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In the House of Representatives, U. S.,

December 8, 2006.

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

HOUSE AMENDMENTS TO SENATE AMENDMENT:

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Relief and Health Care Act of 2006".

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

Sec. 1. Short title, etc.

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

Sec. 100. Reference.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN PROVISIONS

Sec. 101. Deduction for qualified tuition and related expenses.
Sec. 102. Extension and modification of new markets tax credit.
Sec. 103. Election to deduct State and local general sales taxes.
Sec. 104. Extension and modification of research credit.

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

TITLE II—ENERGY TAX PROVISIONS

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

TITLE III—HEALTH SAVINGS ACCOUNTS

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

TITLE IV—OTHER PROVISIONS

Sec. 401. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 402. Credit for prior year minimum tax liability made refundable after period of years.
Sec. 403. Returns required in connection with certain options.
Sec. 404. Partial expensing for advanced mine safety equipment.
Sec. 405. Mine rescue team training tax credit.
Sec. 406. Whistleblower reforms.
Sec. 407. Frivolous tax submissions.
Sec. 408. Addition of meningococcal and human papillomavirus vaccines to list of taxable vaccines.
Sec. 409. Clarification of taxation of certain settlement funds made permanent.
Sec. 410. Modification of active business definition under section 355 made permanent.
Sec. 411. Revision of State veterans limit made permanent.
Sec. 412. Capital gains treatment for certain self-created musical works made permanent.
Sec. 413. Reduction in minimum vessel tonnage which qualifies for tonnage tax made permanent.
Sec. 414. Modification of special arbitrage rule for certain funds made permanent.
Sec. 415. Great Lakes domestic shipping to not disqualify vessel from tonnage tax.
Sec. 416. Use of qualified mortgage bonds to finance residences for veterans without regard to first-time homebuyer requirement.
Sec. 417. Exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 418. Sale of property by judicial officers.
Sec. 419. Premiums for mortgage insurance.
Sec. 420. Modification of refunds for kerosene used in aviation.
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Sec. 422. Designation of wines by semi-generic names.
Sec. 423. Modification of railroad track maintenance credit.
Sec. 424. Modification of excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 425. Loans to qualified continuing care facilities made permanent.
Sec. 426. Technical corrections.

DIVISION B—MEDICARE AND OTHER HEALTH PROVISIONS

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TITLE I—MEDICARE IMPROVED QUALITY AND PROVIDER PAYMENTS

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

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

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Sec. 402. Grants for research on vaccine against Valley Fever.
Sec. 403. Change in threshold for Medicaid indirect hold harmless provision of broad-based health care taxes.
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Sec. 405. Certain Medicaid DRA technical corrections.

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Sec. 325. Adjacent management.
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Sec. 352. Conveyance to White Pine County, Nevada.

Subtitle E—Silver State Off-Highway Vehicle Trail

Sec. 355. Silver State off-highway vehicle trail.

Subtitle F—Transfer of Land to Be Held in Trust for the Ely Shoshone Tribe.

Sec. 361. Transfer of land to be held in trust for the Ely Shoshone Tribe.

Subtitle G—Eastern Nevada Landscape Restoration Project.

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Sec. 405. Study on Establishing Uniform National Database on Elder Abuse.
Sec. 406. Temporary duty reductions for certain cotton shirting fabric.
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Sec. 1363. Zeta-cypermethrin.
Sec. 1364. 2-Ethylhexyl 4-methoxycinnamate.
Sec. 1365. Certain flame retardant plasticizers.
Sec. 1366. Baypure DS.
Sec. 1367. Bayowet C4.
Sec. 1368. Certain bicycle parts.
Sec. 1369. Other cycles.
Sec. 1370. Certain bicycle parts.
Sec. 1371. Certain bicycle parts.
Sec. 1372. (2-Chloroethyl)phosphonic acid (Ethephon).
Sec. 1373. Preparations containing, 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)–5-(2-(ethylthio)propyl)–3-hydroxy-2-cyclohexene-1-one (Clethodim).
Sec. 1374. Urea, polymer with formaldehyde (pergopak).
Sec. 1375. Ortho nitroaniline.
Sec. 1376. 2,2 -(2,5-thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole).
Sec. 1377. Certain chemicals and chemical mixtures.
Sec. 1378. Acid Red 414.
Sec. 1379. Solvent Yellow 163.
Sec. 1380. 4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)–2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt.
Sec. 1381. Reactive Red 123.
Sec. 1382. Reactive Blue 250.
Sec. 1383. Reactive Black 5.
Sec. 1384. 5-[(2-Cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)–3-pyridinecarbonitrile.
Sec. 1385. Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]-acetic acid, pentyl ester.

Sec. 1386. [(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)–3,1-propanediyl]]]bisbenzenesulfonic acid, disodium salt.

Sec. 1387. [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b′]difuran-3-yl)phenoxy]-acetic acid, 2-ethoxyethyl ester.

Sec. 1388. 3-Phenyl-7-(4-propoxyphenyl)-benzo[1,2-b:4,5-b′]difuran-2,6-dione.

Sec. 1389. 2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt.

Sec. 1390. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt.

Sec. 1391. 7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl) amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]- 1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt.

Sec. 1392. 4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt.

Sec. 1393. [4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]-acetic acid, 2-ethoxyethyl ester.

Sec. 1394. Basic Yellow 40 chloride based.

Sec. 1395. Direct Yellow 119.

Sec. 1396. Naugard 412s.

Sec. 1397. Triacetonamine.

Sec. 1398. Ipconazole.

Sec. 1399. Omite tech.

Sec. 1400. Pantera technical.

Sec. 1401. p-Toluenesulfonyl chloride.

Sec. 1402. Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide.

Sec. 1403. p-Aminobenzamide (4-aminobenzamide).

Sec. 1404. p-Chloroaniline.

Sec. 1405. 4-Chloro-2-nitroaniline.

Sec. 1406. o-Chloro-p-toluidine (3-chloro-4-methylaniline).

Sec. 1407. 2-Chloroacetoacetanilide.

Sec. 1408. p-Acetoacetanisidide.

Sec. 1409. 1-Hydroxy-2-naphthoic acid.

Sec. 1410. Pigment Green 7 crude, not ready for use as a pigment.

Sec. 1411. 1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione).

Sec. 1412. Diisopropyl succinate.

Sec. 1413. 2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol.

Sec. 1414. Direct Black 22.

Sec. 1415. Methylene bis-benzotriazolyl tetramethylbutylphenol.

Sec. 1416. Bis-ethylhexyloxyphenol methoxyphenol triazine.

Sec. 1417. Reactive Orange 132.

Sec. 1418. Acid Black 244.

Sec. 1419. Certain cores used in remanufacture.

Sec. 1420. ADTP.

Sec. 1421. DCBTF.

Sec. 1422. Noviflumuron.

Sec. 1423. Parachlorobenzotrifluoride.

Sec. 1424. Mixtures of insecticide.

Sec. 1425. Mixture of fungicide.

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

CHAPTER 2—REDUCTIONS

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

Sec. 1471. Certain women's footwear.
Sec. 1472. Numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material.
Sec. 1473. Tetrakis.
Sec. 1474. Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer.
Sec. 1475. Diethyl ketone.
Sec. 1476. Acephate.
Sec. 1477. Flumioxazin.
Sec. 1478. Garenoxacin mesylate.
Sec. 1479. Butylated hydroxyethylbenzene.
Sec. 1480. Certain automotive catalytic converter mats.
Sec. 1481. 3,3′-Dichlorobenzidine dihydrochloride.
Sec. 1482. TMC114.
Sec. 1483. Biaxially oriented polypropylene dielectric film.
Sec. 1484. Biaxially oriented polyethylene terephthalate dielectric film.
Sec. 1485. Certain bicycle parts.
Sec. 1486. Certain bicycle parts.
Sec. 1487. Bifenthrin.
Sec. 1488. Reduced Vat 1.
Sec. 1489. 4-Chlorobenzonitrile.
Sec. 1490. Nail clippers and nail files.
Sec. 1491. Electric automatic shower cleaners.
Sec. 1492. Mesotrione technical.
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Sec. 5005. Technical amendments.
Sec. 5006. Effective date.

TITLE VI—AFRICAN GROWTH AND OPPORTUNITY ACT

Sec. 6001. Short title.
Sec. 6002. Preferential treatment of apparel products of lesser developed countries.
Sec. 6003. Technical corrections.
Sec. 6004. Effective date for AGOA.

TITLE VII—ANDEAN TRADE PREFERENCE ACT

Sec. 7001. Short title.
Sec. 7002. ATPA extension.
Sec. 7003. Technical amendments.

TITLE VIII—GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM

Sec. 8001. Limitations on waivers of competitive need limitation.
Sec. 8002. Extension of GSP program.

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

SEC. 100. REFERENCE.

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.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN 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 subsection (a) 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 amendment made by subsection (a) 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 Em-

ployee 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 by paragraph (1) 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 con-

tributions) 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 beginning after December 31, 2005.

SEC. 117. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 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" and inserting "2004, 2005, OR 2006".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 2004" and inserting "2004, 2005, and 2006".

(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, as the case may be, 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 subsection (a) 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 corporation 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 section 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 determined 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 section 30A(a)(3) of such Code in the case of a corporation 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. 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 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 1400N(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. 121. 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. 122. 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 paragraph (1) 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 paragraph (1) shall apply to disclosures after December 31, 2006.

(c) 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 paragraph (1) shall apply to requests made after December 31, 2006.

SEC. 123. 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 his 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—ENERGY TAX PROVISIONS

SEC. 201. 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. 202. 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 striking "$500,000,000" in subsection (f)(2) and inserting "$750,000,000", 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.—The amendment made by subsection (a)(2) shall apply to allocations or reallocations after December 31, 2006.

SEC. 203. PERFORMANCE STANDARDS FOR SULFUR DIOXIDE REMOVAL IN ADVANCED COAL-BASED GENERATION TECHNOLOGY UNITS DESIGNED TO USE SUBBITUMINOUS COAL.

(a) IN GENERAL.—Paragraph (1) of section 48A(f) (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 specified 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 the 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 take apply with respect to applications for cer-

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

SEC. 204. DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.

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

SEC. 205. CREDIT FOR NEW ENERGY EFFICIENT HOMES.

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

SEC. 206. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Subsection (g) of section 25D is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) CLARIFICATION OF TERM.—

(1) Subsections (a)(1), (b)(1)(A), and (e)(4)(A)(i) of section 25D are each amended by striking "qualified photovoltaic property expenditures" and inserting "qualified solar electric property expenditures".

(2) Section 25D(d)(2) is amended—

(A) by striking "qualified photovoltaic property expenditure" and inserting "qualified solar electric property expenditure", and

(B) in the heading by striking "QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE" and inserting "QUALIFIED SOLAR ELECTRIC PROPERTY EXPENDITURE".

SEC. 207. 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. 208. SPECIAL RULE FOR QUALIFIED METHANOL OR ETHANOL FUEL.

(a) EXTENSION.—Subparagraph (D) of section 4041(b)(2) is amended by striking "October 1, 2007" and inserting "January 1, 2009".

(b) APPLICABLE BLENDER RATE.—Section 4041(b)(2)(C)(ii) is amended by striking "2007" and inserting "2008".

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

SEC. 209. 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 property 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.

"(8) DENIAL OF DOUBLE BENEFIT.—Paragraph (1) shall not apply to any qualified cellulosic biomass ethanol plant property with respect to which an election has been made under section 179C (relating to election to expense certain refineries).".

(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. 210. EXPENDITURES PERMITTED FROM THE LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 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. 211. 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.

TITLE III—HEALTH SAVINGS ACCOUNTS

SEC. 301. SHORT TITLE.

This title may be cited as the "Health Opportunity Patient Empowerment Act of 2006".

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

(a) IN GENERAL.—Section 106 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following new subsection:

"(e) FSA AND HRA TERMINATIONS TO FUND HSAS.—

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

"(2) QUALIFIED HSA DISTRIBUTION.—The term 'qualified HSA distribution' means a distribution from a health flexible spending arrangement or health reimbursement arrangement to the extent that such distribution—

"(A) does not exceed the lesser of the balance in such arrangement on September 21, 2006, or as of the date of such distribution, and

"(B) is contributed by the employer directly to the health savings account of the employee before January 1, 2012.

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

"(3) ADDITIONAL TAX FOR FAILURE TO MAINTAIN HIGH DEDUCTIBLE HEALTH PLAN COVERAGE.—

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

"(i) shall be includible in the gross income of the employee for the taxable year in which occurs the first month in the testing period for which such employee is not an eligible individual, and

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

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

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

"(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) TESTING PERIOD.—The term 'testing period' means the period beginning with the month in which the qualified HSA distribution is contributed to the health savings account and ending on the last day of the 12th month following such month.

"(B) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given such term by section 223(c)(1).

"(C) TREATMENT AS ROLLOVER CONTRIBUTION.—A qualified HSA distribution shall be treated as a rollover contribution described in section 223(f)(5).

"(5) TAX TREATMENT RELATING TO DISTRIBUTIONS.—For purposes of this title—

"(A) IN GENERAL.—A qualified HSA distribution shall be treated as a payment described in subsection (d).

"(B) COMPARABILITY EXCISE TAX.—

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

"(ii) FAILURE TO OFFER TO ALL EMPLOYEES.—In the case of a qualified HSA distribution to any employee, the failure to offer such distribution to any eligible individual covered under a high deductible health plan of the employer shall (notwithstanding section 4980G(d)) be treated for purposes of section 4980G as a failure to meet the requirements of section 4980G(b).".

