEC. 1464. SULFENTRAZONE TECHNICAL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:
## 1 SEC. 1465. CLOCK RADIO COMBOS.

Subchapter II of chapter 99 is amended by inserting 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) | 1.2% | No change | No change | On or before 12/31/2009 |

## 4 SEC. 1466. THIAMETHOXAM TECHNICAL.

(a) **Calendar Years 2007–2008.—**

(1) **In General.**—Heading 9902.03.11 of the Harmonized Tariff Schedule of the United States (relating to Thiamethoxam Technical) is amended—

(A) by striking “3.0%” and inserting “Free”; and

(B) by striking “12/31/2009” and inserting “12/31/2008”.

(2) **Effective Date.**—The amendments made by paragraph (1) shall take effect on January 1, 2007.

(b) **Calendar Year 2009.—**

(1) **In General.**—Heading 9902.03.11, as amended by subsection (a), is further amended—
(A) by striking “Free” and inserting “1.8%”; and

(B) by striking “12/31/2008” and inserting “12/31/2009”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2009.

SEC. 1467. STAPLE FIBERS OF VISCOSE RAYON, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting 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 |
```

SEC. 1468. CERTAIN MEN'S FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 1469. CERTAIN FOOTWEAR NOT COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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 “. 
SEC. 1470. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1471. CERTAIN WOMEN'S FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1472. NUMEROUS OTHER SEALS MADE OF RUBBER OR SILICONE, AND COVERED WITH, OR REINFORCED WITH, A FABRIC MATERIAL.

Subchapter II of chapter 99 is amended by inserting 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```

SEC. 1473. TETRAKIS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1 SEC. 1474. GLYCINE, N,N-BIS[2-HYDROXY-3-(2-
PROPENYLOXY)PROPYL]-, MONOSODIUM SALT, REACTION PRODUCTS WITH AMMO-
NIUM HYDROXIDE AND PENTAFLUOROIODOETHANE-TETRAFLUORO-
ETHYLENE TELOMER.

Subchapter II of chapter 99 is amended by inserting

in numerical sequence the following new heading:

```
  9902 25.65 Tetrakis(2,4-di-tert-
  butylphenyl) 4,4'-
  biphenylbiphenylphosphinate (CAS
  No. 38613–77–3) (provided
  for in subheading
  2931.00.30) ................. 3.6% No change No change On or before
  12/31/2009 ".
```

9 SEC. 1475. DIETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting

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-tetra-
  fluoroethylene telomer (CAS
  number 220459–70–1) (pro-
  vided for in subheading
  3809.92.50) ................. 1.1% No change No change On or before
  12/31/2009 ".
```

12 SEC. 1476. ACEPHATE.

Subchapter II of chapter 99 is amended by inserting

in numerical sequence the following new heading:
1 **SEC. 1477. FLUMIOXAZIN.**

Subchapter II of chapter 99 is amended by inserting 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 ````

2

3

4 **SEC. 1478. GARENOXACIN MESYLATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.25.70 1-Cyclopropyl-8-(difluoromethoxy)-7-[(1R)-1-methyl-2,3-dihydro-1H-5-isomdoyl]-4-oxo-1,4-dihydroquinoline-3-carboxylic acid monosodium 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 ````

7 **SEC. 1479. BUTYLATED HYDROXYETHYLBENZENE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.25.71 2,6-Di-tert-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 ````
1. SEC. 1480. CERTAIN AUTOMOTIVE CATALYTIC CONVERTER MATS.

Subchapter II of chapter 99 is amended by inserting 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 |
```

2. SEC. 1481. 3,3′-DICHLOROBENZIDINE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting 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 |
```

3. SEC. 1482. TMC114.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
| 9902.25.74 | 3-[4-Aminobenzensulfanyl-N-isohexylamino]-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 |
```
SEC. 1483. BIAXIALLY ORIENTED POLYPROPYLENE DIELECTRIC FILM.

Subchapter II of chapter 99 is amended by inserting 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 |
```

SEC. 1484. BIAXIALLY ORIENTED POLYETHYLENE TEREPHTHALATE DIELECTRIC FILM.

Subchapter II of chapter 99 is amended by inserting 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 |
```

SEC. 1485. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
| 9902.24.66 | Child carriers, chain tension adjustors, chain covers, mechanical grips with 2.223 cm internal diameter, air horns, wide-angle reflectors, saddle covers of plastics, chain tensioners, toe clips, head sets or seat posts, all the foregoing designed for use on bicycles (provided for in subheading 8714.99.80) ...... 9.2% | No change | No change | On or before 12/31/2009 |
```
1 SEC. 1486. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting 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 .
```

4 SEC. 1487. BIFENTHRIN.

Subchapter II of chapter 99 is amended by inserting 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-dimethylcyclohexane carboxylate (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 .
```

7 SEC. 1488. REDUCED VAT 1.

Subchapter II of chapter 99 is amended by inserting 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 .
```

10 SEC. 1489. 4-CHLOROBENZONITRILE.

Subchapter II of chapter 99 is amended by inserting 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 .
```

13 SEC. 1490. NAIL CLIPPERS AND NAIL FILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
1 SEC. 1491. ELECTRIC AUTOMATIC SHOWER CLEANERS.

Subchapter II of chapter 99 is amended by inserting 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
```

4 SEC. 1492. MESOTRIONE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting 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
```

7 SEC. 1493. CERTAIN CRANK-GEAR AND OTHER BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting 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
```
SEC. 1494. ELECTRICAL TRANSFORMERS.

Subchapter II of chapter 99 is amended by inserting 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 
```

SEC. 1495. TEMPORARY DUTY REDUCTIONS FOR CERTAIN COTTON SHIRTING FABRIC.

(a) CERTAIN COTTON SHIRTING FABRICS.—

(1) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

```
9902.52.08 Woven fabrics of cotton, 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
```
<table>
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<th>Heading</th>
<th>Description</th>
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<th>Status 2</th>
<th>Status 3</th>
</tr>
</thead>
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<td>9902.52.10</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.11</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.12</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.13</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.14</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
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<td>9902.52.15</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.16</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.17</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.18</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.19</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
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<td>Description</td>
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<tr>
<td>9902.52.20</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
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<td>On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.52.21</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
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<td>On or before 12/31/2009</td>
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<tr>
<td>9902.52.22</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
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<td>On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.52.23</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
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<td></td>
<td>On or before 12/31/2009</td>
</tr>
<tr>
<td>9902.52.24</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
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<td>9902.52.25</td>
<td>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. ..........</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.26</td>
<td>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. ..........</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
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<tr>
<td>9902.52.27</td>
<td>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. ..........</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.28</td>
<td>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. ..........</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.29</td>
<td>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. ..........</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.30</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.52.31</td>
<td>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.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

(2) DEFINITIONS AND LIMITATION ON QUANTITY OF IMPORTS.—The U.S. Notes to subchapter II of chapter 99 are amended by adding at the end the following:

“18. For purposes of headings 9902.52.08 through 9902.52.31, the term ‘manufacturer’ means a person or entity that cuts and sews men’s and boys’ shirts in the United States.

“19. The aggregate quantity of fabrics entered under headings 9902.52.08 through 9902.52.19 from January 1 to December 31 of each year, inclusive, by or on behalf of each manufacturer of men’s and boys’ shirts shall be limited to 85 percent of the total square meter equivalents of all imported woven fabrics of cotton containing 85 percent or more by weight of cotton used by such manufacturer in cutting and sewing men’s and boys’ cotton shirts.
in the United States and purchased by such manufacturer
during calendar year 2000.”.

(b) Determination of Tariff-Rate Quotas.—

(1) Authority to issue licenses and li-

license use.—In order to implement the limitation
on the quantity of cotton woven fabrics that may be
entered under headings 9902.52.08 through
9902.52.19 of the Harmonized Tariff Schedule of
the United States, as required by U.S. Note 19 to
subchapter II of chapter 99 of such Schedule, the
Secretary of Commerce shall issue licenses to eligible
manufacturers under such headings 9902.52.08
through 9902.52.19, specifying the restrictions
under each such license on the quantity of cotton
woven fabrics that may be entered each year by or
on behalf of the manufacturer. A licensee may as-
sign the authority (in whole or in part) under the li-

license to import fabric under headings 9902.52.08
through 9902.52.19 of such Schedule.

(2) Licenses under U.S. Note 19.—For pur-
poses of U.S. Note 19 to subchapter II of chapter
99 of the Harmonized Tariff Schedule of the United
States, the Secretary of Commerce shall issue a li-
cense to a manufacturer within 60 days after the
manufacturer files with the Secretary of Commerce
an application containing a notarized affidavit from
an officer of the manufacturer that the manufac-
turer is eligible to receive a license and stating the
quantity of imported woven fabrics of cotton con-
taining 85 percent or more by weight of cotton pur-
chased during calendar year 2000 for use in the cut-
ting and sewing men’s and boys’ shirts in the United
States.

(3) AFFIDAVITS.—For purposes of an affidavit
described in this subsection, the date of purchase
shall be—

(A) the invoice date if the manufacturer is
not the importer of record; and
(B) the date of entry if the manufacturer
is the importer of record.

Subtitle B—Existing Suspensions
and Reductions

SEC. 1501. EXTENSIONS OF EXISTING SUSPENSIONS AND
OTHER MODIFICATIONS.

(a) EXTENSIONS.—Each of the following headings is
amended by striking the date in the effective period col-
umn and inserting “12/31/2009”:

(1) Heading 9902.02.29 (relating to 10,10’-
 oxybisphenoxarsine).
(2) Heading 9902.84.88 (relating to certain manufacturing equipment).


(6) Heading 9902.02.46 (relating to 7,7′-[1,3-
propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-
diyl)imino[2-[(aminocarbonyl)amino]-4,1-phen-
ylene]azo]]bis-, sodium salt).

(7) Heading 9902.03.79 (relating to thiophanate-methyl fungicide 70 percent wettable powder).

(8) Heading 9902.84.81 (relating to certain manufacturing equipment).

(9) Heading 9902.84.91 (relating to certain sawing machines).

(10) Heading 9902.84.85 (relating to certain extruders used in the production of radial tires).

(11) Heading 9902.84.83 (relating to certain manufacturing equipment).

(12) Heading 9902.28.20 (relating to ammonium bifluoride).

(13) Heading 9902.05.05 (relating to p-acetanisole).

(14) Heading 9902.04.15 (relating to mixture (1:1) of polyricinoleic acid homopolymer, 3-(dimethylamino)propylamide, dimethylsulfate, quaternized and polyricinoleic acid).

(15) Heading 9902.03.21 (relating to 12-
hydroxyoctadecanoic acid, reaction product with
N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized).

(16) Heading 9902.03.24 (relating to 2-oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester).

(17) Heading 9902.02.49 (relating to p-(trifluoromethyl benzaldehyde)).

(18) Heading 9902.32.22 (relating to Pigment Red 187).

(19) Heading 9902.32.72 (relating to Solvent Blue 104).

(20) Heading 9902.29.73 (relating to 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide).

(21) Heading 9902.02.25 (relating to electrical radio broadcast receivers not combined with a clock).

(22) Heading 9902.02.24 (relating to electrical radio broadcast receivers combined with a clock).

(23) Heading 9902.02.23 (relating to hand-held radio scanners).

(24) Heading 9902.01.36 (relating to sodium methylate powder).

(25) Heading 9902.01.41 (relating to allyl isosulfocyanate).

(26) Heading 9902.02.87 (relating to asulam sodium salt).
(27) Heading 9902.01.92 (relating to ink jet
textile printing machinery).

(28) Heading 9902.04.21 (relating to Cyan 1
special liquid feed).

(29) Heading 9902.04.19 (relating to Fast Yel-
low 2 Stage).

(30) Heading 9902.29.91 (relating to methyl-4-
trifluoromethoxyphenyl-N-(chlorocarbonyl)).

(31) Heading 9902.01.85 (relating to certain
epoxy molding compounds).

(32) Heading 9902.01.14 (relating to 5-
MPDC).

(33) Heading 9902.01.60 (relating to 2-
mercaptoethanol).

(34) Heading 9902.01.61 (relating to
bifenazate).

(35) Heading 9902.01.59 (relating to
terrazole).

(36) Heading 9902.03.89 (relating to arti-
chokes prepared or preserved otherwise than by vin-
егar or acetic acid, not frozen).

(37) Heading 9902.01.62 (relating to
fluoropolymers containing 95 percent or more by
weight of the 3 monomer units tetrafluoroethylene,
hexafluoropropylene, and vinylidene fluoride).
(38) Heading 9902.33.63 (relating to 3-
(ethylsulfonyl)-2-pyridinesulfonamide).

(39) Heading 9902.03.22 (relating to 40 per-
cent polymer acid salt/polymer amide 60 percent butyl acetate).

(40) Heading 9902.01.55 (relating to (Z)–
(1RS,3RS)–3-(2-chloro-3,3,3-trifluoro-1-propenyl)–
2,2-dimethylecyclopropanecarboxylic acid).

(41) Heading 9902.01.57 (relating to (S)-
alpha-hydroxy-3-phenoxybenzeneacetonitrile).

(42) Heading 9902.02.98 (relating to polytetramethylene ether glycol).

(43) Heading 9902.02.99 (relating to cis-3-
hexen-1-ol).

(44) Heading 9902.01.75 (relating to Acid Black 172).

(45) Heading 9902.01.76 (relating to 9,10-
anthracenedione, 1,5-dihydroxy-4-nitro-8-
(phenylamino) and 9,10-anthracenedione, 1,8-
dihydroxy-4-nitro-5-(phenylamino)-).

(46) Heading 9902.05.22 (relating to fenpropathrin).

(47) Heading 9902.01.64 (relating to 2-
azetidinone, 1-(4-fluorophenyl)–3-[(3S)–3-(4-
fluorophenyl)-3-hydroxypropyl]-4-(4-hydroxyphenyl)-
, (3R,4S)-(ezetimibe)).
(48) Heading 9902.01.38 (relating to p-methyl-
acetophenone).
(49) Heading 9902.01.35 (relating to 2-
phenylbenzimidazole-5-sulfonic acid).
(50) Heading 9902.05.04 (relating to methyl
cinnamate).
(51) Heading 9902.01.43 (relating to thymol).
(52) Heading 9902.01.40 (relating to menthyl
anthranilate).
(53) Heading 9902.01.42 (relating to 5-methyl-
2-(methylene) cyclohexyl-2-hydroxypropanoate).
(54) Heading 9902.29.25 (relating to 2-
phenylphenol).
(55) Heading 9902.38.10 (relating to mixtures
of sodium salts).
(56) Heading 9902.01.47 (relating to helium).
(57) Heading 9902.03.87 (relating to certain
12V lead-acid storage batteries).
(58) Heading 9902.01.01 (relating to bitolylene
diisocyanate (TODI)).
(59) Heading 9902.04.14 (relating to 1,1’-
(methylene) dipropan-2-ol).
(60) Heading 9902.28.01 (relating to thionyl chloride).
(61) Heading 9902.02.14 (relating to Mondur P).
(62) Heading 9902.02.16 (relating to P-phenylphenol).
(63) Heading 9902.32.12 (relating to DEMT).
(64) Heading 9902.02.15 (relating to Bayowet FT–248).
(65) Heading 9902.29.23 (relating to PNTOSA).
(66) Heading 9902.04.03 (relating to Baysilone Fluid).
(67) Heading 9902.32.62 (relating to iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes).
(68) Heading 9902.32.85 (relating to bis(4-fluorophenyl) methanone).
(69) Heading 9902.29.37 (relating to polymethine photo-sensitizing dyes).
(70) Heading 9902.29.07 (relating to 4-hexylresorcinol).
(71) Heading 9902.85.42 (relating to certain cathode ray tubes).
(72) Heading 9902.85.41 (relating to certain cathode ray tubes).

(73) Heading 9902.32.14 (relating to 2-methyl-4,6-bis[(octylthio)methyl]phenol).

(74) Heading 9902.32.30 (relating to 4-[[4,6-bis(octylthio)-1,3,5-traizine-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol).

(75) Heading 9902.03.51 (relating to Disperse Blue 77).

(76) Heading 9902.01.65 (relating to p-cresidine sulfonic acid).

(77) Heading 9902.01.66 (relating to 2,4 disulfo benzaldehyde).

(78) Heading 9902.01.68 (relating to benzenesulfonic acid, 3-[(ethylphenylamino) methyl]-).

(79) Heading 9902.01.67 (relating to m-hydroxybenzaldehyde).

(80) Heading 9902.02.38 (relating to 2 amino 5 sulfobenzoic acid).

(81) Heading 9902.02.37 (relating to 2-amino-6-nitrophenol-4-sulfonic acid).

(82) Heading 9902.02.39 (relating to 2,5 bis benzene sulfonic acid).
(83) Heading 9902.02.40 (relating to 4-[(4-amino phenyl) azo] benzene sulfonic acid, monosodium salt).

(84) Heading 9902.02.41 (relating to 4-[(4-aminophenyl) azo] benzenesulfonic acid).

(85) Heading 9902.05.03 (relating to trimethyl cyclo hexanol).

(86) Heading 9902.01.39 (relating to 2,2-dimethyl-3-(3-methylphenyl)proponal).

(87) Heading 9902.29.08 (relating to 3-amino-5-mercapto-1,2,4-triazole).

(88) Heading 9902.32.92 (relating to β-bromo-β-nitrostyrene).

(89) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).

(90) Heading 9902.02.95 (relating to 2-propenoic acid, polymer with diethenylbenzene).

(91) Heading 9902.29.59 (relating to N-butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine).

(92) Heading 9902.29.17 (relating to 2,6-dichloroaniline).

(93) Heading 9902.02.85 (relating to 3, 4-dichlorobenzonitrile).

(94) Heading 9902.29.58 (relating to O,O-diethyl phosphorochlorodithioate).
(95) Heading 9902.02.92 (relating to 1,2-benzenedicarboxaldehyde).
(96) Heading 9902.33.92 (relating to 2,2-dithiobis(8-fluoro-5-methoxy)-1,2,4-triazolo[1,5-c]pyrimidine).
(97) Heading 9902.29.26 (relating to 1,3-dimethyl-2-imidazolidinone).
(98) Heading 9902.02.96 (relating to N-[3-(1-ethyl-1-methylpropyl)-5-isoxazolyl]-2,6-dimethoxybenzamide (isoxaben)).
(99) Heading 9902.02.90 (relating to halofenozide).
(100) Heading 9902.02.89 (relating to propanamide, N-(3, 4-dichlorophenyl)-.
(101) Heading 9902.29.61 (relating to quinoline).
(102) Heading 9902.05.17 (relating to tebufenozide).
(103) Heading 9902.02.93 (relating to mixed isomers of 1,3-dichloropropene).
(104) Heading 9902.29.16 (relating to 4,4-dimethoxy-2-butanone).
(105) Heading 9902.02.94 (relating to methacrylamide).
(106) Heading 9902.32.87 (relating to fenbuconazole).

(107) Heading 9902.29.02 (relating to 2-acetylnicotinic acid).

(108) Heading 9902.29.06 (relating to diphenyl sulfide).

(109) Heading 9902.02.12 (relating to difenacanazole).

(110) Heading 9902.84.89 (relating to certain manufacturing equipment).

(b) EXTENSIONS AND OTHER MODIFICATIONS.—

(1) SNOWBOARD BOOTS.—Heading 9902.64.04 is amended—

(A) by striking the article description and inserting the following: “Ski boots, cross country ski footwear or snowboard boots, the foregoing valued over $12/pair, with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials (provided for in subheading 6404.11.90)”;

(B) by striking “4%” and inserting “Free”; and

(C) by striking “12/31/2006” and inserting “12/31/2009”.