(b) CERTAIN FSA COVERAGE DISREGARDED COVERAGE.—Subparagraph (B) of section 223(c)(1) (relating to certain coverage disregarded) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by inserting after clause (ii) the following new clause:

"(iii) for taxable years beginning after December 31, 2006, coverage under a health flexible spending arrangement during any period immediately following the end of a plan year of such arrangement during which unused benefits or contributions remaining at the end of such plan year may

be paid or reimbursed to plan participants for qualified benefit expenses incurred during such period if—

"(I) the balance in such arrangement at the end of such plan year is zero, or

"(II) the individual is making a qualified HSA distribution (as defined in section 106(e)) in an amount equal to the remaining balance in such arrangement as of the end of such plan year, in accordance with rules prescribed by the Secretary.".

(c) APPLICATION OF SECTION.—

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

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 303. REPEAL OF ANNUAL DEDUCTIBLE LIMITATION ON HSA CONTRIBUTIONS.

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

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

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

(b) CONFORMING AMENDMENT.—Section 223(d)(1)(A)(ii)(I) is amended by striking "subsection (b)(2)(B)(ii)" and inserting "subsection (b)(2)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

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

Paragraph (1) of section 223(g) (relating to cost-of-living adjustment) is amended by adding at the end the following new flush sentence:

"In the case of adjustments made for any taxable year beginning after 2007, section 1(f)(4) shall be applied for purposes of this paragraph by substituting 'March 31' for 'August 31', and the Secretary shall publish the adjusted amounts under subsections (b)(2) and (c)(2)(A) for taxable years beginning in any calendar year no later than June 1 of the preceding calendar year.".

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

(a) INCREASE IN LIMIT FOR INDIVIDUALS BECOMING ELIGIBLE INDIVIDUALS AFTER BEGINNING OF THE YEAR.—Subsection (b) of section 223 (relating to limitations) is amended by adding at the end the following new paragraph:

"(8) INCREASE IN LIMIT FOR INDIVIDUALS BECOMING ELIGIBLE INDIVIDUALS AFTER THE BEGINNING OF THE YEAR.—

"(A) IN GENERAL.—For purposes of computing the limitation under paragraph (1) for any taxable year, an individual who is an eligible individual during the last month of such taxable year shall be treated—

"(i) as having been an eligible individual during each of the months in such taxable year, and

"(ii) as having been enrolled, during each of the months such individual is treated as an eligible individual solely by reason of clause (i), in the same high deductible health plan in which the individual was enrolled for the last month of such taxable year.

"(B) FAILURE TO MAINTAIN HIGH DEDUCTIBLE HEALTH PLAN COVERAGE.—

"(i) IN GENERAL.—If, at any time during the testing period, the individual is not an eligible individual, then—

"(I) gross income of the individual for the taxable year in which occurs the first month in the testing period for which such individual is not an eligible individual is increased by the aggregate amount of all contributions to the health savings account of the individual which could not have been made but for subparagraph (A), and

"(II) the tax imposed by this chapter for any taxable year on the individual shall be increased by 10 percent of the amount of such increase.

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

coming disabled (within the meaning of section 72(m)(7)).

"(iii) TESTING PERIOD.—The term 'testing period' means the period beginning with the last month of the taxable year referred to in subparagraph (A) and ending on the last day of the 12th month following such month.".

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

SEC. 306. EXCEPTION TO REQUIREMENT FOR EMPLOYERS TO MAKE COMPARABLE HEALTH SAVINGS ACCOUNT CONTRIBUTIONS.

(a) IN GENERAL.—Section 4980G (relating to failure of employer to make comparable health savings account contributions) is amended by adding at the end the following new subsection:

"(d) EXCEPTION.—For purposes of applying section 4980E to a contribution to a health savings account of an employee who is not a highly compensated employee (as defined in section 414(q)), highly compensated employees shall not be treated as comparable participating employees.".

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

SEC. 307. ONE-TIME DISTRIBUTION FROM INDIVIDUAL RETIREMENT PLANS TO FUND HSAS.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to taxability of beneficiary of employees' trust) is amended by adding at the end the following new paragraph:

"(9) DISTRIBUTION FOR HEALTH SAVINGS ACCOUNT FUNDING.—

"(A) IN GENERAL.—In the case of an individual who is an eligible individual (as defined in section 223(c)) and who elects the application of this paragraph for a taxable year, gross income of the individual for the taxable year does not include a qualified HSA funding distribution to the extent such distribution is otherwise includible in gross income.

"(B) QUALIFIED HSA FUNDING DISTRIBUTION.—For purposes of this paragraph, the term 'qualified HSA funding distribution' means a distribution from an individual retirement plan (other than a plan described in subsection (k) or (p)) of the employee to the extent that such distribution is contributed to the health savings ac-

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

"(C) LIMITATIONS.—

"(i) MAXIMUM DOLLAR LIMITATION.—The amount excluded from gross income by subparagraph (A) shall not exceed the excess of—

"(I) the annual limitation under section 223(b) computed on the basis of the type of coverage under the high deductible health plan covering the individual at the time of the qualified HSA funding distribution, over

"(II) in the case of a distribution described in clause (ii)(II), the amount of the earlier qualified HSA funding distribution.

"(ii) ONE-TIME TRANSFER.—

"(I) IN GENERAL.—Except as provided in subclause (II), an individual may make an election under subparagraph (A) only for one qualified HSA funding distribution during the lifetime of the individual. Such an election, once made, shall be irrevocable.

"(II) CONVERSION FROM SELF-ONLY TO FAMILY COVERAGE.—If a qualified HSA funding distribution is made during a month in a taxable year during which an individual has self-only coverage under a high deductible health plan as of the first day of the month, the individual may elect to make an additional qualified HSA funding distribution during a subsequent month in such taxable year during which the individual has family coverage under a high deductible health plan as of the first day of the subsequent month.

"(D) FAILURE TO MAINTAIN HIGH DEDUCTIBLE HEALTH PLAN COVERAGE.—

"(i) IN GENERAL.—If, at any time during the testing period, the individual is not an eligible individual, then the aggregate amount of all contributions to the health savings account of the individual made under subparagraph (A)—

"(I) shall be includible in the gross income of the individual for the

taxable year in which occurs the first month in the testing period for which such individual is not an eligible individual, and

"(II) the tax imposed by this chapter for any taxable year on the individual shall be increased by 10 percent of the amount which is so includible.

"(ii) EXCEPTION FOR DISABILITY OR DEATH.—Subclauses (I) and (II) of clause (i) shall not apply if the individual ceased to be an eligible individual by reason of the death of the individual or the individual becoming disabled (within the meaning of section 72(m)(7)).

"(iii) TESTING PERIOD.—The term 'testing period' means the period beginning with the month in which the qualified HSA funding distribution is contributed to a health savings account and ending on the last day of the 12th month following such month.

"(E) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the ex-

tent to which an amount is treated as otherwise includible in gross income for purposes of subparagraph (A), the aggregate amount distributed from an individual retirement plan shall be treated as includible in gross income to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts from all individual retirement plans were distributed. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.''.

(b) COORDINATION WITH LIMITATION ON CONTRIBUTIONS TO HSAS.—Section 223(b)(4) (relating to coordination with other contributions) 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 inserting after subparagraph (B) the following new subparagraph:

''(C) the aggregate amount contributed to health savings accounts of such individual for such taxable year under section 408(d)(9) (and such amount shall not be allowed as a deduction under subsection (a)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE IV—OTHER PROVISIONS

SEC. 401. 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 de-

scribed 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 subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 402. 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".

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

SEC. 403. 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. 404. 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 PROPERTY.—For purposes of this section, the term 'advanced mine safety equipment property' means any of the following:

"(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 device which allows an individual who is not in the mine to track at all times the movements and location of miners working in or at the mine.

"(3) Emergency oxygen-generating, self-rescue device which provides oxygen for at least 90 minutes.

"(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 accident 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.".

(c) 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. 405. 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:

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

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

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

12 *"(2) $10,000.*

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

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

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

(c) 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.".

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

SEC. 406. 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 per-

cent 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 deter-

mination, 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 program to be administered in the Internal Revenue Service by an office to be known as the "Whistleblower Office" which—

(A) shall at all times operate at the direction 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 additional 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 as-

sistance 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. 407. 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

"(III) section 7811 (relating to taxpayer assistance orders).

"(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:

"(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.".

(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 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.".

(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 prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 408. ADDITION OF MENINGOCOCCAL AND HUMAN PAPILLOMAVIRUS VACCINES TO LIST OF TAXABLE 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. 409. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS MADE PERMANENT.

(a) IN GENERAL.—Subsection (g) of section 468B 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. 410. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355 MADE PERMANENT.

(a) IN GENERAL.—Subparagraphs (A) and (D) of section 355(b)(3) 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. 411. REVISION OF STATE VETERANS LIMIT MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (B) of section 143(l)(3) 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. 412. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (3) of section 1221(b) is amended by striking "before January 1, 2011,".

(b) EFFECTIVE 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. 413. REDUCTION IN MINIMUM VESSEL TONNAGE WHICH QUALIFIES FOR TONNAGE TAX MADE PERMANENT.

(a) IN GENERAL.—Paragraph (4) of section 1355(a) 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) EFFECTIVE 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. 414. 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. 415. 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:

"(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.

"(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 be-

tween 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. 416. 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 residence 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 subparagraph,".

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

SEC. 417. 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 amended

by redesignating clause (iv) as clause (v) and by inserting 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 Department 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".

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

SEC. 418. 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. 419. 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 thereof) 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 re-

turn 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 subsection (c) 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

Protection Act of 1998 (12 U.S.C. 4901), 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. 420. 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) or (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 paragraph (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 section 6416(a)(1).

"(ii) PAYMENTS FOR KEROSENE USED IN NONCOMMERCIAL AVIATION.—The amount which would be paid under paragraph (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 section 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.

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

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

6 *"(5) STATE.—*

7 *"(A) IN GENERAL.—The term 'State'*
8 *means—*

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

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

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

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

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

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

"(I) which is formed and operated by a qualified group of municipalities, and

"(II) with which the Secretary (in his sole discretion) has entered into an agreement regarding disclosure.

"(B) REGIONAL INCOME TAX AGENCIES.—For purposes of subparagraph (A)(iii)—

"(i) QUALIFIED GROUP OF MUNICIPALITIES.—The term 'qualified group of municipalities' means, with respect to any governmental entity, 2 or more municipalities—

"(I) each of which imposes a tax on income or wages,

"(II) each of which, under the authority of a State statute, administers the laws relating to the imposition of such taxes through such entity, and

"(III) which collectively have a population in excess of 250,000 (as determined under the most recent decen-

nial United States census data available).

"(ii) REFERENCES TO STATE LAW, ETC.—For purposes of applying subparagraph (A)(iii) to the subsections referred to in such subparagraph, any reference in such subsections to State law, proceedings, or tax returns shall be treated as references to the law, proceedings, or tax returns, as the case may be, of the municipalities which form and operate the governmental entity referred to in such subparagraph.

"(iii) DISCLOSURE TO CONTRACTORS AND OTHER AGENTS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor or other agent of a governmental entity referred to in subparagraph (A)(iii) unless such entity, to the satisfaction of the Secretary—

"(I) has requirements in effect which require each such contractor or other agent which would have access to returns or return information to provide safeguards (within the meaning of

subsection (p)(4)) to protect the confidentiality of such returns or return information,

"(II) agrees to conduct an on-site review every 3 years (or a mid-point review in the case of contracts or agreements of less than 3 years in duration) of each contractor or other agent to determine compliance with such requirements,

"(III) submits the findings of the most recent review conducted under subclause (II) to the Secretary as part of the report required by subsection (p)(4)(E), and

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

The certification required by subclause (IV) shall include the name and address of each contractor and other agent, a description of the contract or agreement with such contractor or other agent, and the duration of such contract or agreement. The require-

ments of this clause shall not apply to disclosures pursuant to subsection (n) for purposes of Federal tax administration and a rule similar to the rule of subsection (p)(8)(B) shall apply for purposes of this clause.".

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

"(6) LIMITATION ON DISCLOSURE REGARDING REGIONAL INCOME TAX AGENCIES TREATED AS STATES.—For purposes of paragraph (1), inspection by or disclosure to an entity described in subsection (b)(5)(A)(iii) shall be for the purpose of, and only to the extent necessary in, the administration of the laws of the member municipalities in such entity relating to the imposition of a tax on income or wages. Such entity may not redisclose any return or return information received pursuant to paragraph (1) to any such member municipality.".

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

SEC. 422. DESIGNATION OF WINES BY SEMI-GENERIC NAMES.

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

"(3) SPECIAL RULE FOR USE OF CERTAIN SEMI-GENERIC DESIGNATIONS.—

"(A) IN GENERAL.—In the case of any wine to which this paragraph applies—

"(i) paragraph (1) shall not apply,

"(ii) in the case of wine of the European Community, designations referred to in subparagraph (C)(i) may be used for such wine only if the requirement of subparagraph (B)(ii) is met, and

"(iii) in the case any other wine bearing a brand name, or brand name and fanciful name, semi-generic designations may be used for such wine only if the requirements of clauses (i), (ii), and (iii) of subparagraph (B) are met.

"(B) REQUIREMENTS.—

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

priate appellation of origin disclosing the origin of the wine.

"(ii) The requirement of this clause is met if the wine conforms to the standard of identity, if any, for such wine contained in the regulations under this section or, if there is no such standard, to the trade understanding of such class or type.

"(iii) The requirement of this clause is met if the person, or its successor in interest, using the semi-generic designation held a Certificate of Label Approval or Certificate of Exemption from Label Approval issued by the Secretary for a wine label bearing such brand name, or brand name and fanciful name, before March 10, 2006, on which such semi-generic designation appeared.

"(C) WINES TO WHICH PARAGRAPH APPLIES.—

"(i) IN GENERAL.—Except as provided in clause (ii), this paragraph shall apply to any grape wine which is designated as Burgundy, Claret, Chablis, Champagne, Chianti, Malaga, Marsala, Madeira, Moselle,

Port, Retsina, Rhine Wine or Hock, Sauterne, Haut Sauterne, Sherry, or Tokay.

"(ii) EXCEPTION.—This paragraph shall not apply to wine which—

"(I) contains less than 7 percent or more than 24 percent alcohol by volume,

"(II) is intended for sale outside the United States, or

"(III) does not bear a brand name.".