(2) **BENTAZON.**—Heading 9902.05.10 (relating to Bentazon) is amended—

(A) by striking “(bentazon, sodium salt)” and inserting “(Bentazon, sodium salt)”;

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(3) **METHYL N-(2-[[1-(4-CHLOROPHENYL)-1H-PYRAZOL-3-YL]-OXYMETHYL]PHENYL)-N-METHOXYSUBANAMOSE (PYRACLOSTROBIN).**—Heading 9902.01.21 (relating to methyl N-(2-[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxymethyl]phenyl)-N-methoxycarbanose (Pyraclostrobin)) is amended—

(A) by striking the article description and inserting the following: “Methyl N-(2-[[1-(4-chlorophenyl)pyrazol-3-yl]oxymethyl]phenyl)-(N-methoxy)carbamate (Pyraclostrobin) (CAS No. 175013-18-0) (provided for in subheading 2933.19.23)”;

(B) by striking “Free” and inserting “6%”; and

(C) by striking “12/31/2006” and inserting “12/31/2009”.

(4) **EXTENSION AND MODIFICATION RELATING TO COMBED CASHMERE.**—
(A) In general.—Heading 9902.03.01 (relating to yarn of combed Kashmir (cashmere) or yarn of camel hair) is amended by striking the date in the effective period column and inserting “12/31/2009”.

(B) Other modifications.—Heading 9902.03.02 is amended—

(i) by striking “of 6 run or finer (equivalent to 19.35 metric yarn system)” and inserting “of 19.35 metric yarn count or finer”; and

(ii) by striking “12/31/2006” and inserting “12/31/2009”.

(5) Fluorobenzene.—Heading 9902.03.05 (relating to fluorobenzene) is amended—

(A) by striking “2903.69.70” and inserting “2903.69.80”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(6) Certain neutralized phosphated polyester polymer.—Heading 9902.03.25 (relating to 50 percent amine neutralized phosphated polyester polymer) is amended—

(A) by striking “50 percent solvesso 100” and inserting “in solvesso 100”;
(B) by striking “P–99–1218,”; and

(C) by striking “12/31/2006” and inserting “12/31/2009”.

(7) **VINCLOZOLIN.**—Heading 9902.01.19 (relating to Vinclozolin) is amended—

(A) by striking “oxazolidineidione (vinclozolin)” and inserting “oxazolidinedione (Vinclozolin)”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(8) **FAST YELLOW 746 STAGE.**—Heading 9902.04.26 (relating to Fast Yellow 746 Stage) is amended—

(A) by striking “Bipyridirium” and inserting “Bipyridinium”;

(B) by inserting “(Fast Yellow 746 Stage)” after “salt”; and

(C) by striking “12/31/2006” and inserting “12/31/2009”.

(9) **YELLOW 1 STAGE.**—Heading 9902.04.24 (relating to Yellow 1 Stage) is amended—

(A) by inserting “(Yellow 1 Stage)” after “salt”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(10) MAGENTA 3B–OA STAGE.—Heading 9902.04.28 (relating to magenta 3B–OA stage) is amended—
(A) by inserting “(Magenta 3B–OA Stage)” after “salts”; and
(B) by striking “12/31/2006” and inserting “12/31/2009”.

(11) CERTAIN ARTICHOKEs.—Heading 9902.03.90 (relating to artichokes prepared or preserved by vinegar or acetic acid) is amended—
(A) by striking “7.5%” and inserting “7.9%”; and
(B) by striking “12/31/2006” and inserting “12/31/2009”.

(12) TEXTURED ROLLED GLASS SHEETS.— Heading 9902.70.03 (relating to textured rolled glass sheets) is amended—
(A) by striking “Free” and inserting “0.7%”; and
(B) by striking “12/31/2003” and inserting “12/31/2009”.

(13) MAGNESIUM ALUMINUM HYDROXIDE CARBONATE HYDRATE.—Heading 9902.05.32 is amended—
(A) by inserting “(CAS No. 12539-23-0)” after “organic fatty acid”; and
(B) by striking “12/31/2006” and inserting “12/31/2009”.

(14) **MIXTURES OF SODIUM SALTS.**—Heading 9902.29.83 is amended—
(A) by inserting “, whether or not in water” after “iminodisuccinic acid”; and
(B) by striking “12/31/2006” and inserting “12/31/2009”.

(15) **A CERTAIN ULTRAVIOLET DYE.**—Heading 9902.28.19 is amended—
(A) by inserting “(CAS No. 313482-99-4)” after “-methyl ester”; and
(B) by striking “12/31/2006” and inserting “12/31/2009”.

(16) **CARFENTRAZONE.**—Heading 9902.01.54 is amended—
(A) by striking “4.9%” and inserting “Free”; and
(B) by striking “12/31/2006” and inserting “12/31/2009”.

(17) **CERTAIN EDUCATIONAL DEVICES.**—Heading 9902.85.43 is amended—
(A) by striking “1.67%” and inserting “0.55%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(18) Cyhalofop.—Heading 9902.02.86 is amended—

(A) by striking “Free” and inserting “1.5%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(19) α,α,α-Trifluoro-2,6-dinitro- p-tolu- idine.—Heading 9902.05.33 is amended—

(A) by striking “Free” and inserting “2.6%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(20) Certain mixtures of florasulam.—

Heading 9902.02.88 is amended—

(A) by striking “Free” and inserting “1.5%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(21) Methoxyfenozide.—Heading 9902.32.93 is amended—
(A) by striking "Free" and inserting "1.0%"; and

(B) striking "12/31/2006" and inserting "12/31/2009".

(22) MYCLOBUTANIL.—Heading 9902.02.91 is amended—

(A) by striking "1.9%" and inserting "3.0%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(23) FLUOROXYPYR.—Heading 9902.29.77 is amended—

(A) by striking "1.5%" and inserting "2.5%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(24) PRO-JET BLACK 263 STAGE.—Heading 9902.03.09 is amended—

(A) by striking the article description and inserting "[[Substituted naphthalenylazol] alkoxyl phenyl azo] carboxyphenylene, lithium salt (PMN No. P–00–351) (provided for in subheading 3204.14.30)"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".
(25) Ethalfluralin.—Heading 9902.30.49 is amended—
(A) by inserting “(Ethalfluralin)” after “benzenamine”; and
(B) by striking “12/31/2006” and inserting “12/31/2009”.

(26) Direct Black 175.—Heading 9902.03.56 is amended by striking “subheading 3204.12.50” and inserting “subheading 3204.14.50”.

(27) Certain Organic Pigments and Dyes.—Heading 9902.32.07 is amended—
(A) by inserting “, and excluding the dye-stuff bearing the CAS No. 6359-10-0” after “fluorescent pigments and dyes”; and
(B) by striking “12/31/2006” and inserting “12/31/2009”.

(28) Copper 8-Hydroxyquinoline (oxine copper).—Heading 9902.02.31 is amended—
(A) in the article description, by striking “Copper 8-quinolinolate (oxine copper)” and inserting “Copper 8-hydroxyquinoline (oxine copper)”; and
(B) by striking “12/31/2006” and inserting “12/31/2009”.


Subtitle C—Effective Date

SEC. 1511. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title apply to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

TITLE II—RELIQUIDATIONS

SEC. 2001. RELIQUIDATION OF CERTAIN ENTRIES OF CERTAIN SMALL DIAMETER CARBON AND ALLOY SEAMLESS STANDARD, LINE AND PRESSURE PIPE FROM ROMANIA.

(a) RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the Bureau of Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act—

(1) reliquidate the entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania produced by S.C. Silcotub S.A. (Silcotub), imported by Duferco Steel, Inc., listed in subsection (b) in accordance with the final results of the antidumping duty administrative review of the Department of Commerce (68 Fed. Reg. 12672 (March 17, 2003)) and Message No.
3087205, dated March 28, 2003, issued by the Bureau of Customs and Border Protection; and

(2) refund any antidumping duties with interest which were previously paid on such entries not later than 90 days after the date of reliquidation.

(b) AFFECTED ENTRIES.—The entries referred to in subsection (a) are the following:

<table>
<thead>
<tr>
<th>Entry number</th>
<th>Date of entry</th>
<th>Port</th>
</tr>
</thead>
<tbody>
<tr>
<td>558–1171537–8</td>
<td>01/20/01</td>
<td>Houston</td>
</tr>
<tr>
<td>558–2014403–2</td>
<td>07/24/00</td>
<td>Mobile</td>
</tr>
</tbody>
</table>

SEC. 2002. CERTAIN ENTRIES OF PASTA.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Bureau of Customs and Border Protection of the Department of Homeland Security shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) in accordance with Department of Commerce case A–475–818 for the period 7/1/2001 through 6/30/2002 under Customs Service message numbered 4068201.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Bureau of Customs and Border Protection within 90 days after the date of the enactment of this Act.
(c) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) Entries.—The entries referred to in subsection (a) are the following:

<table>
<thead>
<tr>
<th>Entry number</th>
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<th>Date of liquidation</th>
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<tr>
<td>FD630137806</td>
<td>12/14/2001</td>
<td>11/22/2002</td>
</tr>
</tbody>
</table>

8 SEC. 2003. CLARIFICATION OF RELIQUIDATION PROVISION.

(a) Inclusion of Interest.—The term “any amounts owed” in section 1511(b) of the Miscellaneous Trade and Technical Corrections Act of 2004 (118 Stat. 2542; Public Law 108–429), includes interest accrued from the date of deposit of duties made in connection with entries described in section 1511(c) of that Act, to the
date of the reliquidation of the entries pursuant to section 1511 of that Act.

(b) RELIQUIDATIONS WITH INTEREST.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, to the extent that the entries listed in section 1511(d) of the Act referred to in subsection (a) were reliquidated by the Bureau of Customs and Border Protection, before the date of the enactment of this Act, without the payment of interest required under subsection (a), the Bureau shall, within 90 days after the date of the enactment of this Act, reliquidate the affected entries with the interest required under subsection (a), calculated at the interest rates provided for in section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)).

SEC. 2004. RELIQUIDATION OF CERTAIN DRAWBACK CLAIM.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Bureau of Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim described in subsection (c).

(b) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim
described in subsection (e) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(c) **Drawback Claim.**—The drawback claim referred to in subsection (a) is the following: drawback claim number, AA6–0303556–6, filed on December 2, 1997.

**TITLE III—TECHNICAL CORRECTIONS AND OTHER PROVISIONS**

**Subtitle A—Technical Corrections**

**SEC. 3001. AMENDMENTS TO THE HTS.**

(a) **Corrections to the Column 1 Special Rate of Duty Column.**—Each of the following headings is amended by striking “Free” in the column 1 special rate of duty column and inserting “No change”:

1. (1) Heading 9902.01.59.
2. (2) Heading 9902.01.60.
3. (3) Heading 9902.01.61.
4. (4) Heading 9902.01.86.
5. (5) Heading 9902.01.87.
6. (6) Heading 9902.01.90.
7. (7) Heading 9902.01.91.
8. (8) Heading 9902.03.20.
9. (9) Heading 9902.03.40.
10. (10) Heading 9902.03.41.
11. (11) Heading 9902.03.43.
(b) Corrections to the column 2 rate of duty column.—Each of the following headings is amended by striking “Free” in the column 2 rate of duty column and inserting “No change”:

1. Heading 9902.03.78.
2. Heading 9902.05.08.
3. Heading 9902.05.09.
4. Heading 9902.05.10.

(c) Additional corrections.—

1. The article description for heading 9902.01.12 is amended—
   (A) by striking “32846–21–2), acid red” and inserting “66786–14–5), acid red”; and
   (B) by striking “67786–14–5) (provided for” and inserting “32846–21–2) (provided for”.


(2) Heading 9902.01.49 is amended to read as follows:

```
| 9902.01.49 | (S)-α-Cyano-3-
|            | -phenoxybenzyl |
|            | (1R,3R)-3-
|            | (2,2-
|            | dibromovinyl)-2,2-
|            | dimethyleyle-
|            | propanecarb-
|            | oxylate |
|            | (Deltamethrin) |
|            | (CAS No. 52918-63-5) |
| Free       | No change  | No change  | On or before 12/31/2009 |
|            |            |            |                          |
```

(3) The article description for heading 9902.01.61 is amended by striking “methoxy-[1,1,”
and inserting “methoxy-[1,1′-”.

(4) The article description for heading 9902.01.69 is amended—

(A) by striking “2-8 percent water” and inserting “2-8 percent by weight of water”; and

(B) by striking “denier” and inserting “decitex”.

(5) The article description for heading 9902.01.75 is amended—

(A) by striking “Acid black 194” and inserting “Acid Black 172”; and

(B) by striking “subheading 3204.12.20” and inserting “subheading 3204.12.45”.

(6) The article description for heading 9902.01.90 is amended by striking "between 4 and 68" and inserting "from 4 through 68".

(7) The article description for heading 9902.01.91 is amended by striking "between 4 and 68" and inserting "from 4 through 68".

(8) Heading 9902.02.17 is amended to read as 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 |

(9) The article description for heading 9902.02.28 is amended—

(A) by striking "polymide" and inserting "polyimide"; and

(B) by striking "3911.90.35 or".

(10) The article description for heading 9902.02.59 is amended by striking "A mixture" and inserting "Mixture".

(11) The article description for heading 9902.02.65 is amended—

(A) by striking "bis(3'" and inserting "bis(3'')"; and

(B) by striking "4-amino-)")" and inserting "4-amino-))".
(12) The article description for headings 9902.84.81, 9902.84.83, 9902.84.85, 9902.84.88, and 9902.84.89 are each amended—

(A) by inserting “4011.62.00,” after “4011.61.00,”; and

(B) by striking “or parts thereof” and inserting “and parts thereof”.

(13) The article description for heading 9902.03.40 is amended by striking “subheading 2835.29.50” and inserting “subheading 2931.00.30”.

(14) Heading 9902.03.60 (relating to acid black 172) is repealed.

(15) The article description for heading 9902.03.99 is amended by striking “subheading 2933.99.12” and inserting “subheading 2933.99.22”.

(16) Heading 9902.04.02 is amended to read as 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 |

(17) Heading 9902.05.21 is repealed.

(18) Heading 9902.05.29 is amended to read as follows:
(19) Heading 9902.29.26 is amended by striking the chemical name in the article description and inserting “1,3-Dimethyl-2-imidazolidinone”.

(20) The article description for heading 9902.84.14 (relating to ceiling fans) is amended by striking “8414.51.00” and inserting “8414.51.30”.

(21) The article description for heading 9902.86.11 is amended by striking “specifications each, having” and inserting “specifications, each having”.

SEC. 3002. TECHNICAL CORRECTION TO THE TARIFF ACT OF 1930.

Section 516A(g)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 151a(g)(1)(B)) is amended by striking “or (vi)” and inserting “(vi), or (vii)”.

SEC. 3003. AMENDMENTS TO THE PENSION PROTECTION ACT OF 2006.

(a) In general.—Subtitle A of chapter 1 of title XIV of the Pension Protection Act of 2006 (Public Law 109–280) is amended—

(1) in section 1412—

(A) by striking “vehicles provided for in” and inserting “vehicles of”; and
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(B) by striking “in that” and inserting “over’’;

(2) in section 1413, by amending the article description to read as follows: “Acrylic or modacrylic filament tow (provided for in subheading 5501.30.00)”;

(3) in section 1414, by amending the article description to read as follows: “Acrylic or modacrylic staple fibers, carded combed or otherwise processed for spinning (provided for in subheading 5506.30.00)”;

(4) in section 1418, by striking “vinegar” and inserting “vinegar,”;

(5) in section 1420, by striking “vinegar” and inserting “vinegar,”;

(6) in section 1456, by striking “2929.90.20” and inserting “2928.00.25”.

(7) in section 1518, by striking “4402.12.80” and inserting “4202.12.80”;

(8) in section 1542, by striking “hair” and inserting “hair,”;

(9) in section 1548, by striking “10^7” and inserting “10^{-7}”;

(10) in section 1549, by striking “10^7” and inserting “10^{-7}”;
(11) in section 1555, by striking “2933.39.91” and inserting “2933.39.20”.

(12) in section 1572, by striking “, rubber, or synthetic” and inserting “or rubber”;

(13) in section 1597—

(A) in the heading, by striking “WORK FOOTWEAR” and inserting “HOUSE SLIPPERS”; and

(B) by striking “; Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like, all the foregoing with outer soles of rubber or plastics and uppers of textile materials for women (provided for in sub-heading 6404.11.20)”;

(14) in section 1598, by striking “50 mm” and inserting “60 mm”; 

(15) in section 1605—

(A) in the article description, by striking “Device” and inserting “Display”; and

(B) in the heading, by striking “DEVICE” and inserting “DISPLAY”;

(16) in section 1606—

(A) in subsection (a), by striking “facilities” and inserting “facilities,”; and
(B) in subsection (b), by striking “reactors” and inserting “reactors,”;

(17) by adding at the end of such subtitle the following:

“SEC. 1607. CERTAIN SPORTS FOOTWEAR FOR WOMEN.

“Subchapter II of chapter 99 is amended by inserting 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 |

; and

(18) in section 1621, by striking “December 31, 2006” and inserting “March 31, 2007”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply as if included in the enactment of the Pension Protection Act of 2006 (Public Law 109–280).

SEC. 3004. NMSBA

(a) IN GENERAL.—Section 1434 (b) and (c) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2524) are amended to read as follows:

“(b) CALENDAR YEAR 2005,—
“(1) IN GENERAL.—Heading 9902.05.30, as added by subsection (a), is amended—

“(A) by striking “0.28%” and inserting “0.16%”; and

“(B) by striking “On or before 12/31/2004” and inserting “On or before 12/31/2005”.

“(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to goods entered on or after January 1, 2005, and before January 1, 2006.

“(c) CALENDAR YEARS 2006 THROUGH 2008.—

“(1) IN GENERAL.—Heading 9902.05.30, as added by subsection (a) and amended by subsection (b), is further amended—

“(A) by striking “0.16%” and inserting “1.1%”; and

“(B) by striking “On or before 12/31/2005” and inserting “on or before 12/31/2008”.

“(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to goods entered on or after January 1, 2006.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect as if included in the en-
actment of section 1434 of the Miscellaneous Trade
and Technical Corrections Act of 2004 (Public Law
108–429).

(2) RETROACTIVE APPLICATION.—Notwith-
standing section 514 of the Tariff Act of 1930 (19
U.S.C. 1514) or any other provision of law, upon
proper request filed with the Bureau of Customs and
Border Protection before the 90th day after the date
of the enactment of this Act, any entry, or with-
drawal from warehouse for consumption, of any
good—

(A) that was made on or after January 1,
2005 and before the date of the enactment of
this Act; and

(B) with respect to which there would have
been a lower rate of duty if the amendment
made by this subsection applied to such entry
or withdrawal, shall be liquidated or reliq-
uidated as if such amendment applied to such
entry or withdrawal.

SEC. 3005. CERTAIN MONOCHROME GLASS ENVELOPES.

(a) AMENDMENT TO SUBHEADING 7011.20.40.—The
article description of subheading 7011.20.40 is amended
to read as follows: “Monochrome glass envelopes, the fore-
going certified by the importer as being for actual use in
automatic data processing machine data or graphic display cathode ray tubes”.

(b) CONFORMING AMENDMENTS.—(1) Subheading 7011.20.40, as amended by subsection (a), is redesignated as subheading 7011.20.45.

(2) Subheading 7011.20.80 is redesignated as subheading 7011.20.85.

(3) Heading 9902.02.97 is amended in the article description column by striking “7011.20.80” and inserting “7011.20.85”.

(c) STAGED RATE REDUCTIONS.—Any staged rate reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment; and

(2) would, but for the amendment made by subsection (b)(2), apply to subheading 7011.20.80, applies to the corresponding rate of duty set forth in subheading 7011.20.85 (as added by subsection (b)(2)).

SEC. 3006. FLEXIBLE MAGNETS AND COMPOSITE GOODS CONTAINING FLEXIBLE MAGNETS.

(a) IN GENERAL.—Chapter 85 is amended by striking subheadings 8505.19.10, 8505.19.20, and 8505.19.30 and inserting the following new subheadings, with the article description for subheading 8505.19 having the same
degree of indentation as the article description for sub-heading 8505.11.00:

| 8505.19.10 | Other: Flexible magnets | 45% |
| 8505.19.10 | | Free (A, AU, BH, CA, CL, E, II, J, JO, MA, MX, P, SG) |
| 8505.19.20 | Composite goods containing flexible magnets | 45% |
| 8505.19.30 | Other | 45% |

(b) **Staged Rate Reductions.**—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429), that—

(1) takes effect on or after such date of enactment; and

(2) would, but for the amendment made by this section, apply to subheading 8505.19, applies to the corresponding rate of duty set forth in subheadings 8505.19.10, 8505.19.20, and 8505.19.30 of such Schedule (as added by subsection (a)).

(c) **Applicability.**—The amendments made by this section shall take effect as if included in the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429).
SEC. 3007. CELLAR TREATMENT OF WINE.

Section 5382(a)(1)(A) of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended by striking “stabilize” and inserting “correct or stabilize”.

Subtitle B—Other Provisions

SEC. 3011. EFFECTIVE DATE FOR AGOA.

Section 112(f) of the African Growth and Opportunity Act (19 U.S.C. 3721(f) is amended by striking “2008” and inserting “2015”.


(a) In General.—Notwithstanding any period of limitations, lapse of time, or any other provision of law, the United States Court of International Trade shall treat any civil action contesting the denial of a protest described in subsection (b) as having been filed in accordance with section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) and within the time limit provided in section 2636 of title 28, United States Code.

(b) Affected Protests.—The protests referred to in subsection (a) are as follows:

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<th>Entry Number</th>
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TITLE IV—TRADE EXTENSION

PROVISIONS

SEC. 4001. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking “2006” and inserting “2007”.

SEC. 4002. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended by striking “2006” and inserting “2007”.

<table>
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SEC. 4003. EXTENSION OF BENEFITS UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) Extension of Benefits.—


(2) Applicable Percentage.—Section 112(b)(3)(B)(ii) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(3)(B)(ii)) is amended to read as follows:

“(ii) Applicable Percentage.—For purposes of this subparagraph, the term ‘applicable percentage’ means 3 percent for each of fiscal years 2007 through 2013, 2.5 percent for fiscal year 2014, and 2 percent for fiscal year 2015.”.

(b) Mauritius.—


amended by striking “5 percent of the applicable percentage described in clause (ii)(II)” and inserting “0.15 percent for each of fiscal years 2007 through 2010”.

SEC. 4004. EFFECTIVE DATE OF MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE.

(a) In General.—Section 1206(c) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3006(c)) is amended by striking “15th” and inserting “30th”.

(b) Lay-Over Period.—

(1) In General.—Section 1206(b)(2) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3006(b)(2)) is amended to read as follows:

“(2) The 60-day period referred to in paragraph (1) shall be computed by excluding the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die.”.

(2) Effective Date.—The amendment made by this subsection shall take effect on April 1, 2007.
SEC. 4005. EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF VIETNAM.

(a) FINDINGS.—Congress finds the following:

(1) In July 1995, President Bill Clinton announced the formal normalization of diplomatic relations between the United States and Vietnam.

(2) Vietnam has taken cooperative steps with the United States under the United States Joint POW/MIA Accounting Command (formerly the Joint Task Force-Full Accounting) established in 1992 by President George H. W. Bush to provide the fullest possible accounting of MIA and POW cases.

(3) In 2000, the United States and Vietnam concluded a bilateral trade agreement that included commitments on goods, services, intellectual property rights, and investment. The agreement was approved by joint resolution enacted pursuant to section 405(c) of the Trade Act of 1974 (19 U.S.C. 2435(c)), and entered into force in December 2001.

(4) Since 2001, normal trade relations treatment has consistently been extended to Vietnam pursuant to title IV of the Trade Act of 1974.

(5) Vietnam has undertaken significant market-based economic reforms, including the reduction of
government subsidies, tariffs and nontariff barriers, and extensive legal reform. These measures have dramatically improved Vietnam’s business and investment climate.

(6) Vietnam has completed its negotiations to join the World Trade Organization (WTO). On May 31, 2006, the United States and Vietnam signed a comprehensive bilateral agreement providing greater market access for goods and services and other trade liberalizing commitments. On November 7, 2006, the WTO General Council approved Vietnam’s membership. Vietnam’s National Assembly ratified Vietnam’s WTO accession commitments on November 28, 2006, and Vietnam will become the 150th Member of the WTO 30 days thereafter.

(7) On November 13, 2006, the Department of State removed Vietnam from its list of Countries of Particular Concern (CPC) for severe violations of religious freedom. In reaching this determination, the Department of State cited significant improvements in Vietnam toward advancing religious freedom, though problems remain that merit immediate attention and important work remains to be done to fully protect religious freedom in Vietnam.
(b) Termination of Application of Title IV of the Trade Act of 1974 to Vietnam.—

(1) Presidential Determinations and Extension of Non-Discriminatory Treatment.—
Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Vietnam; and

(B) after making a determination under subparagraph (A) with respect to Vietnam, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) Termination of the Applicability of Title IV.—On and after the effective date of the extension of nondiscriminatory treatment to the products of Vietnam under paragraph (1), title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 4006. COTTON TRUST FUND.
(a) Establishment of Trust Fund.—

(1) In general.—There is established in the Treasury of the United States a trust fund to be known as the “Pima Cotton Trust Fund” (in this
section referred to as the “Trust Fund”), consisting of such amounts as may be transferred to the Trust Fund under paragraph (2).

(2) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Beginning October 1, 2006, the Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, amounts determined by the Secretary of the Treasury to be equivalent to the amounts received in the general fund that are attributable to duties received since January 1, 1994, on articles under subheadings 5208.21.60, 5208.22.80, 5208.29.80, 5208.31.80, 5208.32.50, 5208.39.80, 5208.41.80, 5208.42.50, 5208.49.80, 5208.51.80, 5208.52.50, and 5208.59.80 of the Harmonized Tariff Schedule of the United States, subject to the limitation in subparagraph (B).

(B) LIMITATION.—The Secretary may not transfer more than $16,000,000 to the Trust fund in any fiscal year, and may not transfer any amount beginning on or after October 1, 2008.
(3) DISTRIBUTION OF FUNDS.—From amounts in the Trust Fund, the Commissioner of the Bureau of Customs and Border Protection shall make the following payments annually beginning in fiscal year 2007:

(A) 25 percent of the amounts in the Trust Fund shall be paid annually to a nationally recognized association established for the promotion of pima cotton grown in the United States for the use in textile and apparel goods.

(B) 25 percent of the amounts in the Trust Fund shall be paid annually to yarn spinners of pima cotton grown in the United States, and shall be allocated to each spinner in an amount that bears the same ratio as—

(i) the spinner’s production of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number) from pima cotton grown in the United States in single and plied form during the period January 1, 1998 through December 31, 2003 (as evidenced by an affidavit provided by the spinner) bears to—

(ii) the production of the yarns described in clause (i) during the period Jan-
uary 1, 1998 through December 31, 2003
for all spinners who qualify under this sub-
paragraph.

(C) 50 percent of the amounts in the Trust
Fund shall be paid annually to those manufac-
turers who cut and sew cotton shirts in the
United States who certify that they used im-
ported cotton fabric during the period January
1, 1998, through July 1, 2003, and shall be al-
located to each such manufacturer in an
amount that bears the same ratio as—

(i) the dollar value (excluding duty,
shipping, and related costs) of imported
woven cotton shirting fabric of 80s or
higher count and 2-ply in warp purchased
by the manufacturer during calendar year
2002 (as evidenced by an affidavit from
the manufacturer that meets the require-
ments of paragraph (4)) used in the manu-
facturing of men’s and boys’ cotton shirts,
bears to—

(ii) the dollar value (excluding duty,
shipping, and related costs) of the fabric
described in clause (i) purchased during
calendar year 2002 by all manufacturers who qualify under this subparagraph.

(4) AFFIDAVIT OF SHIRTING MANUFACTURERS.—The affidavit required by paragraph (3)(C) is a notarized affidavit provided by an officer of the manufacturer of men’s and boys’ shirts concerned that affirms—

(A) that the manufacturer used imported cotton fabric during the period January 1, 1998, through July 1, 2003, to cut and sew men’s and boys’ woven cotton shirts in the United States;

(B) the dollar value of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased during calendar year 2002;

(C) that the manufacturer maintains invoices along with other supporting documentation (such as price lists and other technical descriptions of the fabric qualities) showing the dollar value of such fabric purchased, the date of purchase, and evidencing the fabric as woven cotton fabric of 80s or higher count and 2-ply in warp; and
(D) that the fabric was suitable for use in the manufacturing of men’s and boys’ cotton shirts.

(5) Date of Purchase.—For purposes of the affidavit under paragraph (4), the date of purchase shall be the invoice date, and the dollar value shall be determined excluding duty, shipping, and related costs.

(6) Affidavit of Yarn Spinners.—The affidavit required by paragraph (3)(B) is a notarized affidavit provided by an officer of the producer of ring spun yarns that affirms—

(A) that the producer used pima cotton grown in the United States during the period January 1, 2002, through December 31, 2002, to produce ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during 2002;

(B) the quantity, measured in pounds, of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2002; and

(C) that the producer maintains supporting documentation showing the quantity of
such yarns produced, and evidencing the yarns
as ring spun cotton yarns, measuring less than
83.33 decitex (exceeding 120 metric number),
in single and plied form during calendar year
2002.

(7) No appeal.—Any amount paid by the
Commissioner of the Bureau of Customs and Border
Protection under this section shall be final and not
subject to appeal or protest.

**TITLE V—HAITI**

**SEC. 5001. SHORT TITLE.**

This title may be cited as the “Haitian Hemispheric
Opportunity through Partnership Encouragement Act of
2006”.

**SEC. 5002. TRADE BENEFITS FOR HAITI.**

(a) In general.—The Caribbean Basin Economic
Recovery Act (19 U.S.C. 2701 et seq.) is amended by in-
serting after section 213 the following new section:

“**SEC. 213A. SPECIAL RULES FOR HAITI.**

“(a) Definitions.—In this section:

“(1) Applicable 1-year period.—

“(A) In general.—The term “applicable
1-year period” means each of the 1-year periods
described in subparagraphs (B) through (F).
“(B) Initial Applicable 1-Year Period.—The term ‘initial applicable 1-year period’ means the 1-year period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

“(C) Second Applicable 1-Year Period.—The term ‘second applicable 1-year period’ means the 1-year period beginning on the day after the last day of the initial applicable 1-year period.

“(D) Third Applicable 1-Year Period.—The term ‘third applicable 1-year period’ means the 1-year period beginning on the day after the last day of the second applicable 1-year period.

“(E) Fourth Applicable 1-Year Period.—The term ‘fourth applicable 1-year period’ means the 1-year period beginning on the day after the last day of the third applicable 1-year period.

“(F) Fifth Applicable 1-Year Period.—The term ‘fifth applicable 1-year period’ means the 1-year period beginning on the day
after the last day of the fourth applicable 1-year period.

“(2) ENTER; ENTRY.—The terms ‘enter’ and ‘entry’ refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

“(b) APPAREL ARTICLES.—

“(1) IN GENERAL.—In addition to any other preferential treatment under this title, apparel articles described in paragraph (2) of a producer or entity controlling production that are imported directly from Haiti shall enter the United States free of duty during an applicable 1-year period, subject to the limitations set forth in paragraphs (2) and (3), if Haiti has met the requirements of subsections (d) and (e).

“(2) APPAREL ARTICLES DESCRIBED.—

“(A) IN GENERAL.—In any applicable 1-year period, apparel articles described in this paragraph are apparel articles that are wholly assembled, or are knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns, only if, for each entry in the applicable 1-year period, the sum of—
“(i) the cost or value of the materials produced in Haiti or one or more countries described in subparagraph (C), or any combination thereof, plus

“(ii) the direct costs of processing operations (as defined in section 213(a)(3)) performed in Haiti or one or more countries described in subparagraph (C), or any combination thereof,

is not less than the applicable percentage (as defined in subparagraph (E)(i)) of the declared customs value of such apparel articles.

“(B) DEDUCTIONS.—In calculating cost or value under subparagraph (A)(i), there shall be deducted the cost or value of—

“(i) any foreign materials that are used in the production of the apparel articles in Haiti; and

“(ii) any foreign materials that are used in the production of the materials described in subparagraph (A)(i).

“(C) COUNTRIES DESCRIBED.—The countries referred to in subparagraph (A) are the following:

“(i) The United States.
“(ii) Any country that is a party to a free trade agreement with the United States that is in effect on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, or that enters into force under the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3801 et seq.).

“(iii) Any country designated as a beneficiary country under section 213(b)(5)(B) of this Act.

“(iv) Any country designated as a beneficiary country under section 506A(a)(1) of the Trade Act of 1974 (19 U.S.C. 2466a(a)(1)), if a finding has been made by the President or the President’s designee, and published in the Federal Register, that the country has satisfied the requirements of section 113 of the African Growth and Opportunity Act (19 U.S.C. 3722).

“(v) Any country designated as a beneficiary country under section
204(b)(6)(B) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(6)(B)).

“(D) ANNUAL AGGREGATION.—

“(i) INITIAL APPLICABLE 1-YEAR PERIOD.—In the initial applicable 1-year period, the requirements under subparagraph (A) relating to applicable percentage may also be met for articles of a producer or an entity controlling production that enter during the initial applicable 1-year period by aggregating—

“(I) the cost or value of materials under clause (i) of subparagraph (A), and

“(II) the direct costs of processing operations under clause (ii) of subparagraph (A),

of all apparel articles of that producer or entity controlling production that are wholly assembled, or are knit-to-shape, in Haiti and are entered during the initial applicable 1-year period.

“(ii) OTHER APPLICABLE 1-YEAR PERIODS.—In each of the second, third, fourth, and fifth applicable 1-year periods,
the requirements under subparagraph (A) relating to applicable percentage may also be met for articles of a producer or an entity controlling production that enter during the applicable 1-year period by aggregating—

“(I) the cost or value of materials under clause (i) of subparagraph (A), and

“(II) the direct costs of processing operations under clause (ii) of subparagraph (A),

of all apparel articles of that producer or entity controlling production that are wholly assembled, or are knit-to-shape, in Haiti and are entered during the preceding applicable 1-year period.

“(iii) DEDUCTIONS.—In calculating cost or value under clause (i)(I) or (ii)(I), there shall be deducted the cost or value of—

“(I) any foreign materials that are used in the production of the apparel articles in Haiti; and
“(II) any foreign materials that are used in the production of the materials described in clause (i)(I) or (ii)(I) (as the case may be).

“(iv) INCLUSION IN CALCULATION OF OTHER ARTICLES RECEIVING PREFERENTIAL TREATMENT.—(I) The entry of a woven apparel article receiving preferential treatment under paragraph (4) is not included in an annual aggregation under clause (i) or (ii).

“(II) Entries of articles receiving preferential treatment under paragraph (5) are not included in an annual aggregation under clause (i) or (ii) unless the producer or entity controlling production elects, at the time the annual aggregation calculation is made, to include such entries in such aggregation.

“(III) Entries of apparel articles that receive preferential treatment under any provision of law other than this subsection or are subject to the ‘General’ column 1 rate of duty under the HTS are not included in an annual aggregation under
clause (i) or (ii) unless the producer or entity controlling production elects, at the time the annual aggregation calculation is made, to include such entries in such aggregation.

“(E) DEFINITIONS.—In this paragraph:

“(i) APPLICABLE PERCENTAGE.—The term “applicable percentage” means—

“(I) 50 percent or more during the initial applicable 1-year period, the second applicable 1-year period, and the third applicable 1-year period;

“(II) 55 percent or more during the fourth applicable 1-year period; and

“(III) 60 percent or more during the fifth applicable 1-year period.

“(ii) FOREIGN MATERIAL.—The term ‘foreign material’ means a material produced in a country other than Haiti or any country described in subparagraph (C).

“(F) DEVELOPMENT OF PROCEDURE TO ENSURE COMPLIANCE.—

“(i) IN GENERAL.—The Bureau of Customs and Border Protection of the De-
partment of Homeland Security shall de-
velop and implement methods and proce-
dures to ensure ongoing compliance with
the requirements set forth in subpara-
graphs (A) and (D).

“(ii) NONCOMPLIANCE.—If the Bu-
reau of Customs and Border Protection
finds that a producer or an entity control-
ling production has not satisfied such re-
quirements in any applicable 1-year period,
either for individual entries entered pursu-
ant to subparagraph (A) or for entries en-
tered in aggregate pursuant to subpar-
graph (D), then apparel articles described
in subparagraph (A) of that producer or
entity shall be ineligible for preferential
treatment under paragraph (1) during any
succeeding applicable 1-year period until—

“(I) the cost or value of mate-
rials under clause (i) of subparagraph
(A), plus

“(II) the direct costs of proc-
essing operations under clause (ii) of
subparagraph (A),
of that producer or entity controlling production, is not less than the applicable percentage under subparagraph (E)(i), plus 10 percent, of the aggregate declared customs value of all apparel articles of that producer or entity controlling production that are wholly assembled, or are knit-to-shape, in Haiti and are entered during the preceding applicable 1-year period.

“(iii) Retroactive Application of Duty-Free Treatment.—If—

“(I) a producer or an entity controlling production is ineligible for preferential treatment under paragraph (1) in an applicable 1-year period because that producer or entity controlling production did not satisfy the requirements of subparagraph (A) or (D), and

“(II) that producer or entity controlling production satisfies the requirements of clause (ii) of this subparagraph in that applicable 1-year period,
then, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Bureau of Customs and Border Protection before the 90th day after the Bureau of Customs and Border Protection determines that subclause (II) applies, the entry of any articles—

“(aa) that was made during that applicable 1-year period, and

“(bb) with respect to which there would have been preferential treatment under paragraph (1) if the producer or entity controlling production had satisfied the requirements in sub-paragraph (A) or (D) (as the case may be),

shall be liquidated or reliquidated as though such preferential treatment under paragraph (1) applied to such entry.

“(G) FABRICS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—

“(i) In general.—For purposes of determining the applicable percentage
under subparagraph (A) or (D), there may be included in that percentage—

“(I) the cost of fabrics or yarns to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 of the NAFTA; and

“(II) the cost of fabrics or yarns that are designated as not being available in commercial quantities for purposes of—

“(aa) section 213(b)(2)(A)(v) of this Act,

“(bb) section 112(b)(5) of the African Growth and Opportunity Act,

“(cc) section 204(b)(3)(B)(i)(III) or (ii) of the Andean Trade Preference Act, or

“(dd) any other provision, relating to determining whether a textile or apparel article is an originating good eligible for pref-
preferential treatment, of a law that implements a free trade agreement that enters into force under the Bipartisan Trade Promotion Authority Act of 2002, without regard to the source of the fabrics or yarns.

“(ii) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that—

“(I) any fabric or yarn described in clause (i)(I) was determined to be eligible for preferential treatment, or

“(II) any fabric or yarn described in clause (i)(II) was designated as not being available in commercial quantities, on the basis of fraud, the President is authorized to remove the eligibility or designation (as the case may be) of that fabric or yarn with respect to articles entered after such removal.

“(3) QUANTITATIVE LIMITATIONS.—The preferential treatment described in paragraph (1) shall
be extended, during each of the applicable 1-year periods set forth in the following table, to not more than the corresponding percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the most recent 12-month period for which data are available:

<table>
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<th>&quot;During the:&quot;</th>
<th>the corresponding percentage is:</th>
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<tbody>
<tr>
<td>initial applicable 1-year period</td>
<td>1 percent.</td>
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<tr>
<td>second applicable 1-year period</td>
<td>1.25 percent.</td>
</tr>
<tr>
<td>third applicable 1-year period</td>
<td>1.5 percent.</td>
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<tr>
<td>fourth applicable 1-year period</td>
<td>1.75 percent.</td>
</tr>
<tr>
<td>fifth applicable 1-year period</td>
<td>2 percent.</td>
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</tbody>
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No preferential treatment shall be provided under paragraph (1) after the last day of the fifth applicable 1-year period.