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

SEC. 423. 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. 424. MODIFICATION OF EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

"(c) TAXATION OF TRUSTS.—

"(1) INCOME TAX.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

"(2) EXCISE TAX.—

"(A) IN GENERAL.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust which has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

"(B) CERTAIN RULES TO APPLY.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

"(C) TAX COURT PROCEEDINGS.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.".

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

SEC. 425. LOANS TO QUALIFIED CONTINUING CARE FACILITIES MADE PERMANENT.

(a) IN GENERAL.—Subsection (h) of section 7872 (relating to exception for loans to qualified continuing care facilities) is amended by striking paragraph (4).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 209 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 426. 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) 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) 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.

DIVISION B—MEDICARE AND OTHER HEALTH PROVISIONS

SEC. 1. SHORT TITLE OF DIVISION.

This division may be cited as the "Medicare Improvements and Extension Act of 2006".

TITLE I—MEDICARE IMPROVED QUALITY AND PROVIDER PAYMENTS

SEC. 101. PHYSICIAN PAYMENT AND QUALITY IMPROVEMENT.

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

"(7) CONVERSION FACTOR FOR 2007.—

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

"(i) 1 plus the Secretary's estimate of the percentage increase in the MEI (as defined in section 1842(i)(3)) for 2007 (divided by 100); and

"(ii) 1 plus the Secretary's estimate of the update adjustment factor under paragraph (4)(B) for 2007.

"(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2008.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2008 as if subparagraph (A) had never applied.".

(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 shall implement a system for the reporting by eligible professionals of data on quality measures specified under paragraph (2). Such data shall be submitted in a form and manner specified by the Secretary (by program instruction or otherwise), which may include submission of such data on claims under this part.

"(2) USE OF CONSENSUS-BASED QUALITY MEASURES.—

1 *"(A) FOR 2007.—*

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

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

(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 Secretary may implement by program instruction or otherwise this subsection for 2007.

"(B) FOR 2008.—

"(i) IN GENERAL.—For purposes of reporting data on quality measures for covered professional services furnished during 2008, the quality measures specified under this paragraph for 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 include measures that have been submitted by a physician specialty, and that the Secretary identifies as having used a consensus-based process for developing such measures. Such measures shall include

structural measures, such as the use of electronic health records and electronic prescribing technology.

"(ii) PROPOSED SET OF MEASURES.—Not later than August 15, 2007, the Secretary shall publish in the Federal Register a proposed set of quality measures that the Secretary determines are described in clause (i) and would be appropriate for eligible professionals to use to submit data to the Secretary in 2008. The Secretary 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 Secretary shall publish in the Federal Register a final set of quality measures that the Secretary determines are described in clause (i) and would be appropriate for eligible professionals to use to submit data to the Secretary 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 or occupational therapist or a qualified speech-language pathologist.

"(4) 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 Secretary 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 Secretary.

"(5) IDENTIFICATION UNITS.—For purposes of applying this subsection, the Secretary may identify

eligible professionals through billing units, which may include the use of the Provider Identification 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 Secretary 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).

"(8) IMPLEMENTATION.—The Secretary shall carry out this subsection acting through the Administrator of the Centers for Medicare & Medicaid Services.".

(c) TRANSITIONAL BONUS INCENTIVE PAYMENTS FOR QUALITY REPORTING IN 2007.—

1 *(1) IN GENERAL.—With respect to covered profes-*
2 *sional services furnished during a reporting period*
3 *(as defined in paragraph (6)(C)) by an eligible pro-*
4 *fessional, if—*
5 *(A) there are any quality measures that*
6 *have been established under the physician report-*
7 *ing system that are applicable to any such serv-*
8 *ices furnished by such professional for such pe-*
9 *riod, and*
10 *(B) the eligible professional satisfactorily*
11 *submits (as determined under paragraph (2)) to*
12 *the Secretary data on such quality measures in*
13 *accordance with such reporting system for such*
14 *reporting period,*
15 *in addition to the amount otherwise paid under part*
16 *B of title XVIII of the Social Security Act, subject to*
17 *paragraph (3), there also shall be paid to the eligible*
18 *professional (or to an employer or facility in the cases*
19 *described in clause (A) of section 1842(b)(6) of the So-*
20 *cial Security Act (42 U.S.C. 1395u(b)(6))) from the*
21 *Federal Supplementary Medical Insurance Trust*
22 *Fund established under section 1841 of such Act (42*
23 *U.S.C. 1395t) an amount equal to 1.5 percent of the*
24 *Secretary's estimate (based on claims submitted not*
25 *later than two months after the end of the reporting*

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 professional 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 applicable to such services of such professional furnished 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 measures have been reported under such system in at least 80

percent of the cases in which the respective measure is reportable under the system.

(3) PAYMENT LIMITATION.—

(A) IN GENERAL.—In no case shall the total payment made under this subsection to an eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6) of the Social Security Act) 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 Secretary (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 the physician reporting system; divided by

(ii) the total number of quality measures for which data are reported under such 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), (6), and (8) 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 any payment under such subsections shall not be taken into account in computing allowable charges under this subsection.

(C) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement by program instruction or otherwise this subsection.

(D) VALIDATION.—

(i) IN GENERAL.—Subject to the succeeding provisions of this subparagraph, for purposes of determining whether a measure is applicable to the covered professional services of an eligible professional under paragraph (2), the Secretary shall presume that if an eligible professional submits data for a measure, such measure is applicable to such professional.

(ii) METHOD.— The Secretary shall validate (by sampling or other means as the Secretary determines to be appropriate) whether measures applicable to covered professional services of an eligible professional have been reported.

(iii) DENIAL OF PAYMENT AUTHORITY.—If the Secretary determines that an eligible professional has not reported measures applicable to covered professional services of such professional, the Secretary shall not pay the bonus incentive payment.

(E) LIMITATIONS ON REVIEW.—

(i) IN GENERAL.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act or otherwise of—

(I) the determination of measures applicable to services furnished by eligible professionals under this subsection;

(II) the determination of satisfactory reporting under paragraph (2);

(III) the determination of the payment limitation under paragraph (3); and

(IV) the determination of the bonus incentive payment under this subsection.

(ii) TREATMENT OF DETERMINATIONS.—A determination under this sub-

section shall not be treated as a determination for purposes of section 1869 of the Social Security Act.

(6) DEFINITIONS.—For purposes of this subsection:

(A) 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).

(B) 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).

(C) REPORTING PERIOD.—The term "reporting period" means the period beginning on July 1, 2007, and ending on December 31, 2007.

(D) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—Section 1848 of the Social Security Act, as amended by subsection (b), is further amended by adding at the end the following new subsection:

1 *"(l) PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE*
2 *FUND.—*
3 *"(1) ESTABLISHMENT.—The Secretary shall es-*
4 *tablish under this subsection a Physician Assistance*
5 *and Quality Initiative Fund (in this subsection re-*
6 *ferred to as the 'Fund') which shall be available to the*
7 *Secretary for physician payment and quality im-*
8 *provement initiatives, which may include application*
9 *of an adjustment to the update of the conversion fac-*
10 *tor under subsection (d).*
11 *"(2) FUNDING.—*
12 *"(A) AMOUNT AVAILABLE.—There shall be*
13 *available to the Fund for expenditures an*
14 *amount equal to $1,350,000,000.*
15 *"(B) TIMELY OBLIGATION OF ALL AVAIL-*
16 *ABLE FUNDS FOR SERVICES FURNISHED DURING*
17 *2008.—The Secretary shall provide for expendi-*
18 *tures from the Fund in a manner designed to*
19 *provide (to the maximum extent feasible) for the*
20 *obligation of the entire amount specified in sub-*
21 *paragraph (A) for payment with respect to phy-*
22 *sicians' services furnished during 2008.*
23 *"(C) PAYMENT FROM TRUST FUND.—The*
24 *amount specified in subparagraph (A) shall be*
25 *available to the Fund, as expenditures are made*

from the Fund, from the Federal Supplementary Medical Insurance Trust Fund under section 1841.

"(D) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations in accordance with subparagraph (B) but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under subparagraph (A). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.

"(E) CONSTRUCTION.—In the case that expenditures from the Fund are applied to, or otherwise affect, a conversion factor under subsection (d) for a year, the conversion factor under such subsection shall be computed for a subsequent year as if such application or effect had never occurred.".

(e) IMPLEMENTATION.—For purposes of implementing the provisions of, and amendments made by, this section,

1 *the Secretary of Health and Human Services shall provide*
2 *for the transfer, from the Federal Supplementary Medical*
3 *Insurance Trust Fund established under section 1841 of the*
4 *Social Security Act (42 U.S.C. 1395t), of $60,000,000 to*
5 *the Centers for Medicare & Medicaid Services Program*
6 *Management Account for the period of fiscal years 2007,*
7 *2008, and 2009.*

8 ***SEC. 102. EXTENSION OF FLOOR ON MEDICARE WORK GEO-***
9 ***GRAPHIC ADJUSTMENT.***

10 *Section 1848(e)(1)(E) of the Social Security Act (42*
11 *U.S.C. 1395w–4(e)(1)(E)) is amended by striking "before*
12 *January 1, 2007" and inserting "before January 1, 2008".*

13 ***SEC. 103. UPDATE TO THE COMPOSITE RATE COMPONENT***
14 ***OF THE BASIC CASE-MIX ADJUSTED PROSPEC-***
15 ***TIVE PAYMENT SYSTEM FOR DIALYSIS SERV-***
16 ***ICES.***

17 *(a) IN GENERAL.—Section 1881(b)(12)(G) of the So-*
18 *cial Security Act (42 U.S.C. 1395rr(b)(12)(G)) is amended*
19 *to read as follows:*

20 *"(G) The Secretary shall increase the amount of the*
21 *composite rate component of the basic case-mix adjusted*
22 *system under subparagraph (B) for dialysis services—*

23 *"(i) furnished on or after January 1, 2006, and*
24 *before April 1, 2007, by 1.6 percent above the amount*

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.".

(b) GAO REPORT ON HOME DIALYSIS PAYMENT.—Not later than January 1, 2009, the Comptroller General of the United States shall submit to Congress a report on the costs for home hemodialysis treatment and patient training for both home hemodialysis and peritoneal dialysis. Such report shall also include recommendations for a payment methodology for payment under section 1881 of the Social Security Act (42 U.S.C. 1395rr) that measures, and is based on, the costs of providing such services and takes into account the case mix of patients.

SEC. 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public

Law 108–173), is amended by striking "and 2006" and inserting ", 2006, and 2007".

SEC. 105. 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. 106. HOSPITAL MEDICARE REPORTS AND CLARIFICATIONS.

(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 reclassification 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 September 30, 2007. The previous sentence shall not be effected in a budget-neutral manner.

1 *(b) REVISION OF THE MEDICARE WAGE INDEX CLAS-*
2 *SIFICATION SYSTEM.—*
3 *(1) MEDPAC REPORT.—*
4 *(A) IN GENERAL.—The Medicare Payment*
5 *Advisory Commission shall submit to Congress,*
6 *by not later than June 30, 2007, a report on its*
7 *study of the wage index classification system ap-*
8 *plied under Medicare prospective payment sys-*
9 *tems, including under section 1886(d)(3)(E) of*
10 *the Social Security Act (42 U.S.C.*
11 *1395ww(d)(3)(E)). Such report shall include any*
12 *alternatives the Commission recommends to the*
13 *method to compute the wage index under such*
14 *section.*
15 *(B) FUNDING.—Out of any funds in the*
16 *Treasury not otherwise appropriated, there are*
17 *appropriated to the Medicare Payment Advisory*
18 *Commission, $2,000,000 for fiscal year 2007 to*
19 *carry out this paragraph.*
20 *(2) PROPOSAL TO REVISE THE HOSPITAL WAGE*
21 *INDEX CLASSIFICATION SYSTEM.— The Secretary of*
22 *Health and Human Services, taking into account the*
23 *recommendations described in the report under para-*
24 *graph (1), shall include in the proposed rule pub-*
25 *lished under section 1886(e)(5)(A) of the Social Secu-*

rity Act (42 U.S.C. 1395ww(e)(5)(A)) for fiscal year 2009 one or more proposals to revise the wage index adjustment applied under section 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E)) for purposes of the Medicare prospective payment system for inpatient hospital services. Such proposal (or proposals) shall consider each of the following:

(A) Problems associated with the definition of labor markets for purposes of such wage index adjustment.

(B) The modification or elimination of geographic reclassifications and other adjustments.

(C) The use of Bureau of Labor Statistics data, or other data or methodologies, to calculate relative wages for each geographic area involved.

(D) Minimizing variations in wage index adjustments between and within Metropolitan Statistical Areas and Statewide rural areas.

(E) The feasibility of applying all components of the proposal to other settings, including home health agencies and skilled nursing facilities.

(F) Methods to minimize the volatility of wage index adjustments, while maintaining the

principle of budget neutrality in applying such adjustments.

(G) The effect that the implementation of the proposal would have on health care providers and on each region of the country.

(H) Methods for implementing the proposal, including methods to phase-in such implementation.

(I) Issues relating to occupational mix, such as staffing practices and any evidence on the effect on quality of care and patient safety and any recommendations for alternative calculations.

(c) ELIMINATION OF UNNECESSARY REPORT.—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. 107. PAYMENT FOR BRACHYTHERAPY.

(a) EXTENSION OF PAYMENT RULE.—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".

(b) ESTABLISHMENT OF SEPARATE PAYMENT GROUPS.—

(1) IN GENERAL.—Section 1833(t)(2)(H) of such Act (42 U.S.C. 1395l(t)(2)(H)) is amended by inserting "and for stranded and non-stranded devices furnished on or after July 1, 2007" before the period at the end.

(2) IMPLEMENTATION.—The Secretary of Health and Human Services may implement the amendment made by paragraph (1) by program instruction or otherwise.