“(4) Special rule for woven apparel.—In the case of apparel articles classifiable under chapter 62 of the HTS (other than articles classifiable under subheading 6212.10 of the HTS), as in effect on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, that do not qualify for preferential treatment under paragraph (1) because they do not meet the percentage requirements under paragraph (2)(A), (2)(B), or (2)(D), the preferential treatment under paragraph (1)—

“(A) shall be extended, in addition to the quantities permitted under paragraph (3) to—
“(i) not more than 50,000,000 square meter equivalents of such apparel articles for the initial applicable 1-year period;

“(ii) not more than 50,000,000 square meter equivalents of such apparel articles for the second applicable 1-year period; and

“(iii) not more than 33,500,000 square meter equivalents for the third applicable 1-year period; and

“(B) may not be extended to such apparel articles after the last day of the third applicable 1-year period.

“(5) Special rule for brassieres.—The preferential treatment under paragraph (1) shall, subject to the limitations under paragraph (3), be extended to any article classifiable under heading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in Haiti or the United States, or both, without regard to the source of the fabric or components from which the article is made, and if Haiti has met the requirements of subsections (d) and (e).

“(c) Special Rule for Certain Wire Harness Automotive Components.—
(1) IN GENERAL.—Any wire harness automotive component that is the product or manufacture of Haiti and is imported directly from Haiti into the customs territory of the United States shall enter the United States free of duty, during the 5-year period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, if Haiti has met the requirements of subsection (d) and if the sum of—

“(A) the cost or value of the materials produced in Haiti or one or more countries described in subsection (b)(2)(C), or any combination thereof, plus

“(B) the direct costs of processing operations (as defined in section 213(a)(3)) performed in Haiti or the United States, or both, is not less than 50 percent of the declared customs value of such wire harness automotive component.

“(2) WIRE HARNESS AUTOMOTIVE COMPONENT.—For purposes of this subsection, the term “wire harness automotive component” means any article provided for in subheading 8544.30.00 of the HTS, as in effect on the date of the enactment of

“(d) Eligibility Requirements.—

“(1) In general.—Haiti shall be eligible for preferential treatment under this section if the President determines and certifies to Congress that Haiti—

“(A) has established, or is making continual progress toward establishing—

“(i) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

“(ii) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

“(iii) the elimination of barriers to United States trade and investment, including by—

“(I) the provision of national treatment and measures to create an
environment conducive to domestic and foreign investment;

“(II) the protection of intellectual property; and

“(III) the resolution of bilateral trade and investment disputes;

“(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through microcredit or other programs;

“(v) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

“(vi) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of
work with respect to minimum wages, hours of work, and occupational safety and health;

“(B) does not engage in activities that undermine United States national security or foreign policy interests; and

“(C) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.

“(2) Time Limit for Determination.—The President shall determine whether Haiti meets the requirements of paragraph (1) not later than 90 days after the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

“(3) Continuing Compliance.—If the President determines that Haiti is not making continual progress in meeting the requirements described in paragraph (1)(A), the President shall terminate the preferential treatment under this section.

“(e) Conditions Regarding Enforcement of Circumvention.—
“(1) IN GENERAL.—The preferential treatment under subsection (b)(1) shall not apply unless the President certifies to Congress that Haiti is meeting the following conditions:

“(A) Haiti has adopted an effective visa system, domestic laws, and enforcement procedures applicable to articles described in subsection (b) to prevent unlawful transshipment of the articles and the use of counterfeit documents relating to the importation of the articles into the United States.

“(B) Haiti has enacted legislation or promulgated regulations that would permit the Bureau of Customs and Border Protection verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country.

“(C) Haiti agrees to report, on a timely basis, at the request of the Bureau of Customs and Border Protection, on the total exports from and imports into that country of articles described in subsection (b), consistent with the manner in which the records are kept by Haiti.

“(D) Haiti agrees to cooperate fully with the United States to address and take action
necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing.

“(E) Haiti agrees to require all producers and exporters of articles described in subsection (b) in that country to maintain complete records of the production and the export of such articles, including materials used in the production, for at least 5 years after the production or export (as the case may be).

“(F) Haiti agrees to report, on a timely basis, at the request of the Bureau of Customs and Border Protection, documentation establishing the country of origin of articles described in subsection (b) as used by that country in implementing an effective visa system.

“(2) Definition of Transshipment.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under this section has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would
mean or would have meant that the article is or was ineligible for preferential treatment under this section.

“(f) REGULATIONS.—The President shall issue regulations to carry out this section not later than 180 days after the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006. The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate in preparing such regulations.”

SEC. 5003. ITC STUDY.

The International Trade Commission shall, not later than 18 months after the date of the enactment of this Act, submit a report to Congress on the effects of the amendments made by this Act on the trade markets and industries, involving textile and apparel articles, of Haiti, the countries described in clauses (ii) and (iii) of section 213A(b)(2)(C) of the Caribbean Basin Economic Recovery Act (as added by section 302 of this Act), and the United States.
SEC. 5004. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS FOR HAITI.

It is the sense of the Congress that the executive branch, particularly the Committee for the Implementation of Textile Agreements (CITA), the Bureau of Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should interpret, implement, and enforce the provisions of section 213A(b) of the Caribbean Basin Economic Recovery Act, as added by section 302 of this Act, relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of such articles from Haiti.

SEC. 5005. TECHNICAL AMENDMENTS.

(a) CBI.—Section 213(b)(2)(A)(v) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)(v)) is amended by adding at the end the following new subclause:

“(III) If the President determines that any fabric or yarn was determined to be eligible for preferential treatment under subclause (I) on the basis of fraud, the President is authorized to remove that designation from that fabric or yarn with re-
spect to articles entered after such removal.”.

(b) ATPA.—Section 204(b)(3)(B) of the Andean Trade Preference Act (19 U.S.C. 3202(b)(3)(B)) is amended by adding at the end the following new clause:

“(viii) Removal of designation of fabrics or yarns not available in commercial quantities.—If the President determines that any fabric or yarn was determined to be eligible for preferential treatment under clause (i)(III) or (ii) on the basis of fraud, the President is authorized to remove that designation from that fabric or yarn with respect to articles entered after such removal.”.

SEC. 5006. EFFECTIVE DATE.

This title and the amendments made by this title apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.
DIVISION D—MEDICARE, MEDICAID, AND SCHIP PROVISIONS

SEC. 1. SHORT TITLE OF DIVISION; TABLE OF CONTENTS OF DIVISION.

(a) SHORT TITLE OF DIVISION.—This division may be cited as the “Benefits Extension and Quality Improvement Act of 2006”.

(b) TABLE OF CONTENTS OF DIVISION.—The table 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

SEC. 101. UPDATE FOR MEDICARE PHYSICIANS’ SERVICES FOR 2007; QUALITY REPORTING SYSTEM;
TRANSITIONAL BONUS INCENTIVE PAYMENTS FOR QUALITY REPORTING IN 2007.

(a) UPDATE FOR 2007.—

(1) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (4)(B), in the matter preceding clause (i), by striking “paragraphs (5) and (6)” and inserting “paragraphs (5), (6), and (7)”;

(B) by adding at the end the following new paragraph:

“(7) UPDATE FOR 2007.—The update to the single conversion factor established in paragraph (1)(C) for 2007 shall be 0 percent.”.

(2) ADJUSTMENT OF RESTRICTION ON UPDATE ADJUSTMENT FACTOR.—Section 1848(d)(4)(D) of
the Social Security Act (42 U.S.C. 1395w–4(d)(4)(D)) is amended—

(A) by inserting “(or for 2009, less than -0.13)” after “-0.07”; and

(B) by inserting “(or for 2014, greater than 0.04)” after “0.03”.

(3) NOT TREATED AS CHANGE IN LAW AND REGULATION IN SUSTAINABLE GROWTH RATE DETERMINATION.—The amendments made by paragraphs (1) and (2) shall not be treated as a change in law for purposes of applying section 1848(f)(2)(D) of the Social Security Act (42 U.S.C. 1395w–4(f)(2)(D)).

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

“(k) QUALITY REPORTING SYSTEM.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services (in this subsection referred to as the ‘Administrator’), shall implement a system for the reporting by eligible professionals of information on quality measures specified under paragraph (2). Such information shall be submitted in a form and manner specified by the Administrator (by pro-
gram instruction or otherwise), which may include submission of such information on claims under this part.

“(2) USE OF CONSENSUS-BASED QUALITY MEASURES.—

“(A) FOR 2007.—

“(i) IN GENERAL.—For purposes of applying this subsection for the reporting of information on quality measures for covered professional services furnished during the period beginning July 1, 2007, and ending December 31, 2007, the quality measures specified under this paragraph are the measures identified as 2007 physician quality measures under the Physician Voluntary Reporting Program as published on the public website of the Centers for Medicare & Medicaid Services as of the date of the enactment of this subsection, except as may be changed by the Administrator based on the results of a consensus-process meeting in January of 2007, if such change is published on such website by not later than April 1, 2007.
“(ii) Subsequent refinements in application permitted.—The Administrator may, from time to time (but in no case later than July 1, 2007), publish on such website (without notice or opportunity for public comment) modifications or refinements (such as code additions, corrections, or revisions) for the application of quality measures previously published under clause (i), but may not, under this clause, change the quality measures under the reporting system.

“(iii) Implementation.—Notwithstanding any other provision of law, the Administrator may implement by program instruction or otherwise this subsection for 2007.

“(B) For 2008.—

“(i) In general.—For purposes of reporting, for services furnished during 2008, the quality measures specified under this paragraph with respect to covered professional services shall be measures that have been adopted or endorsed by a consensus organization (such as the National
Quality Forum or AQA), that may include measures that have been submitted by a physician specialty, and that the Administrator identifies as having used a consensus-based process for developing such measures.

“(ii) PROPOSED SET OF MEASURES.—Not later than August 15, 2007, the Administrator shall publish in the Federal Register a proposed set of quality measures that the Administrator determines are described in clause (i) and would be appropriate for eligible professionals to use to submit data to the Administrator in 2008. The Administrator shall provide for a period of public comment on such set of measures.

“(iii) FINAL SET OF MEASURES.—Not later than November 15, 2007, the Administrator shall publish in the Federal Register a final set of quality measures that the Administrator determines are described in clause (i) and would be appropriate for eligible professionals to use to submit data to the Administrator in 2008.
(3) Covered professional services and eligible professionals defined.—For purposes of this subsection:

"(A) Covered professional services.—The term ‘covered professional services’ means services for which payment is made under, or is based on, the fee schedule established under this section and which are furnished by an eligible professional.

"(B) Eligible professional.—The term ‘eligible professional’ means any of the following:

“(i) A physician.

“(ii) A practitioner described in section 1842(b)(18)(C).

“(iii) A physical therapist, an occupational therapist, or a qualified speech-language pathologist.

(4) Requirements for 2008 proposed and final rule.—

“(A) Use of registry-based reporting.—As part of the publication of proposed and final quality measures for 2008 under clauses (ii) and (iii) of paragraph (2)(B), the Administrator shall address a mechanism
whereby an eligible professional may provide data on quality measures through an appropriate medical registry (such as the Society of Thoracic Surgeons National Database), as identified by the Administrator.

“(B) STRUCTURAL MEASURES.—As part of the publication of proposed and final quality measures for 2008 under clauses (ii) and (iii) of paragraph (2)(B), the Administrator shall adopt structural measures—

“(i) that reflect consensus among affected parties and that report on an eligible professional’s use of health information technology infrastructure that facilitates the accurate, effective, and secure exchange or coordination of health information, including the use of electronic health records and electronic prescribing technology; and

“(ii) set forth by one or more national consensus building entities.

“(5) IDENTIFICATION UNITS.—For purposes of applying this subsection, the Administrator may identify eligible professionals through billing units, which may include the use of the Provider Identifi-
ification Number, the unique physician identification number (described in section 1833(q)(1)), the taxpayer identification number, or the National Provider Identifier. For purposes of applying this subsection for 2007, the Administrator shall use the taxpayer identification number as the billing unit.

“(6) Education and Outreach.—The Secretary shall provide for education and outreach to eligible professionals on the operation of this subsection.

“(7) Limitations on Review.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of the development and implementation of the reporting system under paragraph (1), including identification of quality measures under paragraph (2) and the application of paragraphs (4) and (5).”.

(c) Transitional Bonus Incentive Payments for Quality Reporting in 2007.—

(1) In General.—With respect to covered professional services furnished during a reporting period described in paragraph (7)(D) by an eligible professional, if—

(A) there are any quality measures that have been established under the physician re-
reporting system that are applicable to any such services furnished by such professional for such period, and

(B) the eligible professional satisfactorily submits (as determined under paragraph (2)) to the Administrator data on such quality measures in accordance with such reporting system for such reporting period,

in addition to the amount otherwise paid under part B of title XVIII of the Social Security Act, subject to paragraph (3), there shall also be paid to the eligible professional (or to an employer or facility in the cases described in subparagraph (A) of section 1842(b)(6) of the Social Security Act, 42 U.S.C. 1395u(b)(6)) from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t) an amount equal to 1.5 percent of the Administrator's estimate (based on claims submitted not later than two months after the end of the reporting period) of the allowed charges under such part for all such covered professional services furnished during the reporting period.

(2) Satisfactory reporting described.—For purposes of paragraph (1), an eligible profes-
sional shall be treated as satisfactorily submitting
data on quality measures for covered professional
services for a reporting period if quality measures
have been reported as follows:

(A) Three or fewer quality measures
applicable.—If there are no more than 3
quality measures that are provided under the
physician reporting system and that are appli-
cable to such services of such professional fur-
nished during the period, each such quality
measure has been reported under such system
in at least 80 percent of the cases in which
such measure is reportable under the system.

(B) Four or more quality measures
applicable.—If there are 4 or more quality
measures that are provided under the physician
reporting system and that are applicable to
such services of such professional furnished
during the period, at least 3 such quality meas-
ures have been reported under such system in
at least 80 percent of the cases in which the re-
spective measure is reportable under the sys-
tem.

(3) Payment limitation.—
(A) In general.—In no case shall the total payment made to an eligible professional (or to an employer or facility in the cases described in subparagraph (A) of section 1842(b)(6) of the Social Security Act, 42 U.S.C. 1395u(b)(6)) under this subsection exceed the product of—

(i) the total number of quality measures for which data are submitted under the physician reporting system for covered professional services of such professional that are furnished during the reporting period; and

(ii) 300 percent of the average per measure payment amount specified in subparagraph (B).

(B) Average per measure payment amount specified.—The average per measure payment amount specified in this subparagraph is an amount, estimated by the Administrator (based on claims submitted not later than two months after the end of the reporting period), equal to—

(i) the total of the amount of allowed charges under part B of title XVIII of the
Social Security Act for all covered professional services furnished during the reporting period on claims for which quality measures are reported under such system; divided by

(ii) the total number of quality measures for which data are reported under the physician reporting system for covered professional services furnished during the reporting period.

(4) FORM OF PAYMENT.—The payment under this subsection shall be in the form of a single consolidated payment.

(5) APPLICATION.—

(A) PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5) and (6) of section 1848(k) of the Social Security Act, as added by subsection (b), shall apply for purposes of this subsection in the same manner as they apply for purposes of such section.

(B) COORDINATION WITH OTHER BONUS PAYMENTS.—The provisions of this subsection shall not be taken into account in applying subsections (m) and (u) of section 1833 of the Social Security Act (42 U.S.C. 1395l) and the
provisions of such subsections (m) and (u) shall not be taken into account in applying this subsection.

(C) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Administrator may implement by program instruction or otherwise this subsection.

(D) **LIMITATION ON REVIEW.**—

(i) **REPORTING SYSTEM RULE.**—Paragraph (7) of section 1848(k) of the Social Security Act, as added by subsection (b), shall apply for purposes of this subsection in the same manner as such paragraph applies for purposes of such section.

(ii) **OTHER PROVISIONS.**—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of the determination of measures applicable to services furnished by eligible professionals under this subsection, the determination of satisfactory reporting under paragraph (2), the determination of the payment limitation under paragraph (3), or the determination of the bonus incentive payment under this subsection.
(iii) Determinations.—A determination under this subsection shall not be treated as a determination for purposes of section 1869 of the Social Security Act (42 U.S.C. 1395ff).

(6) Validation.—Subject to the succeeding provisions of this paragraph, for purposes of determining whether a measure is applicable to covered professional services of an eligible professional under paragraph (2), the Administrator shall presume that if an eligible professional submits data for a measure, such measure is applicable to such professional. The Administrator shall validate (by sampling or other means as the Administrator determines to be appropriate) to determine if an eligible professional reports measures applicable to such services. If the Administrator determines that an eligible professional has not reported measures applicable to such services, the Administrator shall not pay the bonus incentive payment.

(7) Definitions.—For purposes of this subsection:

(A) Administrator.—The term “Administrator” means the Secretary of Health and Human Services, acting through the Adminis-
(B) **Eligible professional; covered professional services.**—The terms “eligible professional” and “covered professional services” have the meanings given such terms in section 1848(k)(3) of the Social Security Act, as added by subsection (b).

(C) **Physician reporting system.**—The term “physician reporting system” means the system established under section 1848(k) of the Social Security Act, as added by subsection (b).

(D) **Reporting period.**—The term “reporting period” means the period beginning on July 1, 2007, and ending on December 31, 2007.

(d) **Implementation.**—To carry out section 1848(k) of the Social Security Act, as added by subsection (b), and subsection (c), out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and human Services for the Centers for Medicare & Medicaid Services Program Management Account, $65,000,000 for the period of fiscal years 2007 and 2008.
SEC. 102. EXTENSION OF FLOOR ON MEDICARE WORK GEO-
GRAPHIC ADJUSTMENT.

Section 1848(e)(1)(E) of the Social Security Act (42
U.S.C. 1395w–4(e)(1)(E)) is amended by striking “before
January 1, 2007” and inserting “before January 1,
2008”.

SEC. 103. EXTENSION OF EXCEPTIONS PROCESS FOR MEDI-
CARE THERAPY CAPS; SUPPLIER STATUS FOR
SPEECH-LANGUAGE PATHOLOGISTS.

(a) In General.—Section 1833(g)(5) of the Social
Security Act (42 U.S.C. 1395l(g)(5)) is amended by strik-
ing “2006” and inserting “the period beginning on Janu-
ary 1, 2006, and ending on December 31, 2007,”.

(b) Supplier Status for Speech-Language Pa-
thologists.—

(1) In General.—Section 1861 of the Social
Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (p), by striking the
fourth sentence; and

(B) in subsection (ll), by adding at the end
the following new paragraph:

“(4) The term ‘outpatient speech-language pathology
services’ shall have the meaning given the term ‘outpatient
physical therapy services’ under subsection (p), except
that in applying such meaning for purposes of this para-
graph, each reference to ‘physical therapist’ and ‘physical
therapy’ shall be deemed a reference to ‘speech-language
pathologist’ and ‘speech-language pathology’, respec-
tively.’’.

(2) CONFORMING AMENDMENTS.—Section 1833
of such Act (42 U.S.C. 1395l) is amended—

(A) in each of subparagraphs (A) and (B)
of subsection (a)(8), by striking ‘‘(which in-
cludes outpatient speech-language pathology
services)’’ and inserting ‘‘, outpatient speech-
language pathology services,’’; and

(B) in subsection (g)(1)—

(i) by inserting ‘‘and speech-language
pathology services’’ after ‘‘physical therapy
services’’ each place it appears; and

(ii) by striking ‘‘section 1861(p)’’ and
inserting ‘‘sections 1861(p) and
1861(ll)(4), respectively,’’.

(3) EFFECTIVE DATE.—The amendments made
by paragraphs (1) and (2) shall apply to services
furnished on or after July 1, 2007.