SEC. 108. PAYMENT PROCESS UNDER THE COMPETITIVE ACQUISITION PROGRAM (CAP).

(a) IN GENERAL.—Section 1847B(a)(3) of the Social Security Act (42 U.S.C. 1395w-3b(a)(3)) is amended—

(1) in subparagraph (A)(iii), by striking "and biologicals" and all that follows and inserting "and biologicals shall be made only to such contractor upon receipt of a claim for a drug or biological supplied by the contractor for administration to a beneficiary."; and

(2) by adding at the end the following new subparagraph:

"(D) POST-PAYMENT REVIEW PROCESS.—The Secretary shall establish (by program in-

struction or otherwise) a post-payment review process (which may include the use of statistical sampling) to assure that payment is made for a drug or biological under this section only if the drug or biological has been administered to a beneficiary. The Secretary shall recoup, offset, or collect any overpayments determined by the Secretary under such process.".

(b) CONSTRUCTION.—Nothing in this section shall be construed as—

(1) requiring the conduct of any additional competition under subsection (b)(1) of section 1847B of the Social Security Act (42 U.S.C. 1395w-3b); or

(2) requiring any additional process for elections by physicians under subsection (a)(1)(A)(ii) of such section or additional selection by a selecting physician of a contractor under subsection (a)(5) of such section.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payment for drugs and biologicals supplied under section 1847B of the Social Security Act (42 U.S.C. 1395w-3b)—

(1) on or after April 1, 2007; and

(2) on or after July 1, 2006, and before April 1, 2007, for claims that are unpaid as of April 1, 2007.

1 ***SEC. 109. QUALITY REPORTING FOR HOSPITAL OUT-***
2 ***PATIENT SERVICES AND AMBULATORY SUR-***
3 ***GICAL CENTER SERVICES.***

4 *(a) OUTPATIENT HOSPITAL SERVICES.—*

5 *(1) IN GENERAL.—Section 1833(t) of the Social*
6 *Security Act (42 U.S.C. 1395l(t)) is amended—*

7 *(A) in paragraph (3)(C)(iv), by inserting*
8 *"subject to paragraph (17)," after "For purposes*
9 *of this subparagraph,"; and*

10 *(B) by adding at the end the following new*
11 *paragraph:*

12 *"(17) QUALITY REPORTING.—*

13 *"(A) REDUCTION IN UPDATE FOR FAILURE*
14 *TO REPORT.—*

15 *"(i) IN GENERAL.—For purposes of*
16 *paragraph (3)(C)(iv) for 2009 and each*
17 *subsequent year, in the case of a subsection*
18 *(d) hospital (as defined in section*
19 *1886(d)(1)(B)) that does not submit, to the*
20 *Secretary in accordance with this para-*
21 *graph, data required to be submitted on*
22 *measures selected under this paragraph*
23 *with respect to such a year, the OPD fee*
24 *schedule increase factor under paragraph*
25 *(3)(C)(iv) for such year shall be reduced by*
26 *2.0 percentage points.*

1 *"(ii) NON-CUMULATIVE APPLICA-*
2 *TION.—A reduction under this subpara-*
3 *graph shall apply only with respect to the*
4 *year involved and the Secretary shall not*
5 *take into account such reduction in com-*
6 *puting the OPD fee schedule increase factor*
7 *for a subsequent year.*
8 *"(B) FORM AND MANNER OF SUBMISSION.—*
9 *Each subsection (d) hospital shall submit data*
10 *on measures selected under this paragraph to the*
11 *Secretary in a form and manner, and at a time,*
12 *specified by the Secretary for purposes of this*
13 *paragraph.*
14 *"(C) DEVELOPMENT OF OUTPATIENT MEAS-*
15 *URES.—*
16 *"(i) IN GENERAL.—The Secretary shall*
17 *develop measures that the Secretary deter-*
18 *mines to be appropriate for the measure-*
19 *ment of the quality of care (including medi-*
20 *cation errors) furnished by hospitals in out-*
21 *patient settings and that reflect consensus*
22 *among affected parties and, to the extent*
23 *feasible and practicable, shall include meas-*
24 *ures set forth by one or more national con-*
25 *sensus building entities.*

1 *"(ii) CONSTRUCTION.—Nothing in this*
2 *paragraph shall be construed as preventing*
3 *the Secretary from selecting measures that*
4 *are the same as (or a subset of) the meas-*
5 *ures for which data are required to be sub-*
6 *mitted under section 1886(b)(3)(B)(viii).*
7 *"(D) REPLACEMENT OF MEASURES.—For*
8 *purposes of this paragraph, the Secretary may*
9 *replace any measures or indicators in appro-*
10 *priate cases, such as where all hospitals are effec-*
11 *tively in compliance or the measures or indica-*
12 *tors have been subsequently shown not to rep-*
13 *resent the best clinical practice.*
14 *"(E) AVAILABILITY OF DATA.—The Sec-*
15 *retary shall establish procedures for making data*
16 *submitted under this paragraph available to the*
17 *public. Such procedures shall ensure that a hos-*
18 *pital has the opportunity to review the data that*
19 *are to be made public with respect to the hospital*
20 *prior to such data being made public. The Sec-*
21 *retary shall report quality measures of process,*
22 *structure, outcome, patients' perspectives on care,*
23 *efficiency, and costs of care that relate to services*
24 *furnished in outpatient settings in hospitals on*

the Internet website of the Centers for Medicare & Medicaid Services.".

(2) CONFORMING AMENDMENT.—Section 1886(b)(3)(B)(viii)(III) of such Act (42 U.S.C. 1395ww(b)(3)(B)(viii)(III)) is amended by inserting "(including medication errors)" after "quality of care".

(b) APPLICATION TO AMBULATORY SURGICAL CENTERS.—Section 1833(i) of such Act (42 U.S.C. 1935l(i)) is amended—

(1) in paragraph (2)(D), by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

"(iv) The Secretary may implement such system in a manner so as to provide for a reduction in any annual update for failure to report on quality measures in accordance with paragraph (7)."; and

(2) by adding at the end the following new paragraph:

"(7)(A) For purposes of paragraph (2)(D)(iv), the Secretary may provide, in the case of an ambulatory surgical center that does not submit, to the Secretary in accordance with this paragraph, data required to be submitted on measures selected under this paragraph with respect to a year, any annual increase provided under the system estab-

lished under paragraph (2)(D) for such year shall be reduced by 2.0 percentage points. A reduction under this subparagraph shall apply only with respect to the year involved and the Secretary shall not take into account such reduction in computing any annual increase factor for a subsequent year.

"(B) Except as the Secretary may otherwise provide, the provisions of subparagraphs (B), (C), (D), and (E) of paragraph (17) of section 1833(t) shall apply with respect to services of ambulatory surgical centers under this paragraph in a similar manner to the manner in which they apply under such paragraph and, for purposes of this subparagraph, any reference to a hospital, outpatient setting, or outpatient hospital services is deemed a reference to an ambulatory surgical center, the setting of such a center, or services of such a center, respectively.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payment for services furnished on or after January 1, 2009.

SEC. 110. REPORTING OF ANEMIA QUALITY INDICATORS FOR MEDICARE PART B CANCER ANTI-ANEMIA DRUGS.

(a) IN GENERAL.—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

"(u) Each request for payment, or bill submitted, for a drug furnished to an individual for the treatment of anemia in connection with the treatment of cancer shall include (in a form and manner specified by the Secretary) information on the hemoglobin or hematocrit levels for the individual.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs furnished on or after January 1, 2008. The Secretary of Health and Human Services shall address the implementation of such amendment in the rulemaking process under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) for payment for physicians' services for 2008, consistent with the previous sentence.

SEC. 111. CLARIFICATION OF HOSPICE SATELLITE DESIGNATION.

Notwithstanding any other provision of law, for purposes of calculating the hospice aggregate payment cap for 2004, 2005, and 2006 for a hospice program under section 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.

TITLE II—MEDICARE BENEFICIARY PROTECTIONS

SEC. 201. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking "2006" and inserting "the period beginning on January 1, 2006, and ending on December 31, 2007,".

SEC. 202. 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

1 *on or after January 1, 2008, its administration)" after*
2 *"Public Health Service Act".*

3 ***SEC. 203. OIG STUDY OF NEVER EVENTS.***

4 *(a) STUDY.—*

5 *(1) IN GENERAL.—The Inspector General in the*
6 *Department of Health and Human Services shall con-*
7 *duct a study on—*

8 *(A) incidences of never events for Medicare*
9 *beneficiaries, including types of such events and*
10 *payments by any party for such events;*

11 *(B) the extent to which the Medicare pro-*
12 *gram paid, denied payment, or recouped pay-*
13 *ment for services furnished in connection with*
14 *such events and the extent to which beneficiaries*
15 *paid for such services; and*

16 *(C) the administrative processes of the Cen-*
17 *ters for Medicare & Medicaid Services to detect*
18 *such events and to deny or recoup payments for*
19 *services furnished in connection with such an*
20 *event.*

21 *(2) CONDUCT OF STUDY.—In conducting the*
22 *study under paragraph (1), the Inspector General—*

23 *(A) shall audit a representative sample of*
24 *claims and medical records of Medicare bene-*
25 *ficiaries to identify never events and any pay-*

ment (or recoupment) for services furnished in connection with such events;

(B) may request access to such claims and records from any Medicare contractor; and

(C) shall not release individually identifiable information or facility-specific information.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Inspector General shall submit a report to Congress on the study conducted under this section. Such report shall include recommendations for such legislation and administrative action, such as a noncoverage policy or denial of payments, as the Inspector General determines appropriate, including—

(1) recommendations on processes to identify never events and to deny or recoup payments for services furnished in connection with such events; and

(2) a recommendation on a potential process (or processes) for public disclosure of never events which—

(A) will ensure protection of patient privacy; and

(B) will permit the use of the disclosed information for a root cause analysis to inform the public and the medical community about safety issues involved.

1 *(c) FUNDING.— Out of any funds in the Treasury not*
2 *otherwise appropriated, there are appropriated to the In-*
3 *spector General of the Department of Health and Human*
4 *Services $3,000,000 to carry out this section, to be available*
5 *until January 1, 2010.*

6 *(d) NEVER EVENTS DEFINED.—For purposes of this*
7 *section, the term "never event" means an event that is listed*
8 *and endorsed as a serious reportable event by the National*
9 *Quality Forum as of November 16, 2006.*

10 ***SEC. 204. MEDICARE MEDICAL HOME DEMONSTRATION***
11 ***PROJECT.***

12 *(a) IN GENERAL.—The Secretary of Health and*
13 *Human Services (in this section referred to as the "Sec-*
14 *retary") shall establish under title XVIII of the Social Secu-*
15 *rity Act a medical home demonstration project (in this sec-*
16 *tion referred to as the "project") to redesign the health care*
17 *delivery system to provide targeted, accessible, continuous*
18 *and coordinated, family-centered care to high-need popu-*
19 *lations and under which—*

20 *(1) care management fees are paid to persons*
21 *performing services as personal physicians; and*

22 *(2) incentive payments are paid to physicians*
23 *participating in practices that provide services as a*
24 *medical home under subsection (d).*

For purposes of this subsection, the term "high-need population" means individuals with multiple chronic illnesses that require regular medical monitoring, advising, or treatment.

(b) DETAILS.—

(1) DURATION; SCOPE.—The project shall operate during a period of three years and shall include urban, rural, and underserved areas in a total of no more than 8 States.

(2) ENCOURAGING PARTICIPATION OF SMALL PHYSICIAN PRACTICES.—The project shall be designed to include the participation of physicians in practices with fewer than three full-time equivalent physicians, as well as physicians in larger practices particularly in rural and underserved areas.

(c) PERSONAL PHYSICIAN DEFINED.—

(1) IN GENERAL.—For purposes of this section, the term "personal physician" means a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)) who—

(A) meets the requirements described in paragraph (2); and

(B) performs the services described in paragraph (3).

Nothing in this paragraph shall be construed as preventing such a physician from being a specialist or subspecialist for an individual requiring ongoing care for a specific chronic condition or multiple chronic conditions (such as severe asthma, complex diabetes, cardiovascular disease, rheumatologic disorder) or for an individual with a prolonged illness.

(2) REQUIREMENTS.—The requirements described in this paragraph for a personal physician are as follows:

(A) The physician is a board certified physician who provides first contact and continuous care for individuals under the physician's care.

(B) The physician has the staff and resources to manage the comprehensive and coordinated health care of each such individual.

(3) SERVICES PERFORMED.—A personal physician shall perform or provide for the performance of at least the following services:

(A) Advocates for and provides ongoing support, oversight, and guidance to implement a plan of care that provides an integrated, coherent, cross-discipline plan for ongoing medical care developed in partnership with patients and including all other physicians furnishing care to

the patient involved and other appropriate medical personnel or agencies (such as home health agencies).

(B) Uses evidence-based medicine and clinical decision support tools to guide decision-making at the point-of-care based on patient-specific factors.

(C) Uses health information technology, that may include remote monitoring and patient registries, to monitor and track the health status of patients and to provide patients with enhanced and convenient access to health care services.

(D) Encourages patients to engage in the management of their own health through education and support systems.

(d) MEDICAL HOME DEFINED.—For purposes of this section, the term "medical home" means a physician practice that—

(1) is in charge of targeting beneficiaries for participation in the project; and

(2) is responsible for—

(A) providing safe and secure technology to promote patient access to personal health information;

1 *(B) developing a health assessment tool for*
2 *the individuals targeted; and*
3 *(C) providing training programs for per-*
4 *sonnel involved in the coordination of care.*
5 *(e) PAYMENT MECHANISMS.—*
6 *(1) PERSONAL PHYSICIAN CARE MANAGEMENT*
7 *FEE.—Under the project, the Secretary shall provide*
8 *for payment under section 1848 of the Social Security*
9 *Act (42 U.S.C. 1395w-4) of a care management fee to*
10 *personal physicians providing care management*
11 *under the project. Under such section and using the*
12 *relative value scale update committee (RUC) process*
13 *under such section, the Secretary shall develop a care*
14 *management fee code for such payments and a value*
15 *for such code.*
16 *(2) MEDICAL HOME SHARING IN SAVINGS.—The*
17 *Secretary shall provide for payment under the project*
18 *of a medical home based on the payment methodology*
19 *applied to physician group practices under section*
20 *1866A of the Social Security Act (42 U.S.C. 1395cc-*
21 *1). Under such methodology, 80 percent of the reduc-*
22 *tions in expenditures under title XVIII of the Social*
23 *Security Act resulting from participation of individ-*
24 *uals that are attributable to the medical home (as re-*
25 *duced by the total care managements fees paid to the*

medical home under the project) shall be paid to the medical home. The amount of such reductions in expenditures shall be determined by using assumptions with respect to reductions in the occurrence of health complications, hospitalization rates, medical errors, and adverse drug reactions.

(3) SOURCE.—Payments paid under the project shall be made from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t).

(f) EVALUATIONS AND REPORTS.—

(1) ANNUAL INTERIM EVALUATIONS AND REPORTS.—For each year of the project, the Secretary shall provide for an evaluation of the project and shall submit to Congress, by a date specified by the Secretary, a report on the project and on the evaluation of the project for each such year.

(2) FINAL EVALUATION AND REPORT.—The Secretary shall provide for an evaluation of the project and shall submit to Congress, not later than one year after completion of the project, a report on the project and on the evaluation of the project.

1 ***SEC. 205. MEDICARE DRA TECHNICAL CORRECTIONS.***

2 *(a) PACE CLARIFICATION.—Paragraph (7) of section*
3 *5302(c) of the Deficit Reduction Act of 2005 (42 U.S.C.*
4 *1395eee note) is amended to read as follows:*

5 *"(7) APPROPRIATION.—*

6 *"(A) IN GENERAL.—Out of funds in the*
7 *Treasury not otherwise appropriated, there are*
8 *appropriated to the Secretary $10,000,000 to*
9 *carry out this subsection for the period of fiscal*
10 *years 2006 through 2010.*

11 *"(B) AVAILABILITY.—Funds appropriated*
12 *under subparagraph (A) shall remain available*
13 *for obligation through fiscal year 2010.".*

14 *(b) MISCELLANEOUS TECHNICAL CORRECTIONS.—*

15 *(1) CORRECTION OF MARGIN (SECTION 5001).—*
16 *Section 1886(b)(3)(B) of the Social Security Act (42*
17 *U.S.C. 1395ww(b)(3)(B)), as amended by section*
18 *5001(a) of the Deficit Reduction Act of 2005 (Public*
19 *Law 109–171), is amended by moving clause (viii)*
20 *(including subclauses (I) through (VII) of such clause)*
21 *6 ems to the left.*

22 *(2) REFERENCE CORRECTION (SECTION 5114).—*
23 *Section 5114(a)(2) of the Deficit Reduction Act of*
24 *2005 (Public Law 109–171), in the matter preceding*
25 *subparagraph (A), is amended by striking*
26 *"1842(b)(6)(F) of such Act (42 U.S.C.*

1 *1395u(b)(6)(F))" and inserting "1842(b)(6) of such*
2 *Act (42 U.S.C. 1395u(b)(6))".*
3 *(c) EFFECTIVE DATE.—The amendments made by this*
4 *section shall take effect as if included in the enactment of*
5 *the Deficit Reduction Act of 2005 (Public Law 109–171).*

6 ***SEC. 206. LIMITED CONTINUOUS OPEN ENROLLMENT OF***
7 ***ORIGINAL MEDICARE FEE-FOR-SERVICE EN-***
8 ***ROLLEES INTO MEDICARE ADVANTAGE NON-***
9 ***PRESCRIPTION DRUG PLANS.***

10 *(a) IN GENERAL.—Section 1851(e)(2) of the Social Se-*
11 *curity Act (42 U.S.C. 1395w–21(e)(2)) is amended by add-*
12 *ing at the end the following new subparagraph:*
13 *"(E) LIMITED CONTINUOUS OPEN ENROLL-*
14 *MENT OF ORIGINAL FEE-FOR-SERVICE ENROLL-*
15 *EES IN MEDICARE ADVANTAGE NON-PRESCRIP-*
16 *TION DRUG PLANS.—*
17 *"(i) IN GENERAL.—On any date dur-*
18 *ing 2007 or 2008 on which a Medicare Ad-*
19 *vantage eligible individual is an unenrolled*
20 *fee-for-service individual (as defined in*
21 *clause (ii)), the individual may elect under*
22 *subsection (a)(1) to enroll in a Medicare*
23 *Advantage plan that is not an MA–PD*
24 *plan.*

1 *"(ii) UNENROLLED FEE-FOR-SERVICE*
2 *INDIVIDUAL DEFINED.—In this subpara-*
3 *graph, the term 'unenrolled fee-for-service*
4 *individual' means, with respect to a date, a*
5 *Medicare Advantage eligible individual*
6 *who—*
7 *"(I) is receiving benefits under*
8 *this title through enrollment in the*
9 *original medicare fee-for-service pro-*
10 *gram under parts A and B;*
11 *"(II) is not enrolled in an MA*
12 *plan on such date; and*
13 *"(III) as of such date is not other-*
14 *wise eligible to elect to enroll in an MA*
15 *plan.*
16 *"(iii) LIMITATION OF ONE CHANGE*
17 *DURING YEAR.—An individual may exercise*
18 *the right under clause (i) only once during*
19 *the year.*
20 *"(iv) NO EFFECT ON COVERAGE UNDER*
21 *A PRESCRIPTION DRUG PLAN.—Nothing in*
22 *this subparagraph shall be construed as per-*
23 *mitting an individual exercising the right*
24 *under clause (i)—*

"(I) who is enrolled in a prescription drug plan under part D, to disenroll from such plan or to enroll in a different prescription drug plan; or

"(II) who is not enrolled in a prescription drug plan, to enroll in such a plan.".

(b) CONFORMING AMENDMENT.—Section 1860D–1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (E)".

TITLE III—MEDICARE PROGRAM INTEGRITY EFFORTS

SEC. 301. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w-27a(e)(2)(A)(i)) is amended by striking "2007," and "$10,000,000,000" and inserting "2012," and "$3,500,000,000", respectively.

1 ***SEC. 302. EXTENSION AND EXPANSION OF RECOVERY***
2 ***AUDIT CONTRACTOR PROGRAM UNDER THE***
3 ***MEDICARE INTEGRITY PROGRAM.***

4 *(a) IN GENERAL.—Section 1893 of the Social Security*
5 *Act (42 U.S.C. 1395ddd) is amended by adding at the end*
6 *the following new subsection:*

7 *"(h) USE OF RECOVERY AUDIT CONTRACTORS.—*

8 *"(1) IN GENERAL.—Under the Program, the Sec-*
9 *retary shall enter into contracts with recovery audit*
10 *contractors in accordance with this subsection for the*
11 *purpose of identifying underpayments and overpay-*
12 *ments and recouping overpayments under this title*
13 *with respect to all services for which payment is made*
14 *under part A or B. Under the contracts—*

15 *"(A) payment shall be made to such a con-*
16 *tractor only from amounts recovered;*

17 *"(B) from such amounts recovered, pay-*
18 *ment—*

19 *"(i) shall be made on a contingent*
20 *basis for collecting overpayments; and*

21 *"(ii) may be made in such amounts as*
22 *the Secretary may specify for identifying*
23 *underpayments; and*

24 *"(C) the Secretary shall retain a portion of*
25 *the amounts recovered which shall be available to*
26 *the program management account of the Centers*

for Medicare & Medicaid Services for purposes of activities conducted under the recovery audit program under this subsection.

"(2) DISPOSITION OF REMAINING RECOVERIES.—The amounts recovered under such contracts that are not paid to the contractor under paragraph (1) or retained by the Secretary under paragraph (1)(C) shall be applied to reduce expenditures under parts A and B.

"(3) NATIONWIDE COVERAGE.—The Secretary shall enter into contracts under paragraph (1) in a manner so as to provide for activities in all States under such a contract by not later than January 1, 2010.

"(4) AUDIT AND RECOVERY PERIODS.—Each such contract shall provide that audit and recovery activities may be conducted during a fiscal year with respect to payments made under part A or B—

"(A) during such fiscal year; and

"(B) retrospectively (for a period of not more than 4 fiscal years prior to such fiscal year).

"(5) WAIVER.—The Secretary shall waive such provisions of this title as may be necessary to provide

for payment of recovery audit contractors under this subsection in accordance with paragraph (1).

"(6) QUALIFICATIONS OF CONTRACTORS.—

"(A) IN GENERAL.—The Secretary may not enter into a contract under paragraph (1) with a recovery audit contractor unless the contractor has staff that has the appropriate clinical knowledge of, and experience with, the payment rules and regulations under this title or the contractor has, or will contract with, another entity that has such knowledgeable and experienced staff.

"(B) INELIGIBILITY OF CERTAIN CONTRACTORS.—The Secretary may not enter into a contract under paragraph (1) with a recovery audit contractor to the extent the contractor is a fiscal intermediary under section 1816, a carrier under section 1842, or a medicare administrative contractor under section 1874A.

"(C) PREFERENCE FOR ENTITIES WITH DEMONSTRATED PROFICIENCY.—In awarding contracts to recovery audit contractors under paragraph (1), the Secretary shall give preference to those risk entities that the Secretary determines have demonstrated more than 3 years direct management experience and a proficiency

for cost control or recovery audits with private insurers, health care providers, health plans, under the Medicaid program under title XIX, or under this title.

"(7) CONSTRUCTION RELATING TO CONDUCT OF INVESTIGATION OF FRAUD.—A recovery of an overpayment to a individual or entity by a recovery audit contractor under this subsection shall not be construed to prohibit the Secretary or the Attorney General from investigating and prosecuting, if appropriate, allegations of fraud or abuse arising from such overpayment.

"(8) ANNUAL REPORT.—The Secretary shall annually submit to Congress a report on the use of recovery audit contractors under this subsection. Each such report shall include information on the performance of such contractors in identifying underpayments and overpayments and recouping overpayments, including an evaluation of the comparative performance of such contractors and savings to the program under this title.".

(b) ACCESS TO COORDINATION OF BENEFITS CONTRACTOR DATABASE.—The Secretary of Health and Human Services shall provide for access by recovery audit contractors conducting audit and recovery activities under

section 1893(h) of the Social Security Act, as added by subsection (a), to the database of the Coordination of Benefits Contractor of the Centers for Medicare & Medicaid Services with respect to the audit and recovery periods described in paragraph (4) of such section 1893(h).

(c) CONFORMING AMENDMENTS TO CURRENT DEMONSTRATION PROJECT.—Section 306 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2256) is amended—

(1) in subsection (b)(2), by striking "last for not longer than 3 years" and inserting "continue until contracts are entered into under section 1893(h) of the Social Security Act"; and

(2) by striking subsection (f).

SEC. 303. 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 a semicolon; and

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

"(IV) for each of fiscal years 2007, 2008, 2009, and 2010, the limit under this clause for the preceding 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; and

"(V) for each fiscal year after fiscal year 2010, the limit under this clause for fiscal year 2010.".

(2) OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERV-

ICES.—Section 1817(k)(3)(A)(ii) of such Act (42 U.S.C. 1395i(k)(3)(A)(ii)) is amended—

(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;

"(IX) for each of fiscal years 2008, 2009, and 2010, not less than the amount required 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; and

"(X) for each fiscal year after fiscal year 2010, not less than the amount required under this clause for fiscal year 2010.".

(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 inserting "until expended" after "without further appropriation";

(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 fiscal years 2003, 2004, 2005, and 2006"; and

(B) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new clauses:

"(viii) for each of fiscal years 2007, 2008, 2009, and 2010, the amount to be appropriated under this subparagraph for the preceding fiscal year, increased by the per-

centage 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 fiscal year 2010, the amount to be appropriated under this subparagraph for fiscal year 2010.".

SEC. 304. IMPLEMENTATION FUNDING.

For purposes of implementing the provisions of, and amendments made by, this title and titles I and II of this division, other than section 203, the Secretary of Health and Human Services shall provide for the transfer, in appropriate part from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), of $45,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2007 and 2008.

TITLE IV—MEDICAID AND OTHER HEALTH PROVISIONS

SEC. 401. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (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, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise 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. 402. GRANTS FOR RESEARCH ON VACCINE AGAINST VALLEY FEVER.

(a) IN GENERAL.—In supporting research on the development of vaccines against human diseases, the Secretary of Health and Human Services shall make grants for the purpose of conducting research toward the development of a vaccine against coccidioidomycosis (commonly known as Valley Fever).

(b) SUNSET.—No grant may be made under subsection (a) on or after October 1, 2012. The preceding sentence does

not have any legal effect on payments under grants for which amounts appropriated under subsection (c) were obligated prior to such date.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $40,000,000 for the period of fiscal years 2007 through 2012.

SEC. 403. CHANGE IN THRESHOLD FOR MEDICAID 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 portions of fiscal years beginning on or after January 1, 2008, and before October 1, 2011, '5.5 percent' shall be substituted for '6 percent' each place it appears.".