(4) CONSTRUCTION.—Nothing in this sub-
section shall be construed to affect existing regula-
tions and policies of the Centers for Medicare &
Medicaid Services that require physician oversight of
care as a condition of payment for speech-language
pathology services under part B of title XVIII of the Social Security Act.

SEC. 104. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Effective as if included in the enactment of section 416 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), subsection (b) of such section is amended by striking “2-year period” and inserting “3-year period”.

SEC. 105. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.


SEC. 106. FUNDING FOR THE HEALTH CARE FRAUD AND
ABUSE CONTROL ACCOUNT.

(a) DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND JUSTICE.—

(1) IN GENERAL.—Section 1817(k)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395i(k)(3)(A)(i)) is amended—

(A) in the matter preceding subclause (I), by inserting “until expended” after “without further appropriation”;

(B) in subclause (II), by striking “and” at the end;

(C) in subclause (III)—

(i) by striking “for each fiscal year after fiscal year 2003” and inserting “for each of fiscal years 2004, 2005, and 2006”; and

(ii) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following new subclause:

“(IV) for each fiscal year after 2006, the limit under this clause for the preceding fiscal year, increased by the percentage increase in the consumer price index for all urban con-
sumers (all items; United States city average) over the previous year.”.


(A) in subclause (VI), by striking “and” at the end;

(B) in subclause (VII)—

(i) by striking “for each fiscal year after fiscal year 2002” and inserting “for each of fiscal years 2003, 2004, 2005, and 2006”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

“(VIII) for fiscal year 2007, not less than $160,000,000, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year; and
“(IX) for each fiscal year after
2007, not less than the amount re-
quired under this clause for the pre-
ceding fiscal year, increased by the
percentage increase in the consumer
price index for all urban consumers
(all items; United States city average)
over the previous year.”.

(b) FEDERAL BUREAU OF INVESTIGATION.—Section
1817(k)(3)(B) of the Social Security Act (42 U.S.C.
1395i(k)(3)(B)) is amended—

(1) in the matter preceding clause (i), by insert-
ing “until expended” after “without further appro-
priation”;

(2) in clause (vi), by striking “and” at the end;

(3) in clause (vii)—

(A) by striking “for each fiscal year after
fiscal year 2002” and inserting “for each of fis-
cal years 2003, 2004, 2005, and 2006”; and

(B) by striking the period at the end and
inserting “; and”;

(4) by adding at the end the following new
clause:

“(viii) for each fiscal year after 2006,
the amount to be appropriated under this
subparagraph for the preceding fiscal year,
increased by the percentage increase in the
consumer price index for all urban con-
sumers (all items; United States city aver-
age) over the previous year.”.

SEC. 107. MEDICARE HOSPITAL WAGE INDEX REVISION.

(a) CORRECTION OF MID-YEAR RECLASSIFICATION
EXPIRATION.—Notwithstanding any other provision of
law, in the case of a subsection (d) hospital (as defined
for purposes of section 1886 of the Social Security Act
(42 U.S.C. 1395ww)) with respect to which a reclassifica-
tion of its wage index for purposes of such section would
(but for this subsection) expire on March 31, 2007, such
reclassification of such hospital shall be extended through

(b) MEDPAC REPORT.—

(1) IN GENERAL.—The Medicare Payment Ad-
visory Commission shall submit to Congress, by not
later than June 30, 2007, a report on its study of
the wage index classification system applied under
Medicare prospective payment systems, including
under section 1886(d)(3)(E) of the Social Security
Act (42 U.S.C. 1395ww(d)(3)(E)). Such report shall
include any alternatives the Commission rec-
ommends to the method to compute the wage index under such section.

(2) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Medicare Payment Advisory Commission, $2,000,000 for fiscal year 2007 to carry out this subsection.

SEC. 108. UPDATE TO THE COMPOSITE RATE COMPONENT OF THE BASIC CASE-MIX ADJUSTED PROSPECTIVE PAYMENT SYSTEM FOR DIALYSIS SERVICES.

Section 1881(b)(12)(G) of the Social Security Act (42 U.S.C. 1395rr(b)(12)(G)) is amended to read as follows:

“(G) The Secretary shall increase the amount of the composite rate component of the basic case-mix adjusted system under subparagraph (B) for dialysis services—

“(i) furnished on or after January 1, 2006, and before April 1, 2007, by 1.6 percent above the amount of such composite rate component for such services furnished on December 31, 2005; and

“(ii) furnished on or after April 1, 2007, by 1.6 percent above the amount of such composite rate component for such services furnished on March 31, 2007.”.
SEC. 109. REVISION OF MEDICARE ADVANTAGE REGIONAL PLAN STABILIZATION FUND.

(a) Initial Funding.—Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)) is amended to read as follows:

“(i) In general.—There shall be available to the Fund—

“(I) for expenditures from the Fund during fiscal year 2011, a total of $770,000,000; and

“(II) for expenditures from the Fund during the period beginning on October 1, 2011, and ending on December 31, 2013, a total of $3,500,000,000.”.

(b) Additional Funding From Savings.—Section 1858(e)(2)(B)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(B)(i)) is amended by adding at the end the following new sentence: “Amounts shall accrue to the Fund under the preceding sentence during the period beginning on January 1, 2007, and ending on December 31, 2013, but such amounts shall only be available for expenditure during the period beginning on October 1, 2011, and ending on December 31, 2013.”.

(c) Effective Date.—The amendments made by this section shall take effect as if included in the enact-

**SEC. 110. PAYMENT FOR ADMINISTRATION OF PART D VACCINES.**

(a) Transition for 2007.—Notwithstanding any other provision of law, in the case of a vaccine that is a covered part D drug under section 1860D-2(e) of the Social Security Act (42 U.S.C. 1395w-102(e)) and that is administered during 2007, the administration of such vaccine shall be paid under part B of title XVIII of such Act as if it were the administration of a vaccine described in section 1861(s)(10)(B) of such Act (42 U.S.C. 1395w(s)(10)(B)).

(b) Administration Included in Coverage of Covered Part D Drugs Beginning in 2008.—Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)) is amended, in the matter following subparagraph (B), by inserting “(and, for vaccines administered on or after January 1, 2008, its administration)” after “Public Health Service Act”.

**SEC. 111. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS RELATING TO TITLE V (MEDICARE).**

(a) Correction of Margin (Section 5001).—Section 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
6 (b) Inclusion of Required Reports on Hos-
7 pital Based Purchasing That Were Struck Be-
8 cause of the Byrd Rule (Section 5001).—
9
10 (1) In general.—Section 5001(b) of the Def-
11 cit Reduction Act of 2005 (Public Law 109–171) is
12 amended by adding at the end the following new
13 paragraphs:
14
15 “(3) Congressional report.—By not later
16 than August 1, 2007, the Secretary of Health and
17 Human Services shall submit a report to Congress
18 on the plan for the value based purchasing program
19 developed under this subsection.
20
21 “(4) MedPac report on hospital value
22 based purchasing program.—
23
24 “(A) In general.—By not later than
25 June 1, 2007, the Medicare Payment Advisory
26 Commission shall submit to Congress a report
27 that includes detailed recommendations on a
28 structure of value based payment adjustments
29 for hospital services under the Medicare pro-
gram under title XVIII of the Social Security Act.

“(B) CONTENTS.—Such report shall include the following:

“(i) Determinations of the thresholds, the size of payments, the sources of funds, and the relationship of payments to improvement and attainment of quality.

“(ii) An analysis of hospital efficiency measures, such as costs per discharge and related services within an episode of care, including payments for physicians’ services associated with the discharge or episode of care.

“(iii) An identification of other changes that are needed within the payment structure under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) to assure consistency between such structure and the value based payment program.”.

(2) ELIMINATION OF DUPLICATIVE LANGUAGE.—Section 1886(b)(3)(B)(viii)(I) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(viii)(I)), as added by section 5001(a) of the Deficit Reduction
Act of 2005 (Public Law 109–171), is amended by striking ‘‘, and the Secretary and the Medicare Pay-
ment Advisory Commission shall carry out the re-
quirements under section 5001(b) of the Deficit Re-
duction Act of 2005’’.

(c) D ETERMINATION OF MEDICAID PATIENT DAYS
FOR DSH COMPUTATION (SECTION 5002).—

(1) I N GENERAL.—Section 5002 of the Deficit
Reduction Act of 2005 (Public Law 109–171) is
amended by adding at the end the following new
subsection:

‘‘(c) D ETERMINATION OF MEDICAID PATIENT DAYS
FOR DISCHARGES OCCURRING ON OR AFTER THE DATE
OF ENACTMENT OF THIS SUBSECTION.—For discharges
occurring on or after the date of enactment of this sub-
section, in determining under section
1886(d)(5)(F)(vi)(II) of the Social Security Act (42
U.S.C. 1395ww(d)(5)(F)(vi)(II)) the number of the hos-
pital’s patient days for the applicable cost reporting period
which consist of patients who (for such days) were eligible
for medical assistance under a State plan approved under
title XIX, the Secretary shall include patient days of pa-
tients who are eligible to receive inpatient hospital benefits
under a demonstration project approved under title XI
and shall not include patient days under such a project
if the patient is not eligible to receive inpatient hospital benefits under the project.’’.

(2) CONFORMING AMENDMENT.—The last sentence of section 1886(d)(5)(F)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(vi)), as added by section 5002(a) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended by striking “In determining under subclause (II)” and inserting “Subject to section 5002(c) of the Deficit Reduction Act of 2005, in determining under sub-

clause (II)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

(d) REFERENCE CORRECTION (SECTION 5114).—Section 5114(a)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), in the matter preceding subparagraph (A), is amended by striking “1842(b)(6)(F) of such Act (42 U.S.C. 1395u(b)(6)(F))” and inserting “1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6))”.

(e) CLARIFICATIONS REGARDING THE RURAL PACE PROVIDER GRANT PROGRAM (SECTION 5302).—Section 5302(e)(7) of the Deficit Reduction Act of 2005 (42 U.S.C. 1395eee note) is amended to read as follows:

“(7) APPROPRIATION.—
“(A) IN GENERAL.—Out of funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary $10,000,000 to carry out this subsection for the period of fiscal years 2006 through 2010.

“(B) AVAILABILITY.—Funds appropriated under subparagraph (A) shall remain available for obligation through fiscal year 2010.”.

(f) EFFECTIVE DATE.—Except as provided in subsection (c), the amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109–171).

SEC. 112. ACCESS OF CONGRESSIONAL SUPPORT AGENCIES TO DATA ON PRESCRIPTION DRUG PLANS AND MEDICARE ADVANTAGE PLANS.

Section 1875 of the Social Security Act (42 U.S.C. 1395ll) is amended—

(1) in the heading, by inserting “TO CONGRESS; PROVIDING PART D INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES” after “AND RECOMMENDATIONS”; and

(2) by adding at the end the following new subsection:

“(c) PROVIDING PART D INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES.—
“(1) IN GENERAL.—Notwithstanding any provision under part D that limits the use of prescription drug data collected under such part, upon the request of a Congressional support agency, the Secretary shall provide such agency with information submitted to, or compiled by, the Secretary under part D (subject to paragraphs (2) and (3)), including—

“(A) aggregate negotiated concessions on prices for drugs covered under prescription drug plans and MA–PD plans; and

“(B) bid information (described in section 1860D–11(b)(2)(C)) submitted for such plans.

“(2) APPLICATION OF DATA DISCLOSURE PROHIBITIONS.—Data provided to a Congressional support agency under this subsection shall not be disclosed by such agency in cases where such disclosure by the Secretary would be prohibited under applicable Federal law.

“(3) SAFEGUARDING DATA.—Each congressional support agency shall adopt and maintain reasonable safeguards to protect against the unauthorized disclosure of data provided under this subsection. Such safeguards shall be no less stringent
than those adopted by the Secretary to protect
against the unauthorized disclosure of such data.

“(4) CONGRESSIONAL SUPPORT AGENCY DE-
FINED.—In this subsection, the term ‘Congressional
support agency’ means—

“(A) the Medicare Payment Advisory Com-
mission;

“(B) the Congressional Research Service;

“(C) the Congressional Budget Office; and

“(D) the Government Accountability Of-

“(5) RULE OF CONSTRUCTION.—Nothing in
this subsection shall be construed to limit the ability
of a Congressional support agency to obtain infor-

SEC. 113. EXTENSION OF PAYMENT RULE FOR
BRACHYTHERAPY.

Section 1833(t)(16)(C) of the Social Security Act (42
U.S.C. 1395l(t)(16)(C)) is amended by striking “January
1, 2007” and inserting “January 1, 2008”.

SEC. 114. CLARIFICATION OF HOSPICE SATELLITE DES-
IGNATION.

Notwithstanding any other provision of law, for pur-
poses of calculating the hospice aggregate payment cap for
2004, 2005, and 2006 for a hospice program under sec-
tion 1814(i)(2)(A) of the Social Security Act (42 U.S.C. 1395f(i)(2)(A)) for hospice care provided on or after November 1, 2003, and before December 27, 2005, Medicare provider number 29-1511 is deemed to be a multiple location of Medicare provider number 29-1500.

SEC. 115. ELIMINATION OF UNNECESSARY REPORTS.

Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) in subsection (d)(4)(C), by striking clause (iv); and

(2) in subsection (e), by striking paragraph (3).

SEC. 116. EXCLUSION OF CERTAIN DRUGS TO BE BROUGHT ACROSS THE BORDER.

(a) IN GENERAL.—Section 535 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295), in the second proviso, is amended—

(1) in paragraph (1), by striking “or” at the end; and

(2) in paragraph (2), by striking the period at the end and inserting the following: “, including—

“(A) a therapeutic DNA plasmid product;

“(B) a therapeutic synthetic peptide product;

“(C) a monoclonal antibody product for in vivo use; and
“(D) a therapeutic recombinant DNA-derived product;
“(3) an infused drug, including a peritoneal dialysis solution;
“(4) an injected drug;
“(5) a drug that is inhaled during surgery;
“(6) a drug that is the listed drug referred to in 2 or more abbreviated new drug applications under which the drug is commercially marketed; or
“(7) a sterile opthalmic drug intended for topical use on or in the eye.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of such section 535.

SEC. 117. IMPLEMENTATION FUNDING.

For purposes of implementing the provisions of, and amendments made by, this title (excluding section 116), out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, $45,000,000 for the period of fiscal years 2007 and 2008.
TITLE II—MEDICAID AND SCHIP
PROVISIONS

SEC. 201. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS RELATING TO TITLE VI (MEDICAID).

(a) State Flexibility in Benefit Packages

(Section 6044).—

(1) Clarification of requirement to provide EPSDT services for all children in benchmark benefit packages.—Section 1937(a)(1) of the Social Security Act, as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking “enrollment in coverage that provides” and inserting “coverage that”;

(ii) in clause (i), by inserting “provides” after “(i)”; and

(iii) by striking clause (ii) and inserting the following:

“(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described
in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).”;

(B) in subparagraph (C)—

(i) in the heading, by striking “WRAP-AROUND” and inserting “ADDITIONAL”; and

(ii) by striking “wrap-around or”; and

(C) by adding at the end the following new subparagraph:

“(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

“(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

“(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in
subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2).”.

(2) Correction of reference to children in foster care receiving child welfare services.—Section 1937(a)(2)(B)(viii) of the Social Security Act, as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking “aid or assistance is made available under part B of title IV to children in foster care and individuals” and inserting “child welfare services are made available under part B of title IV on the basis of being a child in foster care or”.

(3) Transparency.—Section 1937 of the Social Security Act, as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

“(c) Publication of Provisions Affected.—Not later than 30 days after the date the Secretary approves a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b), the Secretary shall publish in the Federal Register and on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to
carry out such plan amendment and the reason for each such determination.”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

(b) TECHNICAL CORRECTIONS RELATING TO STATE OPTION FOR ALTERNATIVE PREMIUMS AND COST SHARING (SECTIONS 6041 THROUGH 6043).—

(1) CLARIFICATION OF CONTINUED APPLICATION OF REGULAR COST SHARING RULES FOR INDIVIDUALS WITH FAMILY INCOME NOT EXCEEDING 100 PERCENT OF THE POVERTY LINE.—Section 1916A of the Social Security Act, as inserted by section 6041(a) of the Deficit Reduction Act of 2005 and amended by sections 6042 and 6043 of such Act, is amended—

(A) in subsection (a)(1)—

(i) by inserting “but subject to paragraph (2),” after “1902(a)(10)(B),”; and

(ii) by inserting “and non-emergency services furnished in a hospital emergency department for which cost sharing may be imposed under subsection (c)” after “(e)”;
(B) by redesignating paragraph (2) of subsection (a) as paragraph (3);

(C) in subsection (a), by inserting after paragraph (1) the following:

“(2) EXEMPTION FOR INDIVIDUALS WITH FAMILY INCOME NOT EXCEEDING 100 PERCENT OF THE POVERTY LINE.—

“(A) In general.—Paragraph (1) and subsection (d) shall not apply, and sections 1916 and 1902(a)(10)(B) shall continue to apply, in the case of an individual whose family income does not exceed 100 percent of the poverty line applicable to a family of the size involved.

“(B) Limit on aggregate cost sharing.—To the extent cost sharing under subsection (c) and (e) or under section 1916 is imposed against individuals described in subparagraph (A), the limitation under subsection (b)(1)(B)(ii) on the total aggregate amount of cost sharing shall apply to such cost sharing for all individuals in a family described in subparagraph (A) in the same manner as such limitations apply to cost sharing and families described in subsection (b)(1)(B)(ii).”;}
(D) in subsections (c)(2)(C) and (e)(2)(C), by inserting “under subsection (a)(2)(B) or” after “cap on cost sharing applied”; and

(E) in subsection (e)(2)(A), by inserting “who is not described in subparagraph (B)” after “subsection (b)(1)”.

(2) Clarification of Treatment of Non-PREFERRED DRUG AND NON-EMERGENCY COST-SHARING.—Such section is further amended—

(A) in subsections (b)(1) and (b)(2), by striking “, subject to subsections (c)(2) and (e)(2)(A)”;

(B) in subsection (c)(1), in the matter preceding subparagraph (A), by striking “least (or less) costly effective” and inserting “most (or more) cost effective”;

(C) in subsection (c)(1)(B), by striking “otherwise be imposed under” and inserting “be imposed under subsection (a) due to the application of”;

(D) in subsection (c)(2)(B), by striking “otherwise not subject to cost sharing due to the application of subsection (b)(3)(B)” and inserting “not subject to cost sharing under sub-
section (a) due to the application of paragraph (1)(B)’’;

(E) in subsection (e)(2)(A)—

(i) by amending the heading to read as follows: “INDIVIDUALS WITH FAMILY INCOME BETWEEN 100 AND 150 PERCENT OF THE POVERTY LINE.—”; and

(ii) by striking “under subsection (b)(1)” and inserting “under subsection (b)(1)(B)(ii)”;

(F) in subsection (e)(2)(B), by striking “who is otherwise not subject to cost sharing under subsection (b)(3)” and inserting “described in subsection (a)(2)(A) or who is not subject to cost sharing under subsection (b)(3)(B) with respect to non-emergency services described in paragraph (1)” and

(G) in subsection (e)(2)(C), by inserting “or section 1916” after “subsection (a)”.

(3) CLARIFICATION OF COST SHARING RULES APPLICABLE TO DISABLED CHILDREN PROVIDED MEDICAL ASSISTANCE UNDER THE ELIGIBILITY CATEGORY ADDED BY THE FAMILY OPPORTUNITY ACT.—Such section is further amended—
(A) in subsection (a)(1), in the second sentence, by striking “section 1916(g)” and inserting “subsection (g) or (i) of section 1916”; and

(B) in subsection (b)(3)—

(i) in subparagraph (A), by adding at the end the following:

“(vi) Disabled children who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XIX) and 1902(ce).”;

and

(ii) in subparagraph (B), by adding at the end the following:

“(ix) Services furnished to disabled children who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XIX) and 1902(ce).”.