1 ***SEC. 404. DSH ALLOTMENTS FOR FISCAL YEAR 2007 FOR***
2 ***TENNESSEE AND HAWAII.***

3 *Section 1923(f)(6) of the Social Security Act (42*
4 *U.S.C. 1396r–4(f)(6)) is amended to read as follows:*

5 *"(6) ALLOTMENT ADJUSTMENTS FOR FISCAL*
6 *YEAR 2007.—*

7 *"(A) TENNESSEE.—*

8 *"(i) IN GENERAL.—Only with respect*
9 *to fiscal year 2007, the DSH allotment for*
10 *Tennessee for such fiscal year, notwith-*
11 *standing the table set forth in paragraph*
12 *(2) or the terms of the TennCare Dem-*
13 *onstration Project in effect for the State,*
14 *shall be the greater of—*

15 *"(I) the amount that the Sec-*
16 *retary determines is equal to the Fed-*
17 *eral medical assistance percentage*
18 *component attributable to dispropor-*
19 *tionate share hospital payment adjust-*
20 *ments for the demonstration year end-*
21 *ing in 2006 that is reflected in the*
22 *budget neutrality provision of the*
23 *TennCare Demonstration Project; and*

24 *"(II) $280,000,000.*

25 *"(ii) LIMITATION ON AMOUNT OF PAY-*
26 *MENT ADJUSTMENTS ELIGIBLE FOR FED-*

1 *ERAL FINANCIAL PARTICIPATION.—Payment*
2 *under section 1903(a) shall not be made to*
3 *Tennessee with respect to the aggregate*
4 *amount of any payment adjustments made*
5 *under this section for hospitals in the State*
6 *for fiscal year 2007 that is in excess of 30*
7 *percent of the DSH allotment for the State*
8 *for such fiscal year determined pursuant to*
9 *clause (i).*
10 *"(iii) STATE PLAN AMENDMENT.—The*
11 *Secretary shall permit Tennessee to submit*
12 *an amendment to its State plan under this*
13 *title that describes the methodology to be*
14 *used by the State to identify and make pay-*
15 *ments to disproportionate share hospitals,*
16 *including children's hospitals and institu-*
17 *tions for mental diseases or other mental*
18 *health facilities. The Secretary may not ap-*
19 *prove such plan amendment unless the*
20 *methodology described in the amendment is*
21 *consistent with the requirements under this*
22 *section for making payment adjustments to*
23 *disproportionate share hospitals. For pur-*
24 *poses of demonstrating budget neutrality*
25 *under the TennCare Demonstration Project,*

payment adjustments made pursuant to a State plan amendment approved in accordance with this subparagraph shall be considered expenditures under such project.

"(iv) OFFSET OF FEDERAL SHARE OF PAYMENT ADJUSTMENTS FOR FISCAL YEAR 2007 AGAINST ESSENTIAL ACCESS HOSPITAL SUPPLEMENTAL POOL PAYMENTS UNDER THE TENNCARE DEMONSTRATION PROJECT.—

"(I) The 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.

"(II) The 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 clause (i).

"(B) HAWAII.—

"(i) IN GENERAL.—Only with respect to fiscal year 2007, the DSH allotment for Hawaii for such fiscal year, notwithstanding the table set forth in paragraph (2), shall be $10,000,000.

"(ii) STATE PLAN AMENDMENT.—The Secretary shall permit Hawaii 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 children'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.".

SEC. 405. CERTAIN MEDICAID DRA TECHNICAL CORRECTIONS.

(a) 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 (e)" after "(c)";

(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 subsection (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 IN-

COME 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(cc)."; 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(cc).".

(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 available 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.

(b) 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.

1 *(c) ADDITIONAL MISCELLANEOUS TECHNICAL COR-*
2 *RECTIONS.—*
3 *(1) DOCUMENTATION (SECTION 6036).—*
4 *(A) IN GENERAL.—Effective as if included*
5 *in the amendment made by section 6036(a)(2) of*
6 *the Deficit Reduction Act of 2005, section*
7 *1903(x) of the Social Security Act (42 U.S.C.*
8 *1396b(x)), as inserted by such section 6036(a)(2),*
9 *is amended—*
10 *(i) in paragraph (1), by striking*
11 *"(i)(23)" and inserting "(i)(22)";*
12 *(ii) in paragraph (2)—*
13 *(I) in the matter preceding sub-*
14 *paragraph (A), by striking "alien"*
15 *and inserting "individual declaring to*
16 *be a citizen or national of the United*
17 *States";*
18 *(II) by striking subparagraph (B)*
19 *and inserting the following:*
20 *"(B) and is receiving—*
21 *"(i) disability insurance benefits under*
22 *section 223 or monthly insurance benefits*
23 *under section 202 based on such individ-*
24 *ual's disability (as defined in section*
25 *223(d)); or*

"(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"; and

(iii) in paragraph (3)(C)(iii), by striking "I–97" and inserting "I–197".

(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 the enactment of this Act.

(2) 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)".

DIVISION C—OTHER PROVISIONS

TITLE I—GULF OF MEXICO ENERGY SECURITY

SEC. 101. SHORT TITLE.

This title may be cited as the "Gulf of Mexico Energy Security Act of 2006".

SEC. 102. DEFINITIONS.

In this title:

(1) 181 AREA.—The term "181 Area" means the area identified in map 15, page 58, of the Proposed Final Outer Continental Shelf Oil and Gas Leasing

Program for 1997–2002, dated August 1996, of the Minerals Management Service, available in the Office of the Director of the Minerals Management Service, excluding the area offered in OCS Lease Sale 181, held on December 5, 2001.

(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 Program 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 ac-

count 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.

(5) EASTERN PLANNING AREA.—The term "Eastern Planning Area" means the Eastern 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 Disposi-

tion", 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. 103. 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 104, 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 102 of the Gulf of Mexico Energy Security Act of 2006))" after "lands located outside Sale 181".

SEC. 104. 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 decision 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. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL 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 applicable 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 applicable 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 subsection (a)(2)(A).

(2) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEAR 2017 AND THEREAFTER.—

(A) IN GENERAL.—Subject to subparagraphs (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 entered 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 producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract; and

(ii) the amount made available under subsection (a)(2)(A) from any lease entered into within the 2002–2007 planning area shall be allocated to each Gulf producing State in amounts 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 each historical lease site and the geographic center of the historical lease site, as determined by the Secretary.

(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 subsection (a)(2)(A).

(C) HISTORICAL LEASE SITES.—

(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (A)(ii), the historical lease sites in the 2002–2007 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 II—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

SEC. 200. 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. 201. 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)"; and

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

(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 section 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 subparagraph (B), the amount distributed under this subsection for each fiscal year shall be in addition 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 beginning 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. 202. 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)"; and

(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)"; and

(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 transfer to the Combined Benefit Fund such amounts as are estimated by the trustees of such fund to offset the amount of any deficit in net assets in the Combined Benefit

Fund as of October 1, 2006, and 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 Com-

bined 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 sub-

paragraph (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 bank-

ruptcy court entered on or before September 30, 2004, will be considered to be actually enrolled in the Plan and shall receive benefits 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 subsection (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 sub-

paragraph (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 calendar year for which contributions are required under this clause.

"(III) AMOUNT OF CONTRIBUTION FOR 2006.—Except as provided in subclause (IV), the amount described in paragraph (2)(C) for calendar year 2006 shall be calculated as if paragraph (2)(C) had been in effect during 2005.

"(IV) LIMITATION.—The contributions required under this clause for calendar year 2006 shall not exceed the amount necessary for solvency of the plan described in paragraph (2)(C), measured as of December 31, 2006 and taking into account all assets held by the plan as of that date.

"(iii) DIVISION.—The collective annual contribution obligation required under clause (ii) shall be divided among the persons 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 provide 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 premium 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 assignments 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. 203. 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. 204. 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. 205. 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. 206. 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 unappropriated 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 subparagraphs (A) or (B) of section 402(g)(1) shall be reallocated to the allocation established 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 sec-

tion 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. 207. 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. 208. 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. 209. 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 regulatory authority shall not be eligible for a per capita distribution of any proceeds from coal mining operations conducted on Indian reservation lands under this Act.

"(3) SOVEREIGN IMMUNITY.—To receive primary regulatory authority under section 504(e), an Indian tribe shall waive sovereign immunity for purposes 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 approved under section 504(e), an interested party may file a petition for judicial review of the civil action in the United States circuit court for the circuit in which the surface coal mining operation named in the petition is located.

"(ii) SCOPE OF REVIEW.—

"(I) QUESTIONS OF LAW.—The United States circuit court shall review de novo any questions of law under clause (i).

"(II) FINDINGS OF FACT.—The United States circuit court shall review 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 operations 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, administering, and enforcing tribal programs approved in accordance with section 504(e) shall be provided to an Indian tribe in accordance with section 705.

"(B) EXCEPTION.—Notwithstanding subparagraph (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. 211. CERTAIN RELATED PERSONS AND SUCCESSORS IN INTEREST RELIEVED OF LIABILITY IF PREMIUMS PREPAID.

(a) COMBINED BENEFIT FUND.—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 sub-

section) 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 SUBSECTION 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 remaining in such account (and earnings thereon) shall be refunded to such person as may be designated by the common parent described in paragraph (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 paragraph (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 operator for the provision of health care coverage described in subsection (a) or (b).

"(2) LIABILITY LIMITED IF SECURITY PROVIDED.—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. 212. 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" in the heading thereof.

(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 beneficiaries 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 reas-

signment 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 es-

tablishment 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 subsections (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. 213. 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 Surface 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 re-

quired 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

"(2) arising out of an obligation to pay any amount required by section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(5)(B)(ii)).".

TITLE III—WHITE PINE COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 302. SHORT TITLE.

This title may be cited as the "White Pine County Conservation, Recreation, and Development Act of 2006".

SEC. 303. DEFINITIONS.

In this title:

(1) COUNTY.—The term "County" means White Pine County, Nevada.

(2) SECRETARY.—The term "Secretary" means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture; and

(B) with respect to other Federal land, the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Nevada.

Subtitle A—Land Disposal

SEC. 311. CONVEYANCE OF WHITE PINE COUNTY, NEVADA, LAND.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary, in cooperation with the County, in accordance with that Act, this subtitle, and other applicable law and subject to valid existing rights, shall, at such time as the parcels of Federal land become available for disposal, conduct sales of the parcels

of Federal land described in subsection (b) to qualified bidders.

(b) DESCRIPTION OF LAND.—The parcels of Federal land referred to in subsection (a) consist of not more than 45,000 acres of Bureau of Land Management land in the County that—

(1) is not segregated or withdrawn on or after the date of enactment of this Act, unless the land is withdrawn in accordance with subsection (h); and

(2) is identified for disposal by the Bureau of Land Management through—

(A) the Ely Resource Management Plan; or

(B) a subsequent amendment to the management plan that is undertaken with full public involvement.

(c) AVAILABILITY.—The map and any legal descriptions of the Federal land conveyed under this section shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Office of the Nevada State Director of the Bureau of Land Management; and

(3) the Ely Field Office of the Bureau of Land Management.

(d) JOINT SELECTION REQUIRED.—The Secretary and the County shall jointly select which parcels of Federal land described in subsection (b) to offer for sale under subsection (a).

(e) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under subsection (a), the County shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(1) County and city zoning ordinances; and

(2) any master plan for the area approved by the County.

(f) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under subsection (a) shall be—

(1) consistent with subsections (d) and (f) of section 203 of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1713);

(2) unless otherwise determined by the Secretary, through a competitive bidding process; and

(3) for not less than fair market value.

(g) RECREATION AND PUBLIC PURPOSES ACT CONVEYANCES.—

(1) IN GENERAL.—Not later than 30 days before land is offered for sale under subsection (a), the State or County may elect to obtain any of the land for local public purposes in accordance with the Act of

June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(2) RETENTION.—Pursuant to an election made under paragraph (1), the Secretary shall retain the elected land for conveyance to the State or County in accordance with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(h) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), the Federal land described in subsection (b) is withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) EXCEPTION.—Paragraph (1)(A) shall not apply to sales made consistent with this section or an election by the County or the State to obtain the land described in subsection (b) for public purposes under the Act of June 14, 1926 (commonly known as the

"Recreation and Public Purposes Act")(43 U.S.C. 869 et seq.).

(i) DEADLINE FOR SALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 1 year after the date of the signing of the record of decision authorizing the implementation of the Ely Resource Management Plan and annually thereafter until the Federal land described in subsection (b) is disposed of or the County requests a postponement under paragraph (2), the Secretary shall offer for sale the Federal land described in subsection (b).

(2) POSTPONEMENT; EXCLUSION FROM SALE.—

(A) REQUEST BY COUNTY FOR POSTPONEMENT OR EXCLUSION.—At the request of the County, the Secretary shall postpone or exclude from the sale all or a portion of the land described in subsection (b).

(B) INDEFINITE POSTPONEMENT.—Unless specifically requested by the County, a postponement under subparagraph (A) shall not be indefinite.

SEC. 312. DISPOSITION OF PROCEEDS.

Of the proceeds from the sale of Federal land described in section __11(b)—

(1) 5 percent shall be paid directly to the State for use in the general education program of the State;

(2) 10 percent shall be paid to the County for use for fire protection, law enforcement, education, public safety, housing, social services, transportation, and planning; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the "White Pine County Special Account" (referred to in this subtitle as the "special account"), and shall be available without further appropriation to the Secretary until expended for—

(A) the reimbursement of costs incurred by the Nevada State office and the Ely Field Office of the Bureau of Land Management for preparing for the sale of Federal land described in section __11(b), including the costs of surveys and appraisals and compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(B) the inventory, evaluation, protection, and management of unique archaeological resources (as defined in section 3 of the Archae-

ological Resources Protection Act of 1979 (16 U.S.C. 470bb)) of the County;

(C) the reimbursement of costs incurred by the Department of the Interior for preparing and carrying out the transfers of land to be held in trust by the United States under section __61;

(D) conducting a study of routes for the Silver State Off-Highway Vehicle Trail as required by section __55(a);

(E) developing and implementing the Silver State Off-Highway Vehicle Trail management plan described in section __55(c);

(F) wilderness protection and processing wilderness designations, including the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated;

(G) if the Secretary determines necessary, developing and implementing conservation plans for endangered or at risk species in the County; and

(H) carrying out a study to assess non-motorized recreation opportunities on Federal land in the County.

Subtitle B—Wilderness Areas

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Pam White Wilderness Act of 2006".

SEC. 322. FINDINGS.