(4) CORRECTION OF IV–B REFERENCES.—Such section is further amended in subsection (b)(3)—

(A) in subparagraph (A)(i), by striking “aid or assistance is made available under part B of title IV to children in foster care” and inserting “child welfare services are made avail-
able under part B of title IV on the basis of being a child in foster care”; and

(B) in subparagraph (B)(i), by striking “aid or assistance is made available under part B of title IV to children in foster care” and inserting “child welfare services are made available under part B of title IV on the basis of being a child in foster care or”.

(5) Non-emergency services.—Section 1916A(e)(4)(A) of the Social Security Act, as added by section 6043(a) of the Deficit Reduction Act of 2005, is amended by striking “the physician determines”.

(6) Effective date.—The amendments made by this subsection shall take effect as if included in the amendments made by sections 6041(a) of the Deficit Reduction Act of 2005, except that insofar as such amendments are to, or relate to, subsection (c) or (e) of section 1916A of the Social Security Act, such amendments shall take effect as if included in the amendments made by section 6042 or 6043, respectively, of the Deficit Reduction Act of 2005.

(c) Technical corrections relating to requirement to disclose drug price information to
States and the Public and Manufacturer Reporting of Prompt Pay Discounts (Sections 6001 and 6003).—


(A) in the matter preceding subclause (I), by inserting “month of a” after “last day of each”; and

(B) in subclause (I), by inserting “and customary prompt pay discounts extended to wholesalers” after “(k)(1))”.

(2) Effective date.—The amendments made by paragraph (1) shall take effect as if included in the amendment made by section 6003(a)(1) of the Deficit Reduction Act of 2005.

(3) Superseding overlapping amendments.—The amendments made to section 1927(b)(3)(A)(i) of the Social Security Act by section 6003(a)(1) of the Deficit Reduction Act of 2005 and by paragraph (1) shall supersede the amendments made to such section by subsections (b)(1)(A) and (c)(2) of section 6001 of the Deficit Reduction Act of 2005.
(d) **Clarifying Treatment of Certain Annuities (Section 6012).**—

(1) **In General.**—Section 1917(c)(1)(F)(i) of the Social Security Act (42 U.S.C. 1396p(c)(1)(F)(i)), as added by section 6012(b) of the Deficit Reduction Act of 2005, is amended by striking “annuitant” and inserting “institutionalized individual”.

(2) **Effective Date.**—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 6012 of the Deficit Reduction Act of 2005.

(e) **Additional Miscellaneous Technical Corrections.**—

(1) **Children’s Hospital Participation in Section 340b Drug Discount Program (Section 6004).**—Effective as if included in the enactment of section 6004 of the Deficit Reduction Act of 2005, section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)), as amended by such section 6004, is amended—

(A) in subparagraph (A), by inserting before the period at the end the following: “and applies such agreement to a covered entity described in the second sentence of subparagraph
(B), without regard to subparagraph (D) or to subsection (d) of such section”; and

(B) in subparagraph (B), by striking all that follows “the Public Health Service Act” the first place it appears and inserting a period and the following: “Such term includes a children’s hospital excluded from the Medicare inpatient prospective payment system pursuant to section 1886(d)(1)(B)(iii) which meets the requirements of subsection (a)(5) of section 340B of the Public Health Service Act and which would meet the requirements of subsection (a)(4)(L) of such section, including the disproportionate share adjustment percentage requirement under clause (ii) of such subsection, if the hospital were a subsection (d) hospital.”.

(2) DOCUMENTATION (SECTION 6036).—

(A) IN GENERAL.—Effective as if included in the amendment made by section 6036(a)(2) of the Deficit Reduction Act of 2005, section 1903(x) of the Social Security Act (42 U.S.C. 1396b(x)), as inserted by such section 6036(a)(2), is amended—

(i) in paragraph (1), by striking “(i)(23)” and inserting “(i)(22)”;}
(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “alien” and inserting “individual declaring to be a citizen or national of the United States”;

(II) by striking subparagraph (B) and inserting the following:

“(B) and is receiving—

“(i) disability insurance benefits under section 223 or monthly insurance benefits under section 202 based on such individual’s disability (as defined in section 223(d)); or

“(ii) supplemental security income benefits under title XVI;”;

(III) in subparagraph (C)—

(aa) by striking “other”; and

(bb) by striking “had” and inserting “has”; 

(IV) by redesignating subparagraph (C) as subparagraph (D); and
(V) by inserting after subparagraph (B) the following new subparagraph:

“(C) and with respect to whom—

“(i) child welfare services are made available under part B of title IV on the basis of being a child in foster care; or

“(ii) adoption or foster care assistance is made available under part E of title IV; or”;

(iii) in paragraph (3)(C)(iii), by striking “I–97” and inserting “I–197”; and

(iv) by adding at the end the following new paragraph:

“(4) An individual declaring to be a citizen or national of the United States shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.”.

(B) ASSURANCE OF STATE FOSTER CARE AGENCY VERIFICATION OF CITIZENSHIP OR LEGAL STATUS.—
(i) **STATE PLAN AMENDMENT.**—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(I) in paragraph (25), by striking “and” at the end;

(II) in paragraph (26)(C), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(27) provides that, with respect to any child in foster care under the responsibility of the State under this part or part B and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child, the State has in effect procedures for verifying the citizenship or immigration status of the child.”.

(ii) **INCLUSION IN REVIEWS OF CHILD AND FAMILY SERVICES PROGRAMS.**—Section 1123A(b)(2) of the Social Security Act (42 U.S.C. 1320a-2a(b)(2)) is amended by inserting “(which shall include determining whether the State program is in conformity with the requirement of section 471(a)(27))” after “review”.


(iii) **Effective date.**—The amendments made by this subparagraph shall take effect on the date that is 6 months after the date of enactment of this Act.

(3) **Miscellaneous technical corrections.**—

(A) Effective as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109–171), the following sections of such Act are amended as follows:

(i) Section 5114(a)(2) is amended by striking “section 1842(b)(6)(F) of such Act (42 U.S.C. 1395u(b)(6)(F))” and inserting “section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6))”.

(ii) Section 6003(b)(2) is amended, by striking “subsection (k)” and inserting “subsection (k)(1)”.

(iii) Sections 6031(b), 6032(b), and 6035(c) are each amended by striking “section 6035(e)” and inserting “section 6034(e)”.

(iv) Section 6034(b) is amended by striking “section 6033(a)” and inserting “section 6032(a)”. 
(v) Section 6036 is amended—

(I) in subsection (b), by striking “section 1903(z)” and inserting “section 1903(x)”; and

(II) in subsection (c), by striking “(i)(23)” and inserting “(i)(22)”.

(B) Effective as if included in the amendment made by section 6015(a)(1) of the Deficit Reduction Act of 2005, section 1919(c)(5)(A)(i)(II) of the Social Security Act (42 U.S.C. 1396r(c)(5)(A)(i)(II)) is amended by striking “clause (v)” and inserting “subparagraph (B)(v)”.

SEC. 202. CHANGE IN THRESHOLD FOR INDIRECT HOLD HARMLESS PROVISION OF BROAD-BASED HEALTH CARE TAXES.

Section 1903(w)(4)(C) of the Social Security Act (42 U.S.C. 1396b(w)(4)(C)) is amended—

(1) by inserting “(i)” after “(C)”; and

(2) by adding at the end the following:

“(ii) For purposes of clause (i), a determination of the existence of an indirect guarantee shall be made under paragraph (3)(i) of section 433.68(f) of title 42, Code of Federal Regulations, as in effect on November 1, 2006, except that for each of fiscal
years 2008 through 2011, ‘5.5 percent’ shall be substi-
tuted for ‘6 percent’ each place it appears.”.

SEC. 203. EXTENSION OF TRANSITIONAL MEDICAL ASSIST-
ANCE (TMA) AND ABSTINENCE EDUCATION
PROGRAM.

Activities authorized by sections 510 and 1925 of the
Social Security Act shall continue through June 30, 2007,
in the manner authorized for fiscal year 2006, notwith-
standing section 1902(e)(1)(A) of such Act, and out of
any money in the Treasury of the United States not other-
wise appropriated, there are hereby appropriated such
sums as may be necessary for such purpose. Grants and
payments may be made pursuant to this authority through
the third quarter of fiscal year 2007 at the level provided
for such activities through the third quarter of fiscal year
2006.

SEC. 204. REDISTRIBUTION OF CERTAIN UNUSED SCHIP AL-
LOTMENTS FOR FISCAL YEARS 2004 AND 2005
TO REDUCE FUNDING SHORTFALLS FOR FISC-
CAL YEAR 2007.

(a) Redistribution of Certain Unused SCHIP
Allotments.—Section 2104 of the Social Security Act
(42 U.S.C. 1397dd) is amended by adding at the end the
following new subsection:
“(h) Special Rules to Address Fiscal Year 2007 Shortfalls.—

“(1) Redistribution of Unused Fiscal Year 2004 Allotments.—

“(A) In general.—Notwithstanding subsection (f) and subject to subparagraph (C), with respect to months beginning during fiscal year 2007, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2004 under subsection (b) that are not expended by the end of fiscal year 2006, to a shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

“(B) Shortfall state described.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates, subject to paragraph (4)(B) and on a monthly basis using the most recent data available to the Secretary as of such month, that the projected expenditures under such plan for such State for
such month of fiscal year 2007 will exceed the
sum of—

“(i) the amount of the State’s allot-
ments for each of fiscal years 2005 and
2006 that was not expended by the end of
fiscal year 2006; and

“(ii) the amount of the State’s allot-
ment for fiscal year 2007.

“(C) FUNDS REDISTRIBUTED IN THE
ORDER IN WHICH STATES REALIZE FUNDING
SHORTFALLS.—The Secretary shall redistribute
the amounts available for redistribution under
subparagraph (A) to shortfall States described
in subparagraph (B) in the order in which such
States realize monthly funding shortfalls under
this title for fiscal year 2007. The Secretary
shall only make redistributions under this para-
graph to the extent that there are unexpended
fiscal year 2004 allotments under subsection (b)
available for such redistributions (and may re-
duce, instead of eliminate, the estimated month-
ly shortfall for the last shortfall State which is
eligible for a redistribution for a month under
this paragraph if the amount available for that
redistribution is less than the monthly estimated shortfall for such State).

“(2) Funding remainder of reduction of shortfall for fiscal year 2007 through redistribution of certain unused fiscal year 2005 allotments.—

“(A) in general.—Subject to subparagraph (C) and paragraph (5)(B), with respect to months beginning during fiscal year 2007 after March 31, 2007, the Secretary shall provide for a redistribution under subsection (f) from amounts made available for redistribution under paragraph (3) to each shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

“(B) shortfall state described.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates, subject to paragraph (4)(B) and on a monthly basis using the most recent data available to the Secretary as of March 31, 2007, that the projected
expenditures under such plan for such State for such month of fiscal year 2007 will exceed the sum of—

“(i) the amount of the State’s allotments for each of fiscal years 2005 and 2006 that was not expended by the end of fiscal year 2006;

“(ii) the amount, if any, that is to be redistributed to the State for the month in accordance with paragraph (1); and

“(iii) the amount of the State’s allotment for fiscal year 2007.

“(C) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under subparagraph (A) to shortfall States described in subparagraph (B) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2007. The Secretary shall only make redistributions under this paragraph to the extent that such amounts are available for such redistributions (and may reduce, instead of eliminate, the estimated monthly shortfall for the last shortfall State which is
eligible for a redistribution for a month under this paragraph if the amount available for that redistribution is less than the monthly estimated shortfall for such State).

“(3) **Treatment of Certain States with Fiscal Year 2005 Allotments Unexpended at the End of the First Half of Fiscal Year 2007.—**

**(A) Identification of States.—** The Secretary, on the basis of the most recent data available to the Secretary as of March 31, 2007—

“(i) shall identify those States that received an allotment for fiscal year 2005 under subsection (b) which have not expended all of such allotment by March 31, 2007; and

“(ii) for each such State shall estimate—

“(I) the portion of such allotment that was not so expended by such date; and

“(II) whether the State is described in subparagraph (B).
“(B) States with funds in excess of 200 percent of need.—A State described in this subparagraph is a State for which the Secretary determines, on the basis of the most recent data available to the Secretary as of March 31, 2007, that the total of all available allotments under this title to the State as of such date, is at least equal to 200 percent of the total projected expenditures under this title for the State for fiscal year 2007.

“(C) Redistribution and limitation on availability of portion of unused allotments for certain states.—

“(i) In general.—In the case of a State identified under subparagraph (A)(i) that is also described in subparagraph (B), notwithstanding subsection (e), the applicable amount described in clause (ii) shall not be available for expenditure by the State on or after April 1, 2007, and shall be redistributed in accordance with paragraph (2).

“(ii) Applicable amount.—For purposes of clause (i), the applicable amount described in this clause is the lesser of—
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“(I) 50 percent of the amount
described in subparagraph (A)(ii)(I);
or

“(II) $40,000,000.

“(4) Special rules.—

“(A) Expenditures limited to cov-
erage for populations eligible on octo-
ber 1, 2006.—A State shall use amounts redis-
tributed under this subsection only for expendi-
tures for providing child health assistance or
other health benefits coverage for populations
eligible for such assistance or benefits under the
State child health plan (including under a waiv-
er of such plan) on October 1, 2006.

“(B) Regular FMAP for expenditures
for coverage of nonchild populations.—
To the extent a State uses amounts redistrib-
uted under this subsection for expenditures for
providing child health assistance or other health
benefits coverage to an individual who is not a
child or a pregnant woman, the Federal medical
assistance percentage (as defined in the first
sentence of section 1905(b)) applicable to the
State for the fiscal year shall apply to such ex-
penditures for purposes of making payments to
the State under subsection (a) of section 2105
from such amounts.

“(5) Retrospective Adjustment.—

“(A) In General.—The Secretary may
adjust the estimates and determinations made
under paragraphs (1), (2), and (3) as necessary
on the basis of the amounts reported by States
not later than November 30, 2007, on CMS
Form 64 or CMS Form 21, as the case may be
and as approved by the Secretary, but in no
case may the applicable amount described in
paragraph (3)(C)(ii) exceed the amount deter-
dined by the Secretary on the basis of the most
recent data available to the Secretary as of

“(B) Funding of Any Retrospective
Adjustments Only From Unexpended 2005
Allotments.—Notwithstanding subsections
(e) and (f), to the extent the Secretary deter-
mines it necessary to adjust the estimates and
determinations made for purposes of para-
graphs (1), (2), and (3), the Secretary may use
only the allotments for fiscal year 2005 under
subsection (b) that remain unexpended through
the end of fiscal year 2007 for providing any
additional amounts to States described in paragraph (2)(B) (without regard to whether such unexpended allotments are from States described paragraph (3)(B)).

“(C) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as—

“(i) authorizing the Secretary to use the allotments for fiscal year 2006 or 2007 under subsection (b) of States described in paragraph (3)(B) to provide additional amounts to States described in paragraph (2)(B) for purposes of eliminating the funding shortfall for such States for fiscal year 2007; or

“(ii) limiting the authority of the Secretary to redistribute the allotments for fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007 and are available for redistribution under subsection (f) after the application of subparagraph (B).

“(6) 1-YEAR AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for fiscal year 2007 shall only re-
main available for expenditure by the State through September 30, 2007, and any amounts of such re-
distributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f). Nothing in the preceding sentence shall be construed as limiting the ability of the Sec-
retary to adjust the determinations made under paragraphs (1), (2), and (3) in accordance with paragraph (5).

“(7) DEFINITION OF STATE.—For purposes of this subsection, the term ‘State’ means a State that receives an allotment for fiscal year 2007 under sub-
section (b).”.

(b) EXTENDING AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EX-
PENDITURES.—Section 2105(g)(1)(A) of such Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking “or 2005” and inserting “2005, 2006, or 2007”.

(c) REPORT TO CONGRESS.—Not later than April 30, 2007, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Com-
merce of the House of Representatives and the Committee on Finance of the Senate regarding the amounts redistrib-
uted to States under section 2104 of the Social Security Act to reduce funding shortfalls for the State Children’s
Health Insurance Program (SCHIP) for fiscal year 2007. Such report shall include descriptions and analyses of—

(1) the extent to which such redistributed amounts have reduced or eliminated such shortfalls on the basis of reports by States submitted to the Secretary as of April 1, 2007; and

(2) the effect of the redistribution and limited availability of unexpended fiscal year 2005 allotments under such program on the States described in section 2104(h)(3)(B) of the Social Security Act (42 U.S.C. 1397dd(h)(3)(B)) on the basis of reports by States submitted to the Secretary as of such date.

SEC. 205. TENNESSEE DSH ALLOTMENT FOR FISCAL YEAR 2007.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended to read as follows:

“(6) TENNESSEE DSH ALLOTMENT FOR FISCAL YEAR 2007.—

“(A) In general.—Only with respect to fiscal year 2007, the DSH allotment for Tennessee for such fiscal year, notwithstanding the table set forth in paragraph (2) or the terms of the TennCare Demonstration Project in effect for the State, shall be the greater of—
“(i) the amount that the Secretary determines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for the demonstration year ending in 2006 that is reflected in the budget neutrality provision of the TennCare Demonstration Project; and

“(ii) $280,000,000.

“(B) Limitation on amount of payment adjustments eligible for Federal financial participation.—Payment under section 1903(a) shall not be made to Tennessee with respect to the aggregate amount of any payment adjustments made under this section for hospitals in the State for fiscal year 2007 that is in excess of 30 percent of the DSH allotment for the State for such fiscal year determined pursuant to subparagraph (A).

“(C) State plan amendment.—The Secretary shall permit Tennessee to submit an amendment to its State plan under this title that describes the methodology to be used by the State to identify and make payments to disproportionate share hospitals, including chil-
dren’s hospitals and institutions for mental diseases or other mental health facilities. The Secretary may not approve such plan amendment unless the methodology described in the amendment is consistent with the requirements under this section for making payment adjustments to disproportionate share hospitals. For purposes of demonstrating budget neutrality under the TennCare Demonstration Project, payment adjustments made pursuant to a State plan amendment approved in accordance with this subparagraph shall be considered expenditures under such project.

“(D) Offset of Federal Share of Payment Adjustments for Fiscal Year 2007 Against Essential Access Hospital Supplemental Pool Payments Under the TennCare Demonstration Project.—The—

“(i) total amount of Essential Access Hospital supplemental pool payments that may be made under the TennCare Demonstration Project for fiscal year 2007 shall be reduced on a dollar for dollar basis by the amount of any payments made under section 1903(a) to Tennessee with
respect to payment adjustments made under this section for hospitals in the State for such fiscal year; and

“(ii) sum of the total amount of payments made under section 1903(a) to Tennessee with respect to payment adjustments made under this section for hospitals in the State for fiscal year 2007 and the total amount of Essential Access Hospital supplemental pool payments made under the TennCare Demonstration Project for such fiscal year shall not exceed the State’s DSH allotment for such fiscal year established under subparagraph (A).”.

**SEC. 206. ELDER JUSTICE.**

(a) **DEFINITIONS.**—Except as otherwise specifically provided, any term that is defined in section 2011 of the Social Security Act (as added by subsection (b)) and that is used in this section has the meaning given such term by such section.

(b) **ELDER JUSTICE.**—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—
(1) in the heading, by inserting “AND ELDER JUSTICE” after “SOCIAL SERVICES”;

(2) by inserting before section 2001 the following:

“Subtitle 1—Block Grants to States for Social Services”; and

(3) by adding at the end the following:

“Subtitle 2—Elder Justice

SEC. 2011. DEFINITIONS.

“In this subtitle:

“(1) ABUSE.—The term ‘abuse’ means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

“(2) ADULT PROTECTIVE SERVICES.—The term ‘adult protective services’ means such services provided to adults as the Secretary may specify and includes services such as—

“(A) disseminating reports of adult abuse, neglect, or exploitation;

“(B) investigating the reports described in subparagraph (A);
“(C) case planning, monitoring, evaluation, and other case work and services; and

“(D) providing, arranging for, or facilitating the provision of medical, social service, economic, legal, housing, law enforcement, or other protective, emergency, or support services.