Congress finds that—

(1) public land in the County contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of land that remain in a natural state; and

(2) continued preservation of those areas would benefit the County and all of the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) protecting prehistoric cultural resources;

(C) conserving primitive recreational resources; and

(D) protecting air and water quality.

SEC. 323. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) MT. MORIAH WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service and the Bureau of Land Management, comprising approximately 11,261 acres, as generally depicted on the map entitled "Eastern White Pine County" and dated November 29, 2006, is incorporated in, and shall be managed as part of, the Mt. Moriah Wilderness, as designated by section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101–195).

(2) MOUNT GRAFTON WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 78,754 acres, as generally depicted on the map entitled "Southern White Pine County" and dated November 29, 2006, which shall be known as the "Mount Grafton Wilderness".

(3) SOUTH EGAN RANGE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 67,214 acres, as generally depicted on the map entitled "Southern White Pine County" and dated November 29, 2006, which shall be known as the "South Egan Range Wilderness".

(4) HIGHLAND RIDGE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 68,627 acres, as generally depicted on the map entitled "Southern White Pine County" and dated November 29, 2006, which shall be known as the "Highland Ridge Wilderness".

(5) GOVERNMENT PEAK WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,313 acres, as generally depicted on the map entitled "Eastern White Pine County" and dated November 29, 2006, which shall be known as the "Government Peak Wilderness".

(6) CURRANT MOUNTAIN WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 10,697 acres, as generally depicted on the map entitled "Western White Pine County" and dated November 29, 2006, is incorporated in, and shall be managed as part of, the "Currant Mountain Wilderness", as designated by section 2(4) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101–195).

(7) RED MOUNTAIN WILDERNESS.—Certain Federal land managed by the Forest Service, comprising

approximately 20,490 acres, as generally depicted on the map entitled "Western White Pine County" and dated November 29, 2006, which shall be known as the "Red Mountain Wilderness".

(8) BALD MOUNTAIN WILDERNESS.—Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 22,366 acres, as generally depicted on the map entitled "Western White Pine County" and dated November 29, 2006, which shall be known as the "Bald Mountain Wilderness".

(9) WHITE PINE RANGE WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 40,013 acres, as generally depicted on the map entitled "Western White Pine County" and dated November 29, 2006, which shall be known as the "White Pine Range Wilderness".

(10) SHELLBACK WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 36,143 acres, as generally depicted on the map entitled "Western White Pine County" and dated November 29, 2006, which shall be known as the "Shellback Wilderness".

(11) HIGH SCHELLS WILDERNESS.—Certain Federal land managed by the Forest Service, com-

prising approximately 121,497 acres, as generally depicted on the map entitled "Eastern White Pine County" and dated November 29, 2006, which shall be known as the "High Schells Wilderness".

(12) BECKY PEAK WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,119 acres, as generally depicted on the map entitled "Northern White Pine County" and dated November 29, 2006, which shall be known as the "Becky Peak Wilderness".

(13) GOSHUTE CANYON WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 42,544 acres, as generally depicted on the map entitled "Northern White Pine County" and dated November 29, 2006, which shall be known as the "Goshute Canyon Wilderness".

(14) BRISTLECONE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,095 acres, as generally depicted on the map entitled "Eastern White Pine County" and dated November 29, 2006, which shall be known as the "Bristlecone Wilderness".

(b) BOUNDARY.—The boundary of any portion of a wilderness area designated by subsection (a) that is bor-

dered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) EFFECT.—Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas designated by subsection (a) are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws.

(e) MT. MORIAH WILDERNESS BOUNDARY ADJUSTMENT.—The boundary of the Mt. Moriah Wilderness established under section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101–195) is adjusted to include only the land identified as the "Mount Moriah Wilderness Area" and "Mount Moriah Additions" on the map entitled "Eastern White Pine County" and dated November 29, 2006.

SEC. 324. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the

Secretary of Agriculture or the Secretary of the Interior, as appropriate.

(b) LIVESTOCK.—Within the wilderness areas designated under this subtitle that are administered by the Bureau of Land Management and the Forest Service, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue—

(1) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(2) consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101–405.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of an area designated as wilderness by this subtitle that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(d) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as wilderness by this subtitle is located—

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few if any—

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the land designated as wilderness by this subtitle is generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the land designated as wilderness by this subtitle, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.

(2) PURPOSE.—The purpose of this section is to protect the wilderness values of the land designated as

wilderness by this subtitle by means other than a federally reserved water right.

(3) STATUTORY CONSTRUCTION.—Nothing in this subtitle—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to a wilderness designated by this subtitle;

(B) shall affect any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of

State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by this subtitle.

(5) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—In this paragraph, the term "water resource facility"—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this title, on or after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area that is wholly or partially within the County.

SEC. 325. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Congress does not intend for the designation of wilderness in the State by this subtitle to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 326. MILITARY OVERFLIGHTS.

Nothing in this subtitle restricts or precludes—

(1) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

SEC. 327. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this subtitle shall be construed to diminish—

(1) the rights of any Indian tribe; or

(2) tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 328. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land has been adequately studied for wilderness designation in any portion of the wilderness study areas or instant study areas—

(1) not designated as wilderness by section __23(a), excluding the portion of the Goshute Canyon Wilderness Study Area located outside of the County; and

(2) depicted as released on the maps entitled—

(A) "Eastern White Pine County" and dated November 29, 2006;

(B) "Northern White Pine County" and dated November 29, 2006;

(C) "Southern White Pine County" and dated November 29, 2006; and

(D) "Western White Pine County" and dated November 29, 2006.

(b) RELEASE.—

(1) IN GENERAL.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(B) shall be managed in accordance with—

(i) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(ii) cooperative conservation agreements in existence on the date of enactment of this Act; and

(C) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) EXCEPTION.—The requirements described in paragraph (1) shall not apply to the portion of the Goshute Canyon Wilderness Study Area located outside of the County.

SEC. 329. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife management, including the regulation

of hunting, fishing, and trapping, in the wilderness areas designated by this subtitle.

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct such management activities as are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle if those activities are conducted—

(1) consistent with relevant wilderness management plans; and

(2) in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies such as those set forth in Appendix B of House Report 101–405, including the occasional and temporary use of motorized vehicles if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those tasks with the minimal impact necessary to reasonably accomplish those tasks.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and

in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by this subtitle if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by this subtitle.

(2) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under paragraph (1).

(f) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The State (including a designee of the State) may conduct wildlife management activities in the wilderness areas designated by this subtitle—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State, entitled "Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9," and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(B) subject to all applicable laws and regulations.

(2) REFERENCES.—

(A) CLARK COUNTY.—For purposes of this subsection, any references to Clark County in the cooperative agreement described in paragraph

(1)(A) shall be considered to be references to White Pine County, Nevada.

(B) BUREAU OF LAND MANAGEMENT.—For purposes of this subsection, any references to the Bureau of Land Management in the cooperative agreement described in paragraph (1)(A) shall also be considered to be references to the Forest Service.

SEC. 330. WILDFIRE, INSECT, AND DISEASE MANAGEMENT.

Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures as may be necessary in the control of fire, insects, and diseases, including coordination with a State or local agency, as the Secretary deems appropriate.

SEC. 331. CLIMATOLOGICAL DATA COLLECTION.

If the Secretary determines that hydrologic, meteorologic, or climatological collection devices are appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this subtitle, nothing in this subtitle precludes the installation and maintenance of the collection devices within the wilderness areas.

Subtitle C—Transfers of Administrative Jurisdiction

SEC. 341. TRANSFER TO THE UNITED STATES FISH AND WILDLIFE SERVICE.

(a) IN GENERAL.—Administrative jurisdiction over the land described in subsection (b) is transferred from the Bureau of Land Management to the United States Fish and Wildlife Service for inclusion in the Ruby Lake National Wildlife Refuge.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is approximately 645 acres of land administered by the Bureau of Land Management and identified on the map entitled "Ruby Lake Land Transfer" and dated July 10, 2006, as "Lands to be transferred to the Fish and Wildlife Service".

SEC. 342. TRANSFER TO THE BUREAU OF LAND MANAGEMENT.

(a) IN GENERAL.—Subject to subsection (c), administrative jurisdiction over the parcels of land described in subsection (b) is transferred from the Forest Service to the Bureau of Land Management.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the land administered by the Forest Service and identified on the map entitled "Southern White

Pine County" and dated November 29, 2006, as "Withdrawal Area";

(2) the land administered by the Forest Service and identified on the map entitled "Southern White Pine County" and dated November 29, 2006, as "Highland Ridge Wilderness"; and

(3) all other Federal land administered by the Forest Service that is located adjacent to the Highland Ridge Wilderness.

(c) CONTINUATION OF COOPERATIVE AGREEMENTS.—Any existing Forest Service cooperative agreement or permit in effect on the date of enactment of this Act relating to a parcel of land to which administrative jurisdiction is transferred by subsection (a) shall be continued by the Bureau of Land Management unless there is reasonable cause to terminate the agreement or permit, as determined by the Secretary.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Withdrawal Area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral laws, geothermal leasing laws, and mineral materials laws.

(e) MOTORIZED AND MECHANICAL VEHICLES.—Use of motorized and mechanical vehicles in the withdrawal area designated by this subtitle shall be permitted only on roads and trails designated for their use, unless the use of those vehicles is needed—

(1) for administrative purposes; or

(2) to respond to an emergency.

SEC. 343. TRANSFER TO THE FOREST SERVICE.

(a) IN GENERAL.—Subject to subsection (c), administrative jurisdiction over the parcels of land described in subsection (b) is transferred from the Bureau of Land Management to the Forest Service.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are the approximately 5,799 acres of land administered by the Bureau of Land Management and identified on the map entitled "Western White Pine County", dated November 29, 2006, as the BLM Public Land Transfer to the US Forest Service.

(c) CONTINUATION OF COOPERATIVE AGREEMENTS.—Any existing Bureau of Land Management cooperative agreement or permit in effect on the date of enactment of this Act relating to a parcel of land to which administrative jurisdiction is transferred by subsection (a) shall be contin-

ued by the Forest Service unless there is reasonable cause to terminate the agreement or permit, as determined by the Secretary.

SEC. 344. AVAILABILITY OF MAP AND LEGAL DESCRIPTIONS.

The maps of the land transferred by this subtitle shall be on file and available for public inspection in the appropriate offices of—

(1) the Bureau of Land Management;

(2) the Forest Service;

(3) the National Park Service; and

(4) the United States Fish and Wildlife Service.

Subtitle D—Public Conveyances

SEC. 351. CONVEYANCE TO THE STATE OF NEVADA.

(a) CONVEYANCE.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the State, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b) if the State and the County enter into a written agreement supporting the conveyance.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the approximately 6,281 acres of Bureau of Land Management land identified as "Steptoe Valley

Wildlife Management Area Expansion Proposal" on the map entitled "Ely, Nevada Area" and dated November 29, 2006;

(2) the approximately 658 acres of Bureau of Land Management land identified as "Ward Charcoal Ovens Expansion" on the map entitled "Ely, Nevada Area" and dated November 29, 2006; and

(3) the approximately 2,960 acres of Forest Service identified as "Cave Lake State Park Expansion" on the map entitled "Ely, Nevada Area" and dated November 29, 2006.

(c) COSTS.—Any costs relating to a conveyance under subsection (a), including costs for surveys and other administrative costs, shall be paid by the State.

(d) USE OF LAND.—

(1) IN GENERAL.—Any parcel of land conveyed to the State under subsection (a) shall be used only for—

(A) the conservation of wildlife or natural resources; or

(B) a public park.

(2) FACILITIES.—Any facility on a parcel of land conveyed under subsection (a) shall be constructed and managed in a manner consistent with the uses described in paragraph (1).

(e) REVERSION.—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the uses described in subsection (d), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

SEC. 352. CONVEYANCE TO WHITE PINE COUNTY, NEVADA.

(a) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the approximately 1,551 acres of land identified on the map entitled "Ely, Nevada Area", dated November 29, 2006, as the Airport Expansion; and

(2) the approximately 202 acres of land identified on the map entitled "Ely, Nevada Area", dated November 29, 2006, as the Industrial Park Expansion.

(c) AUTHORIZED USES.—

(1) AIRPORT EXPANSION.—The parcel of land described in subsection (b)(1) shall be used by the County to expand the Ely Airport.

(2) INDUSTRIAL PARK EXPANSION.—The parcel of land described in subsection (b)(2) shall be used by the County to expand the White Pine County Industrial Park.

(3) USE OF CERTAIN LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(A) IN GENERAL.—After conveyance to the County of the land described in subsection (b), the County may sell, lease, or otherwise convey any portion of the land conveyed for purposes of nonresidential development relating to the authorized uses described in paragraphs (1) and (2).

(B) METHOD OF SALE.—The sale, lease, or conveyance of land under subparagraph (A) shall be—

(i) through a competitive bidding process; and

(ii) for not less than fair market value.

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subparagraph (A) shall be distributed in accordance with section __12.

(d) REVERSION.—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with

the use described for the parcel in paragraph (1), (2), or (3) of subsection (c), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

Subtitle E—Silver State Off-Highway Vehicle Trail

SEC. 355. SILVER STATE OFF-HIGHWAY VEHICLE TRAIL.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a study of routes (with emphasis on roads and trails in existence on the date of enactment of this Act) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the Silver State Off-Highway Vehicle Trail (referred to in this section as the "Trail").

(2) PREFERRED ROUTE.—Based on the study conducted under paragraph (1), the Secretary, in consultation with the State, the County, and any interested persons, shall identify the preferred route for the Trail.

(b) DESIGNATION OF TRAIL.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 90 days after the date on which the study is completed under subsection (a), the Secretary shall designate the Trail.