“(3) CAREGIVER.—The term ‘caregiver’ means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law, and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder who needs supportive services in any setting.

“(4) DIRECT CARE.—The term ‘direct care’ means care by an employee or contractor who provides assistance or long-term care services to a recipient.

“(5) ELDER.—The term ‘elder’ means an individual age 60 or older.

“(6) ELDER JUSTICE.—The term ‘elder justice’ means—

“(A) from a societal perspective, efforts to—
“(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

“(ii) protect elders with diminished capacity while maximizing their autonomy; and

“(B) from an individual perspective, the recognition of an elder’s rights, including the right to be free of abuse, neglect, and exploitation.

“(7) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or local government agency, Indian tribe or tribal organization, or any other public or private entity that is engaged in and has expertise in issues relating to elder justice or in a field necessary to promote elder justice efforts.

“(8) EXPLOITATION.—The term ‘exploitation’ means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, or gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets.

“(9) FIDUCIARY.—The term ‘fiduciary’—
“(A) means a person or entity with the legal responsibility—

“(i) to make decisions on behalf of and for the benefit of another person; and

“(ii) to act in good faith and with fairness; and

“(B) includes a trustee, a guardian, a conservator, an executor, an agent under a financial power of attorney or health care power of attorney, or a representative payee.

“(10) GRANT.—The term ‘grant’ includes a contract, cooperative agreement, or other mechanism for providing financial assistance.

“(11) GUARDIANSHIP.—The term ‘guardianship’ means—

“(A) the process by which a State court determines that an adult individual lacks capacity to make decisions about self-care and property, and appoints another individual or entity known as a guardian, as a conservator, or by a similar term, as a surrogate decisionmaker;

“(B) the manner in which the court-appointed surrogate decisionmaker carries out duties to the individual and the court; or
“(C) the manner in which the court exercises oversight of the surrogate decisionmaker.

“(12) INDIAN TRIBE.—

“(A) IN GENERAL.—The term ‘Indian tribe’ has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(B) INCLUSION OF PUEBLO AND RANCHERIA.—The term ‘Indian tribe’ includes any Pueblo or Rancheria.

“(13) LAW ENFORCEMENT.—The term ‘law enforcement’ means the full range of potential responders to elder abuse, neglect, and exploitation including—

“(A) police, sheriffs, detectives, public safety officers, and corrections personnel;

“(B) prosecutors;

“(C) medical examiners;

“(D) investigators; and

“(E) coroners.

“(14) LONG-TERM CARE.—

“(A) IN GENERAL.—The term ‘long-term care’ means supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of
capacity for self-care due to illness, disability, or vulnerability.

“(B) LOSS OF CAPACITY FOR SELF-CARE.—For purposes of subparagraph (A), the term ‘loss of capacity for self-care’ means an inability to engage in 1 or more activities of daily living, including eating, dressing, bathing, and management of one’s financial affairs.

“(15) LONG-TERM CARE FACILITY.—The term ‘long-term care facility’ means a residential care provider that arranges for, or directly provides, long-term care.

“(16) NEGLECT.—The term ‘neglect’ means—

“(A) the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an elder; or

“(B) self-neglect.

“(17) NURSING FACILITY.—

“(A) IN GENERAL.—The term ‘nursing facility’ has the meaning given such term under section 1919(a).

“(B) INCLUSION OF SKILLED NURSING FACILITY.—The term ‘nursing facility’ includes a
skilled nursing facility (as defined in section 1819(a))

“(18) SELF-NEGLECT.—The term ‘self-neglect’ means an adult’s inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

“(A) obtaining essential food, clothing, shelter, and medical care;

“(B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

“(C) managing one’s own financial affairs.

“(19) SERIOUS BODILY INJURY.—

“(A) IN GENERAL.—The term ‘serious bodily injury’ means an injury—

“(i) involving extreme physical pain;

“(ii) involving substantial risk of death;

“(iii) involving protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or

“(iv) requiring medical intervention such as surgery, hospitalization, or physical rehabilitation.
“(B) CRIMINAL SEXUAL ABUSE.—Serious bodily injury shall be considered to have occurred if the conduct causing the injury is conduct described in section 2241 (relating to aggravated sexual abuse) or 2242 (relating to sexual abuse) of title 18, United States Code, or any similar offense under State law.

“(20) SOCIAL.—The term ‘social’, when used with respect to a service, includes adult protective services.

“(21) STATE LEGAL ASSISTANCE DEVELOPER.—The term ‘State legal assistance developer’ means an individual described in section 731 of the Older Americans Act of 1965.

“(22) STATE LONG-TERM CARE OMBUDSMAN.—The term ‘State Long-Term Care Ombudsman’ means the State Long-Term Care Ombudsman described in section 712(a)(2) of the Older Americans Act of 1965.

“SEC. 2012. GENERAL PROVISIONS.

“(a) PROTECTION OF PRIVACY.—In pursuing activities under this subtitle, the Secretary shall ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health
Insurance Portability and Accountability Act of 1996 and applicable State and local privacy regulations.

“(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to interfere with or abridge an elder’s right to practice his or her religion through reliance on prayer alone for healing when this choice—

“(1) is contemporaneously expressed, either orally or in writing, with respect to a specific illness or injury which the elder has at the time of the decision by an elder who is competent at the time of the decision;

“(2) is previously set forth in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

“(3) may be unambiguously deduced from the elder’s life history.
“PART A—NATIONAL COORDINATION OF ELDER JUSTICE ACTIVITIES AND RESEARCH

Subpart 1—Elder Justice Coordinating Council and Advisory Board on Elder Abuse, Neglect, and Exploitation

SEC. 2021. ELDER JUSTICE COORDINATING COUNCIL.

“(a) Establishment.—There is established within the Office of the Secretary an Elder Justice Coordinating Council (in this section referred to as the ‘Council’).

“(b) Membership.—

“(1) In general.—The Council shall be composed of the following members:

“(A) The Secretary (or the Secretary’s designee).

“(B) The Attorney General (or the Attorney General’s designee).

“(C) The head of each Federal department or agency or other governmental entity identified by the Chair referred to in subsection (d) as having responsibilities, or administering programs, relating to elder abuse, neglect, and exploitation.

“(2) Requirement.—Each member of the Council shall be an officer or employee of the Federal Government.
“(c) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

“(d) CHAIR.—The member described in subsection (b)(1)(A) shall be Chair of the Council.

“(e) MEETINGS.—The Council shall meet at least 2 times per year, as determined by the Chair.

“(f) DUTIES.—

“(1) IN GENERAL.—The Council shall make recommendations to the Secretary for the coordination of activities of the Department of Health and Human Services, the Department of Justice, and other relevant Federal, State, local, and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elders.

“(2) REPORT.—Not later than the date that is 2 years after the date of enactment of this subtitle and every 2 years thereafter, the Council shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report that—

“(A) describes the activities and accomplishments of, and challenges faced by—
“(i) the Council; and

“(ii) the entities represented on the Council; and

“(B) makes such recommendations for legislation, model laws, or other action as the Council determines to be appropriate.

“(g) Powers of the Council.—

“(1) Information from Federal Agencies.—Subject to the requirements of section 2012(a), the Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out this section. Upon request of the Chair of the Council, the head of such department or agency shall furnish such information to the Council.

“(2) Postal Services.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(h) Travel Expenses.—The members of the Council shall not receive compensation for the performance of services for the Council. The members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States
Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Council.

“(i) Detail of Government Employees.—Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(j) Status as Permanent Council.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

“SEC. 2022. ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

“(a) Establishment.—There is established a board to be known as the ‘Advisory Board on Elder Abuse, Neglect, and Exploitation’ (in this section referred to as the ‘Advisory Board’) to create short- and long-term multidisciplinary strategic plans for the development of the field of elder justice and to make recommendations to the Elder Justice Coordinating Council established under section 2021.

“(b) Composition.—The Advisory Board shall be composed of 27 members appointed by the Secretary from
among members of the general public who are individuals with experience and expertise in elder abuse, neglect, and exploitation prevention, detection, treatment, intervention, or prosecution.

“(c) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the Advisory Board under subsection (b).

“(d) TERMS.—

“(1) IN GENERAL.—Each member of the Advisory Board shall be appointed for a term of 3 years, except that, of the members first appointed—

“(A) 9 shall be appointed for a term of 3 years;

“(B) 9 shall be appointed for a term of 2 years; and

“(C) 9 shall be appointed for a term of 1 year.

“(2) VACANCIES.—

“(A) IN GENERAL.—Any vacancy on the Advisory Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

“(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be ap-
pointed for the unexpired term of the member replaced.

“(3) Expiration of Terms.—The term of any member shall not expire before the date on which the member’s successor takes office.

“(e) Election of Officers.—The Advisory Board shall elect a Chair and Vice Chair from among its members. The Advisory Board shall elect its initial Chair and Vice Chair at its initial meeting.

“(f) Duties.—

“(1) Enhance communication on promoting quality of, and preventing abuse and neglect in, long-term care.—The Advisory Board shall develop collaborative and innovative approaches to improve the quality of, including preventing abuse and neglect in, long-term care.

“(2) Collaborative Efforts to Develop Consensus Around the Management of Certain Quality-Related Factors.—

“(A) In General.—The Advisory Board shall establish multidisciplinary panels to address, and develop consensus on, subjects relating to improving the quality of long-term care.

At least 1 such panel shall address, and develop
consensus on, methods for managing resident-to-resident abuse in long-term care.

“(B) Activities Conducted.—The multidisciplinary panels established under subparagraph (A) shall examine relevant research and data, identify best practices with respect to the subject of the panel, determine the best way to carry out those best practices in a practical and feasible manner, and determine an effective manner of distributing information on such subject.

“(3) Report.—Not later than the date that is 18 months after the date of enactment of this subtitle, and annually thereafter, the Advisory Board shall prepare and submit to the Elder Justice Coordinating Council, the Committee on Finance of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing—

“(A) information on the status of Federal, State, and local public and private elder justice activities;

“(B) recommendations (including recommended priorities) regarding—
“(i) elder justice programs, research, training, services, practice, enforcement, and coordination;

“(ii) coordination between entities pursuing elder justice efforts and those involved in related areas that may inform or overlap with elder justice efforts, such as activities to combat violence against women and child abuse and neglect; and

“(iii) activities relating to adult fiduciary systems, including guardianship and other fiduciary arrangements;

“(C) recommendations for specific modifications needed in Federal and State laws (including regulations) or for programs, research, and training to enhance prevention, detection, and treatment (including diagnosis) of, intervention in (including investigation of), and prosecution of elder abuse, neglect, and exploitation;

“(D) recommendations on methods for the most effective coordinated national data collection with respect to elder justice, and elder abuse, neglect, and exploitation; and
“(E) recommendations for a multidisciplinary strategic plan to guide the effective and efficient development of the field of elder justice.

“(g) POWERS OF THE ADVISORY BOARD.—

“(1) INFORMATION FROM FEDERAL AGENCIES.—Subject to the requirements of section 2012(a), the Advisory Board may secure directly from any Federal department or agency such information as the Advisory Board considers necessary to carry out this section. Upon request of the Chair of the Advisory Board, the head of such department or agency shall furnish such information to the Advisory Board.

“(2) SHARING OF DATA AND REPORTS.—The Advisory Board may request from any entity pursuing elder justice activities under section 206 of the Benefits Extension and Quality Improvement Act of 2006 or an amendment made by that section, any data, reports, or recommendations generated in connection with such activities.

“(3) POSTAL SERVICES.—The Advisory Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.
“(h) TRAVEL EXPENSES.—The members of the Advisory Board shall not receive compensation for the performance of services for the Advisory Board. The members shall be allowed travel expenses for up to 4 meetings per year, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Board. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Advisory Board.

“(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Advisory Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(j) STATUS AS PERMANENT ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

“SEC. 2023. RESEARCH PROTECTIONS.

“(a) GUIDELINES.—The Secretary shall promulgate guidelines to assist researchers working in the area of elder abuse, neglect, and exploitation, with issues relating to human subject protections.
“(b) Definition of Legally Authorized Representative for Application of Regulations.—For purposes of the application of subpart A of part 46 of title 45, Code of Federal Regulations, to research conducted under this subpart, the term ‘legally authorized representative’ means, unless otherwise provided by law, the individual or judicial or other body authorized under the applicable law to consent to medical treatment on behalf of another person.


“There are authorized to be appropriated to carry out this subpart—

“(1) for fiscal year 2007, $6,500,000; and

“(2) for each of fiscal years 2008 through 2010, $7,000,000.

“Subpart 2—Elder Abuse, Neglect, and Exploitation Forensic Centers

“SEC. 2031. Establishment and Support of Elder Abuse, Neglect, and Exploitation Forensic Centers.

“(a) In General.—The Secretary, in consultation with the Attorney General, shall make grants to eligible entities to establish and operate stationary and mobile forensic centers, to develop forensic expertise regarding, and
provide services relating to, elder abuse, neglect, and exploitation.

“(b) Stationary Forensic Centers.—The Secretary shall make 4 of the grants described in subsection (a) to institutions of higher education with demonstrated expertise in forensics or commitment to preventing or treating elder abuse, neglect, or exploitation, to establish and operate stationary forensic centers.

“(c) Mobile Centers.—The Secretary shall make 6 of the grants described in subsection (a) to appropriate entities to establish and operate mobile forensic centers.

“(d) Authorized Activities.—

“(1) Development of Forensic Markers and Methodologies.—An eligible entity that receives a grant under this section shall use funds made available through the grant to assist in determining whether abuse, neglect, or exploitation occurred and whether a crime was committed and to conduct research to describe and disseminate information on—

“(A) forensic markers that indicate a case in which elder abuse, neglect, or exploitation may have occurred; and

“(B) methodologies for determining, in such a case, when and how health care, emer-
gency service, social and protective services, and legal service providers should intervene and when the providers should report the case to law enforcement authorities.

“(2) DEVELOPMENT OF FORENSIC EXPERTISE.—An eligible entity that receives a grant under this section shall use funds made available through the grant to develop forensic expertise regarding elder abuse, neglect, and exploitation in order to provide medical and forensic evaluation, therapeutic intervention, victim support and advocacy, case review, and case tracking.

“(3) COLLECTION OF EVIDENCE.—The Secretary, in coordination with the Attorney General, shall use data made available by grant recipients under this section to develop the capacity of geriatric health care professionals and law enforcement to collect forensic evidence, including collecting forensic evidence relating to a potential determination of elder abuse, neglect, or exploitation.

“(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.
“(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2007, $4,000,000;
“(2) for fiscal year 2008, $6,000,000; and
“(3) for each of fiscal years 2009 and 2010, $8,000,000.

“PART B—PROGRAMS TO PROMOTE ELDER JUSTICE

“SEC. 2041. ENHANCEMENT OF LONG-TERM CARE.

“(a) Grants and Incentives for Long-Term Care Staffing.—

“(1) In general.—The Secretary shall carry out activities, including activities described in paragraphs (2) and (3), to provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility.

“(2) Specific programs to enhance training, recruitment, and retention of staff.—

“(A) Coordination with Secretary of Labor to recruit and train long-term care staff.—The Secretary shall coordinate activities under this subsection with the Secretary of Labor in order to provide incentives for individuals to train for and seek employ-
ment providing direct care in a long-term care facility.

“(B) Career ladders and wage or benefit increases to increase staffing in long-term care facilities.—

“(i) In general.—The Secretary shall make grants to long-term care facilities to carry out programs through which the facilities—

“(I) offer, to employees who provide direct care to residents of a long-term care facility, continuing training and varying levels of certification, based on observed clinical care practices and the amount of time the employees spend providing direct care; and

“(II) provide, or make arrangements to provide, bonuses or other increased compensation or benefits to employees who achieve certification under such a program.

“(ii) Application.—To be eligible to receive a grant under this subparagraph, a long-term care facility shall submit an ap-
plication to the Secretary at such time, in
such manner, and containing such infor-
mination as the Secretary may require
(which may include evidence of consulta-
tion with the State in which the long-term
care facility is located with respect to car-
ying out activities funded under the

``(iii) Authority to limit number
of applicants.—Nothing in this subpara-
graph shall be construed as prohibiting the
Secretary from limiting the number of ap-
plicants for a grant under this subpara-

``(3) Specific programs to improve man-
ageent practices.—
``(A) In general.—The Secretary shall
make grants to long-term care facilities to en-
able the facilities to provide training and tech-

``(B) Authorized activities.—A long-
term care facility that receives a grant under
subparagraph (A) shall use funds made avail-
able through the grant to provide training and
technical assistance to eligible employees re-
regarding management practices using methods
that are demonstrated to promote retention of
individuals who provide direct care to residents
of the long-term care facility, such as—

“(i) the establishment of standard
human resource policies that reward high
performance, including policies that pro-
vide for improved wages and benefits on
the basis of job reviews;

“(ii) the establishment of motivational
and thoughtful work organization prac-
tices;

“(iii) the creation of a workplace cul-
ture that respects and values caregivers
and their needs;

“(iv) the promotion of a workplace
culture that respects the rights of residents
of a long-term care facility and results in
improved care for the residents; and

“(v) the establishment of other pro-
grams that promote the provision of high
quality care, such as a continuing edu-
cation program that provides additional
hours of training, including on-the-job
training, for employees who are certified nurse aides.

“(C) APPLICATION.—To be eligible to receive a grant under this paragraph, a long-term care facility shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the long-term care facility is located with respect to carrying out activities funded under the grant).

“(D) AUTHORITY TO LIMIT NUMBER OF APPLICANTS.—Nothing in this paragraph shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this paragraph.

“(E) ELIGIBLE EMPLOYEE DEFINED.—In this paragraph, the term ‘eligible employee’ means an individual who establishes or implements management practices applicable with respect to individuals who provide direct care to residents of a long-term care facility and includes administrators, directors of nursing, staff developers, and charge nurses.
“(4) Accountability measures.—The Secretary shall develop accountability measures to ensure that the activities conducted using funds made available under this subsection benefit eligible employees and increase the stability of the long-term care workforce.

“(b) Informatics systems grant program.—

“(1) Grants authorized.—The Secretary is authorized to make grants to long-term care facilities for the purpose of assisting such entities in offsetting the costs related to purchasing, leasing, developing, and implementing standardized clinical health care informatics systems designed to improve patient safety and reduce adverse events and health care complications resulting from medication errors.

“(2) Use of grant funds.—Funds provided under grants under this subsection may be used for any of the following:

“(A) Purchasing, leasing, and installing computer software and hardware, including handheld computer technologies.

“(B) Making improvements to existing computer software and hardware.
“(C) Making upgrades and other improvements to existing computer software and hardware to enable e-prescribing.

“(D) Providing education and training to eligible long-term care facility staff on the use of technology to implement the electronic transmission of prescription and patient information.

“(3) APPLICATION.—To be eligible to receive a grant under this subsection, a long-term care facility shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the long-term care facility is located with respect to carrying out activities funded under the grant).

“(4) AUTHORITY TO LIMIT NUMBER OF APPLICANTS.—Nothing in this subsection shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this subsection.

“(5) ACCOUNTABILITY MEASURES.—The Secretary shall develop accountability measures to ensure that the activities conducted using funds made available under this subsection help improve patient
safety and reduce adverse events and health care
complications resulting from medication errors.

“(c) Inclusion of Adjudicated Crimes on Nursing Home Compare Website.—Not later than 1 year
after the date of enactment of this subtitle, the Secretary
shall ensure that the Department of Health and Human
Services includes, as part of the information provided for
comparison of nursing facilities on the official Internet
website of the Federal Government for Medicare bene-

“(1) that were committed inside of the facility;

“(2) with respect to such instances of violations
or crimes committed outside of the facility, that
were the violations or crimes of elder abuse, neglect,
and exploitation, criminal sexual abuse of an elder,
or other violations or crimes that resulted in the se-

“(d) Development of Consumer Rights Inform-

ation Page on Nursing Home Compare Website.—
Not later than 1 year after the date of enactment of this
subtitle, the Secretary shall ensure that the Department
of Health and Human Services, as part of the information
provided for comparison of nursing facilities on the Nurs-
ing Home Compare Medicare website develops and in-
cludes a consumer rights information page that contains
links to descriptions of, and information with respect to,
the following:

“(1) The documentation on nursing facilities
that is available to the public.

“(2) General information and tips on choosing
a nursing facility that meets the needs of the indi-
vidual.

“(3) General information on consumer rights
with respect to nursing facilities.

“(4) The nursing facility survey process (on a
national and State-specific basis).

“(5) On a State-specific basis, the services
available through the State long-term care ombuds-
man for such State.

“(e) DEVELOPMENT AND ADOPTION OF STANDARDS
FOR TRANSACTIONS INVOLVING CLINICAL DATA BY
LONG-TERM CARE FACILITIES.—

“(1) STANDARDS.—The Secretary shall develop
and adopt uniform open electronic standards for
transactions involving clinical data by long-term care
facilities. Such standards shall include messaging
and nomenclature standards.

“(2) Compatibility with other standards.—The standards developed and adopted under
paragraph (1) shall be compatible with standards es-
established under part C of title XI, standards estab-
lished under subsections (b)(2)(B)(i) and (e)(4) of
section 1860D–4, and with general health informa-
tion technology standards.

“(3) Electronic submission of data to
the Secretary.—

“(A) In general.—Not later than 10
years after the date of enactment of this sub-
title, the Secretary shall have procedures in
place to accept the optional electronic submis-
sion of clinical data by long-term care facilities
pursuant to the standards developed and adopt-
ed under paragraph (1).

“(B) Rule of construction.—Nothing
in this subsection shall be construed to require
a long-term care facility to submit clinical data
electronically to the Secretary.

“(f) Regulations.—The Secretary shall promulgate
regulations to carry out subsections (c), (d), and (e) of
this section. Such regulations shall require a State, as a
condition of the receipt of funds under this part, to conduct such data collection and reporting as the Secretary determines are necessary to satisfy the requirements of such subsections.

“(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2007, $20,000,000;
“(2) for fiscal year 2008, $17,500,000; and
“(3) for each of fiscal years 2009 and 2010, $15,000,000.

“SEC. 2042. ADULT PROTECTIVE SERVICES FUNCTIONS AND GRANT PROGRAMS.

“(a) Secretarial Responsibilities.—

“(1) In general.—The Secretary shall ensure that the Department of Health and Human Services—

“(A) provides funding authorized by this part to State and local adult protective services offices that investigate reports of the abuse, neglect, and exploitation of elders;
“(B) collects and disseminates data annually relating to the abuse, exploitation, and neglect of elders in coordination with the Department of Justice;
“(C) develops and disseminates information on best practices regarding, and provides training on, carrying out adult protective services;

“(D) conducts research related to the provision of adult protective services; and

“(E) provides technical assistance to States and other entities that provide or fund the provision of adult protective services, including through grants made under subsections (b) and (c).

“(2) Authorization of Appropriations.—

There are authorized to be appropriated to carry out this subsection, $3,000,000 for fiscal year 2007 and $4,000,000 for each of fiscal years 2008 through 2010.

“(b) Grants to Enhance the Provision of Adult Protective Services.—

“(1) Establishment.—There is established an adult protective services grant program under which the Secretary shall annually award grants to States in the amounts calculated under paragraph (2) for the purposes of enhancing adult protective services provided by States and local units of government.

“(2) Amount of Payment.—
“(A) IN GENERAL.—Subject to the availability of appropriations and subparagraphs (B) and (C), the amount paid to a State for a fiscal year under the program under this subsection shall equal the amount appropriated for that year to carry out this subsection multiplied by the percentage of the total number of elders who reside in the United States who reside in that State.

“(B) GUARANTEED MINIMUM PAYMENT AMOUNT.—

“(i) 50 STATES.—Subject to clause (ii), if the amount determined under subparagraph (A) for a State for a fiscal year is less than 0.75 percent of the amount appropriated for such year, the Secretary shall increase such determined amount so that the total amount paid under this subsection to the State for the year is equal to 0.75 percent of the amount so appropriated.

“(ii) TERRITORIES.—In the case of a State other than 1 of the 50 States, clause (i) shall be applied as if each reference to ‘0.75’ were a reference to ‘0.1’.
“(C) Pro rata reductions.—The Secretary shall make such pro rata reductions to the amounts described in subparagraph (A) as are necessary to comply with the requirements of subparagraph (B).

“(3) Authorized activities.—

“(A) Adult protective services.—
Funds made available pursuant to this subsection may only be used by States and local units of government to provide adult protective services and may not be used for any other purpose.

“(B) Use by agency.—Each State receiving funds pursuant to this subsection shall provide such funds to the agency or unit of State government having legal responsibility for providing adult protective services within the State.

“(C) Supplement not supplant.—Each State or local unit of government shall use funds made available pursuant to this subsection to supplement and not supplant other Federal, State, and local public funds expended to provide adult protective services in the State.

“(4) State reports.—Each State receiving funds under this subsection shall submit to the Sec-
retary, at such time and in such manner as the Secre-
tary may require, a report on the number of elders
served by the grants awarded under this subsection.

“(5) Authorization of Appropriations.—
There are authorized to be appropriated to carry out
this subsection, $100,000,000 for each of fiscal
years 2007 through 2010.

“(c) State Demonstration Programs.—

“(1) Establishment.—The Secretary shall
award grants to States for the purposes of con-
ducting demonstration programs in accordance with
paragraph (2).

“(2) Demonstration Programs.—Funds
made available pursuant to this subsection may be
used by States and local units of government to con-
duct demonstration programs that test—

“(A) training modules developed for the
purpose of detecting or preventing elder abuse;

“(B) methods to detect or prevent financial
exploitation of elders;

“(C) methods to detect elder abuse;

“(D) whether training on elder abuse
forensics enhances the detection of elder abuse
by employees of the State or local unit of gov-
ernment; or
“(E) other matters relating to the detection or prevention of elder abuse.

“(3) APPLICATION.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(4) STATE REPORTS.—Each State that receives funds under this subsection shall submit a report to the Secretary at such time, in such manner, and containing such information as the Secretary may require on the results of the demonstration program conducted by the State using funds made available under this subsection.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 2007 through 2010.

“SEC. 2043. LONG-TERM CARE OMBUDSMAN PROGRAM
GRANTS AND TRAINING.

“(a) GRANTS TO SUPPORT THE LONG-TERM CARE OMBUDSMAN PROGRAM.—

“(1) IN GENERAL.—The Secretary shall make grants to eligible entities with relevant expertise and experience in abuse and neglect in long-term care fa-
ilities or long-term care ombudsman programs and
responsibilities, for the purpose of—

“(A) improving the capacity of State long-
term care ombudsman programs to respond to
and resolve complaints about abuse and neglect;
“(B) conducting pilot programs with State
long-term care ombudsman offices or local omb-
udsman entities; and
“(C) providing support for such State
long-term care ombudsman programs and such
pilot programs (such as through the establish-
ment of a national long-term care ombudsman
resource center).

“(2) Authorization of Appropriations.—
There are authorized to be appropriated to carry out
this subsection—
“(A) for fiscal year 2007, $5,000,000;
“(B) for fiscal year 2008, $7,500,000; and
“(C) for each of fiscal years 2009 and
2010, $10,000,000.

“(b) Ombudsman Training Programs.—
“(1) In General.—The Secretary shall estab-
lish programs to provide and improve ombudsman
training with respect to elder abuse, neglect, and ex-
ploitation for national organizations and State long-
term care ombudsman programs.

“(2) Authorization of Appropriations.—
There are authorized to be appropriated to carry out
this subsection, for each of fiscal years 2007
through 2010, $10,000,000.”.

(c) Study and Recommendations on Creating a
Uniform National Database on Elder Abuse.—

(1) Study.—

(A) In General.—The Secretary of
Health and Human Services, in consultation
with the Attorney General, shall conduct a
study on establishing a uniform national data-
base on elder abuse.

(B) Issues Studied.—The study con-
ducted under subparagraph (A) shall consider
the following:

(i) The process by which uniform na-
tional standards for reporting on elder
abuse could be implemented, including the
identification and involvement of necessary
stakeholders, financial resources needed,
timelines, and the treatment of existing
standards with respect to elder abuse.
(ii) Current methodologies used for collecting data on elder abuse, including a determination of the shortcomings, strengths, and commonalities of existing data collection efforts and how a uniform national database would capitalize on such efforts.

(iii) Potential conflicts in Federal, State, and local laws, and jurisdictional issues that could occur, as a result of the creation of a uniform national database on elder abuse.

(iv) The scope and variability of applicable reporting forms (and other data collection tools) already in use by social, legal, law enforcement, and other relevant agencies at the Federal, State, and local levels, including any existing legal or programmatic mandates for the use of such forms (and tools).

(v) The scope, purpose, and variability of existing definitions used by Federal, State, and local agencies with respect to elder abuse.
(vi) The nature and scope of entities currently involved in the protection of, and advocacy for, vulnerable older adults, including the nature of any data utilized by such entities and any applicable requirements or protocols related to reporting which such entities comply with.

(vii) Policy and enforcement issues that could potentially be addressed by uniform national data collection requirements.

(viii) Incorporating a consensus process with stakeholders, including Federal, State, and local governments, to reach agreement with respect to a core set of data elements, common definitions, and reporting forms with respect to elder abuse.

(ix) Recommendations for procedures and protocols for collecting appropriate national data on reported and substantiated occurrences of elder abuse and mistreatment.

(C) DURATION.—The study conducted under subparagraph (A) shall be conducted for a period not to exceed 2 years.
(2) REPORT.—Not later than 180 days after the completion of the study conducted under paragraph (1)(A), the Secretary of Health and Human Services shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives containing the findings of the study, together with recommendations on how to implement a uniform national database on elder abuse.

(3) AUTHORIZATION.—There are authorized to be appropriated to carry out this subsection, $500,000 for each of fiscal years 2007 and 2008.

(d) OPTION FOR STATE PLAN UNDER PROGRAM FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.—

(1) IN GENERAL.—Section 402(a)(1)(B) of the Social Security Act (42 U.S.C. 602(a)(1)(B)) is amended by adding at the end the following new clause:

“(v) The document shall indicate whether the State intends to assist individuals to train for, seek, and maintain employment—
“(I) providing direct care in a long-term care facility (as such terms are defined under section 2011); or

“(II) in other occupations related to elder care determined appropriate by the State for which the State identifies an unmet need for service personnel,

and, if so, shall include an overview of such assistance.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2007.

(e) PROTECTING RESIDENTS OF LONG-TERM CARE FACILITIES.—

(1) NATIONAL TRAINING INSTITUTE FOR SURVEYORS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with an entity for the purpose of establishing and operating a National Training Institute for Federal and State surveyors. Such Institute shall provide and improve the training of surveyors with respect to investigating allegations of abuse, neglect, and misappropriation of
property in programs and long-term care facilities that receive payments under title XVIII or XIX of the Social Security Act.

(B) Activities carried out by the Institute.—The contract entered into under subparagraph (A) shall require the Institute established and operated under such contract to carry out the following activities:

(i) Assess the extent to which State agencies use specialized surveyors for the investigation of reported allegations of abuse, neglect, and misappropriation of property in such programs and long-term care facilities.

(ii) Evaluate how the competencies of surveyors may be improved to more effectively investigate reported allegations of such abuse, neglect, and misappropriation of property, and provide feedback to Federal and State agencies on the evaluations conducted.

(iii) Provide a national program of training, tools, and technical assistance to Federal and State surveyors on inves-
tigating reports of such abuse, neglect, and
misappropriation of property.

(iv) Develop and disseminate informa-
tion on best practices for the investigation
of such abuse, neglect, and misappropria-
tion of property.

(v) Assess the performance of State
complaint intake systems, in order to en-
sure that the intake of complaints occurs
24 hours per day, 7 days a week (including
holidays).

(vi) To the extent approved by the
Secretary of Health and Human Services,
provide a national 24 hours per day, 7
days a week (including holidays), back-up
system to State complaint intake systems
in order to ensure optimum national re-
 sponsiveness to complaints of such abuse,
neglect, and misappropriation of property.

(vii) Analyze and report annually on
the following:

(I) The total number and sources
of complaints of such abuse, neglect,
and misappropriation of property.
(II) The extent to which such complaints are referred to law enforcement agencies.

(III) General results of Federal and State investigations of such complaints.

(viii) Conduct a national study of the cost to State agencies of conducting complaint investigations of skilled nursing facilities and nursing facilities under sections 1819 and 1919, respectively, of the Social Security Act (42 U.S.C. 1395i–3; 1396r), and making recommendations to the Secretary of Health and Human Services with respect to options to increase the efficiency and cost-effectiveness of such investigations.

(C) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph, for the period of fiscal years 2007 through 2010, $12,000,000.

(2) GRANTS TO STATE SURVEY AGENCIES.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall make grants to State agencies that perform surveys of
skilled nursing facilities or nursing facilities
under sections 1819 or 1919, respectively, of
the Social Security Act (42 U.S.C. 1395i–3;
1395r).

(B) USE OF FUNDS.—A grant awarded
under subparagraph (A) shall be used for the
purpose of designing and implementing com-
plaint investigations systems that—

(i) promptly prioritize complaints in
order to ensure a rapid response to the
most serious and urgent complaints;

(ii) respond to complaints with opti-
mum effectiveness and timeliness; and

(iii) optimize the collaboration be-
tween local authorities, consumers, and
providers, including—

(I) such State agency;

(II) the State Long-Term Care
Ombudsman;

(III) local law enforcement agen-
cies;

(IV) advocacy and consumer or-
ganizations;

(V) State aging units;
(VI) Area Agencies on Aging;

and

(VII) other appropriate entities.

(C) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph, for each of fiscal years 2007 through 2010, $5,000,000.

(3) ENSURING SAFETY OF RESIDENTS WHEN FEDERALLY FUNDED LONG-TERM CARE FACILITIES CLOSE.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

“ENSURING SAFETY OF RESIDENTS WHEN FEDERALLY FUNDED LONG-TERM CARE FACILITIES CLOSE

“SEC. 1150A. (a) IN GENERAL.—

“(1) DETERMINATION.—The owner or operator of each long-term care facility that receives Federal funds under this Act shall annually determine whether the facility received at least $10,000 in such Federal funds during the preceding year.

“(2) NOTIFICATION OF FACILITY CLOSURE.—

Subject to paragraph (3), if the owner or operator determines under paragraph (1) that a long-term care facility received at least $10,000 in Federal funds under this Act during the preceding year, the owner or operator of the facility shall—
“(A) submit to the Secretary and the appropriate State regulatory agency written notification of an impending closure not later than the date that is 60 days prior to the date of such closure;

“(B) include in the notice a plan for the transfer and adequate relocation of the residents of the facility prior to closure, including assurances that the residents will be transferred to the most appropriate facility in terms of quality, services, and location; and

“(C) not later than 10 days after the facility closure, submit to the Secretary and the appropriate State agency information identifying where residents of the closed facility were transferred and on what date.

“(3) Exception where the Secretary has issued a termination notice.—In the case of a long-term care facility described in paragraph (2) for which the Secretary has issued a termination notice for the facility to close by not later than 15 days after the issuance of such notice, the Secretary shall establish requirements for the notification, transfer, and adequate relocation of residents within an appropriate timeframe.
“(b) SANCTIONS.—Any person owning or operating a long-term care facility that fails to comply with the requirements of subsection (a) shall be subject to—

“(1) a civil monetary penalty of up to $1,000,000;

“(2) exclusion from participation in the programs under this Act (in accordance with the procedures of section 1128); and

“(3) any other applicable civil monetary penalties and assessments.

“(c) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty or assessment under this section in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

“(d) DEFINITION.—In this section, the term ‘long-term care facility’ has the meaning given that term in section 2011.”.

(f) NATIONAL NURSE AIDE REGISTRY.—

(1) DEFINITION OF NURSE AIDE.—In this subsection, the term “nurse aide” has the meaning given that term in sections 1819(b)(5)(F) and 1919(b)(5)(F) of the Social Security Act (42 U.S.C. 1395i–3(b)(5)(F); 1396r(b)(5)(F)).
(2) STUDY AND REPORT.—

(A) IN GENERAL.—The Secretary, in consultation with appropriate government agencies and private sector organizations, shall conduct a study on establishing a national nurse aide registry.

(B) AREAS EVALUATED.—The study conducted under this subsection shall include an evaluation of—

(i) who should be included in the registry;

(ii) how such a registry would comply with Federal and State privacy laws and regulations;

(iii) how data would be collected for the registry;

(iv) what entities and individuals would have access to the data collected;

(v) how the registry would provide appropriate information regarding violations of Federal and State law by individuals included in the registry;

(vi) how the functions of a national nurse aide registry would be coordinated with the pilot program for national and
State background checks on direct patient access employees of long-term care facilities or providers established under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173); and

(vii) how the information included in State nurse aide registries developed and maintained under sections 1819(e)(2) and 1919(e)(2) of the Social Security Act (42 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)) would be provided as part of a national nurse aide registry.

(C) CONSIDERATIONS.—In conducting the study and preparing the report required under this subsection, the Secretary shall take into consideration the findings and conclusions of relevant reports and other relevant resources, including the following:


(iv) The Department of Health and Human Services Health Resources and Services Administration Report, Nursing Aides, Home Health Aides, and Related Health Care Occupations—National and Local Workforce Shortages and Associated Data Needs (2004)(in particular with respect to chapter 7 and appendix F).

(v) The 2001 Report to CMS from the School of Rural Public Health, Texas A&M University, Preventing Abuse and Neglect in Nursing Homes: The Role of Nurse Aide Registries.

(vi) Information included in State nurse aide registries developed and main-
tained under sections 1819(e)(2) and
1919(e)(2) of the Social Security Act (42
U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)).

(D) REPORT.—Not later than 18 months
after the date of enactment of this Act, the Sec-
retary shall submit a report to the Elder Jus-
tice Coordinating Council, the Committee on
Finance of the Senate, and the Committee on
Ways and Means and the Committee on Energy
and Commerce of the House of Representatives
containing the findings and recommendations of
the study conducted under this paragraph.

(E) FUNDING LIMITATION.—Funding for
the study conducted under this subsection shall
not exceed $500,000.

(3) CONGRESSIONAL ACTION.—After receiving
the report submitted by the Secretary under para-
graph (2)(D), the Committee on Finance of the Sen-
ate and the Committee on Ways and Means and the
Committee on Energy and Commerce of the House
of Representatives shall, as they deem appropriate,
take action based on the recommendations contained
in the report.

(4) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums
as are necessary for the purpose of carrying out this subsection.

(g) **CONFORMING AMENDMENTS.—**

(1) **TITLE XX.**—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by subsection (b), is amended—

(A) in the heading of section 2001, by striking “TITLE” and inserting “SUBTITLE”; and

(B) in subtitle 1, by striking “this title” each place it appears and inserting “this subtitle”.

(2) **TITLE IV.**—Title IV of such Act (42 U.S.C. 601 et seq.) is amended—

(A) in section 404(d)—

(i) in paragraphs (1)(A), (2)(A), and (3)(B), by inserting “subtitle 1 of” before “title XX” each place it appears;

(ii) in the heading of paragraph (2), by inserting “SUBTITLE 1 OF” before “TITLE XX”; and

(iii) in the heading of paragraph (3)(B), by inserting “SUBTITLE 1 OF” before “TITLE XX”; and
(B) in sections 422(b), 471(a)(4), 472(h)(1), and 473(b)(2), by inserting "subtitle 1 of" before "title XX" each place it appears.

(3) TITLE XI.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended—

(A) in section 1128(h)(3)—

(i) by inserting "subtitle 1 of" before "title XX"; and

(ii) by striking "such title" and inserting "such subtitle"; and

(B) in section 1128A(i)(1), by inserting "subtitle 1 of" before "title XX".