(2) LIMITATIONS.—The Secretary shall designate the Trail only if the Secretary—

(A) determines that the route of the Trail would not have significant negative impacts on wildlife, natural or cultural resources, or traditional uses; and

(B) ensures that the Trail designation—

(i) is an effort to extend the Silver State Off-Highway Vehicle Trail designated under section 401(b) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (16 U.S.C. 1244 note; Public Law 108–424); and

(ii) is limited to—

(I) 1 route that generally runs in a north-south direction; and

(II) 1 potential spur running west.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Trail in a manner that—

(A) is consistent with any motorized and mechanized uses of the Trail that are authorized on the date of enactment of this Act under appli-

cable Federal and State laws (including regulations);

(B) ensures the safety of the individuals who use the Trail; and

(C) does not damage sensitive wildlife habitat, natural, or cultural resources.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 2 years after the date of designation of the Trail, the Secretary, in consultation with the State, the County, and any other interested persons, shall complete a management plan for the Trail.

(B) COMPONENTS.—The management plan shall—

(i) describe the appropriate uses and management of the Trail;

(ii) authorize the use of motorized and mechanized vehicles on the Trail; and

(iii) describe actions carried out to periodically evaluate and manage the appropriate levels of use and location of the Trail to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail.

(3) MONITORING AND EVALUATION.—

(A) ANNUAL ASSESSMENT.—The Secretary shall annually assess—

(i) the effects of the use of off-highway vehicles on the Trail to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail; and

(ii) in consultation with the Nevada Department of Wildlife, the effects of the Trail on wildlife and wildlife habitat to minimize environmental impacts from the use of the Trail.

(B) CLOSURE.—The Secretary, in consultation with the State and the County and subject to subparagraph (C), may temporarily close or permanently reroute a portion of the Trail if the Secretary determines that—

(i) the Trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the Trail threatens public safety;

(iii) closure of the Trail is necessary to repair damage to the Trail; or

(iv) closure of the Trail is necessary to repair resource damage.

(C) REROUTING.—Any portion of the Trail that is temporarily closed may be permanently rerouted along existing roads and trails on public land open to motorized use if the Secretary determines that rerouting the portion of the Trail would not significantly increase or decrease the length of the Trail.

(D) NOTICE.—The Secretary shall provide information to the public with respect to any routes on the Trail that are closed under subparagraph (B), including through the provision of appropriate signage along the Trail.

(4) NOTICE OF OPEN ROUTES.—The Secretary shall ensure that visitors to the Trail have access to adequate notice relating to the routes on the Trail that are open through—

(A) the provision of appropriate signage along the Trail; and

(B) the distribution of maps, safety education materials, and any other information that the Secretary determines to be appropriate.

(d) NO EFFECT ON NON-FEDERAL LAND AND INTERESTS IN LAND.—Nothing in this section affects the ownership or management of, or other rights relating to, non-Federal land or interests in non-Federal land.

Subtitle F—Transfer of Land to Be Held in Trust for the Ely Shoshone Tribe.

SEC. 361. TRANSFER OF LAND TO BE HELD IN TRUST FOR THE ELY SHOSHONE TRIBE.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit of the Ely Shoshone Tribe (referred to in this section as the "Tribe"); and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of parcels 1, 2, 3, and 4, totaling the approximately 3,526 acres of land that are identified on—

(1) the Ely, Nevada Area map dated November 29, 2006; and

(2) the Eastern White Pine County map dated November 29, 2006, as the "Ely Shoshone Expansion".

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Bureau of Land Management shall complete a survey of the boundary lines to establish the boundaries of the trust land.

(d) CONDITIONS.—

(1) GAMING.—Land taken into trust under subsection (a) shall not be—

(A) considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)); and

(B) used for gaming.

(2) TRUST LAND FOR CEREMONIAL USE.—With respect to the use of the land identified on the map as "Ely Shoshone Expansion" and marked as "3", the Tribe—

(A) shall limit the use of the surface of the land to traditional and customary uses and stewardship conservation for the benefit of the Tribe; and

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the surface of the land, including commercial development or gaming.

(3) THINNING; LANDSCAPE RESTORATION.—With respect to land taken into trust under subsection (a), the Forest Service and the Bureau of Land Management may, in consultation and coordination with the Tribe, carry out any thinning and other landscape restoration work on the trust land that is beneficial to the Tribe and the Forest Service or the Bureau of Land Management.

Subtitle G—Eastern Nevada Landscape Restoration Project.

SEC. 371. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is an increasing threat of wildfire in the Great Basin;

(2) those wildfires—

(A) endanger homes and communities;

(B) damage or destroy watersheds and soils; and

(C) pose a serious threat to the habitat of threatened and endangered species;

(3) forest land and rangeland in the Great Basin are degraded as a direct consequence of land management practices (including practices to control and prevent wildfires) that disrupt the occurrence of fre-

quent low-intensity fires that have periodically removed flammable undergrowth; and

(4) additional scientific information is needed in the Great Basin for—

(A) the design, implementation, and adaptation of landscape-scale restoration treatments; and

(B) the improvement of wildfire management technology and practices.

(b) PURPOSES.—The purposes of this subtitle are to—

(1) support the Great Basin Restoration Initiative through the implementation of the Eastern Nevada Landscape Restoration Project; and

(2) ensure resilient and healthy ecosystems in the Great Basin by restoring native plant communities and natural mosaics on the landscape that function within the parameters of natural fire regimes.

SEC. 372. DEFINITIONS.

In this subtitle:

(1) INITIATIVE.—The term "Initiative" means the Great Basin Restoration Initiative.

(2) PROJECT.—The term "Project" means the Eastern Nevada Landscape Restoration Project authorized under section __73(a).

(3) SECRETARIES.—The term "Secretaries" means the Secretary of Agriculture and the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Nevada.

SEC. 373. RESTORATION PROJECT.

(a) IN GENERAL.—In accordance with all applicable Federal laws, the Secretaries shall carry out the Eastern Nevada Landscape Restoration Project to—

(1) implement the Initiative; and

(2) restore native rangelands and native woodland (including riparian and aspen communities) in White Pine and Lincoln Counties in the State.

(b) GRANTS; COOPERATIVE AGREEMENT.—In carrying out the Project—

(1) the Secretaries may make grants to the Eastern Nevada Landscape Coalition, the Great Basin Institute, and other entities for the study and restoration of rangeland and other land in the Great Basin—

(A) to assist in—

(i) reducing hazardous fuels; and

(ii) restoring native rangeland and woodland; and

(B) for other related purposes; and

(2) notwithstanding sections 6301 through 6308, of title 31, United States Code, the Director of the Bureau of Land Management and the Chief of the Forest Service may enter into an agreement with the Eastern Nevada Landscape Coalition, the Great Basin Institute, and other entities to provide for the conduct of scientific analyses, hazardous fuels and mechanical treatments, and related work.

(c) RESEARCH FACILITY.—The Secretaries may conduct a feasibility study on the potential establishment of an interagency science center, including a research facility and experimental rangeland in the eastern portion of the State.

(d) FUNDING.—Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 118 Stat. 2414) is amended—

(1) by redesignating clause (viii) as clause (ix); and

(2) by inserting after clause (vii) the following:

"(viii) to carry out the Eastern Nevada Landscape Restoration Project in White Pine County, Nevada and Lincoln County, Nevada; and".

Subtitle H—Amendments to the Southern Nevada Public Land Management Act of 1998

SEC. 381. FINDINGS.

Section 2(a)(3) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343) is amended by inserting "the Sloan Canyon National Conservation Area," before "and the Spring Mountains".

SEC. 382. AVAILABILITY OF SPECIAL ACCOUNT.

Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "may be expended" and inserting "shall be expended";

(ii) in clause (ii)—

(I) by inserting ", the Great Basin National Park," after "the Red Rock Canyon National Conservation Area";

(II) by inserting "and the Forest Service" after "the Bureau of Land Management"; and

(III) by striking "Clark and Lincoln Counties" and inserting "Clark, Lincoln, and White Pine Counties";

(iii) in clause (iii), by inserting "and implementation" before "of a multispecies habitat";

(iv) in clause (iv), by striking "Clark and Lincoln Counties," and inserting "Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph (4)),";

(v) in clause (v), by striking "Clark and Lincoln Counties" and inserting "Clark, Lincoln, and White Pine Counties";

(vi) in clause (vii)—

(I) by striking "for development" and inserting "development"; and

(II) by striking "and" at the end;

(vii) by redesignating clauses (viii) and (ix) (as amended by section __73(d)) as clauses (x) and (xi), respectively; and

(viii) by inserting after clause (vii) the following:

"(viii) reimbursement of any costs incurred by the Bureau of Land Management

to clear debris from and protect land that is—

"(I) located in the disposal boundary described in subsection (a); and

"(II) reserved for affordable housing;

"(ix) development and implementation of comprehensive, cost-effective, multijurisdictional hazardous fuels reduction and wildfire prevention plans (including sustainable biomass and biofuels energy development and production activities) for the Lake Tahoe Basin (to be developed in conjunction with the Tahoe Regional Planning Agency), the Carson Range in Douglas and Washoe Counties and Carson City in the State, and the Spring Mountains in the State, that are—

"(I) subject to approval by the Secretary; and

"(II) not more than 10 years in duration;"; and

(B) by inserting after subparagraph (C) the following:

"(D) TRANSFER REQUIREMENT.—Subject to such terms and conditions as the Secretary may prescribe, and notwithstanding any other provision of law—

"(i) for amounts that have been authorized for expenditure under subparagraph (A)(iv) but not transferred as of the date of enactment of this subparagraph, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount authorized for the expenditure; and

"(ii) for expenditures authorized under subparagraph (A)(iv) that are approved by the Secretary, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount approved for expenditure."; and

(2) by adding at the end the following:

"(4) LIMITATION FOR WASHOE COUNTY.—Until December 31, 2011, Washoe County shall be eligible to nominate for expenditure amounts to acquire land (not to exceed 250 acres) and develop 1 regional park and natural area.".

Subtitle I—Amendments to the Lincoln County Conservation, Recreation, and Development Act of 2004

SEC. 391. DISPOSITION OF PROCEEDS.

Section 103(b)(2) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2405) is amended by inserting "education, planning," after "social services,".

Subtitle J—All American Canal Projects

SEC. 395. ALL AMERICAN CANAL LINING PROJECT.

(a) DUTIES OF THE SECRETARY.—Notwithstanding any other provision of law, upon the date of enactment of this Act, the Secretary shall, without delay, carry out the All American Canal Lining Project identified—

(1) as the preferred alternative in the record of decision for that project, dated July 29, 1994; and

(2) in the allocation agreement allocating water from the All American Canal Lining Project, entered into as of October 10, 2003.

(b) DUTIES OF COMMISSIONER OF RECLAMATION.—

(1) IN GENERAL.—Subject to paragraph (2), if a State conducts a review or study of the implications of the All American Canal Lining Project as carried out under subsection (a), upon request from the Governor of the State, the Commissioner of Reclamation shall cooperate with the State, to the extent practicable, in carrying out the review or study.

(2) RESTRICTION OF DELAY.—A review or study conducted by a State under paragraph (1) shall not delay the carrying out by the Secretary of the All American Canal Lining Project.

SEC. 396. REGULATED STORAGE WATER FACILITY.

(a) CONSTRUCTION, OPERATION, AND MAINTENANCE OF FACILITY.—Notwithstanding any other provision of law, upon the date of enactment of this Act, the Secretary shall, without delay, pursuant to the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the "River and Harbor Act of 1927"), as amended, design and provide for the construction, operation, and maintenance of a regulated water storage facility (including all incidental works that are reasonably necessary to operate the storage facility)

to provide additional storage capacity to reduce nonstorable flows on the Colorado River below Parker Dam.

(b) LOCATION OF FACILITY.—The storage facility (including all incidental works) described in subsection (a) shall be located at or near the All American Canal.

SEC. 397. APPLICATION OF LAW.

The Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219) is the exclusive authority for identifying, considering, analyzing, or addressing impacts occurring outside the boundary of the United States of works constructed, acquired, or used within the territorial limits of the United States.

TITLE IV—OTHER PROVISIONS

SEC. 401. TOBACCO PERSONAL USE QUANTITY EXCEPTION TO NOT APPLY TO DELIVERY SALES.

(a) DEFINITIONS.—Section 801 of the Tariff Act of 1930 (19 U.S.C. 1681) is amended by adding at the end the following:

"(3) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or a smokeless tobacco product to a consumer if—

"(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

"(B) the cigarettes or smokeless tobacco product is delivered by use of a common carrier, private delivery service, or the mail, or the seller is not in the physical presence of the buyer when the buyer obtains personal possession of the delivered cigarettes or smokeless tobacco product.".

(b) INAPPLICABILITY OF EXEMPTIONS FROM REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES AND SMOKELESS TOBACCO PRODUCTS.—Section 802(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1681a(b)(1)) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to any cigarettes or smokeless tobacco products sold in connection with a delivery sale.".

(c) STATE ACCESS TO CUSTOMS CERTIFICATIONS.—Section 802 of the Tariff Act of 1930 (19 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(d) STATE ACCESS TO CUSTOMS CERTIFICATIONS.—A State, through its Attorney General, shall be entitled to obtain copies of any certification required under subsection (c) directly—

"(1) upon request to the agency of the United States responsible for collecting such certification; or

"(2) upon request to the importer, manufacturer, or authorized official of such importer or manufacturer.".

(d) ENFORCEMENT PROVISIONS.—Section 803(b) of the Tariff Act of 1930 (19 U.S.C. 1681b(b)) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", or to any State in which such tobacco product, cigarette papers, or tube is found"; and

(2) in the second sentence, by inserting ", or to any State," after "the United States".

(e) INCLUSION OF SMOKELESS TOBACCO.—

(1) Sections 802 and 803(a) of the Tariff Act of 1930 (19 U.S.C. 1681a and 1681b(a)) (other than the last sentence of section 802(b)(1), as added by subsection (b) of this section) are further amended by inserting "or smokeless tobacco products" after "cigarettes" each place it appears.

(2) Section 802 of such Act is further amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "or section 4 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4403), as the case may be" after "section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a)";

(ii) in paragraph (2), by inserting "or section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as the case may be," after "section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333)"; and

(iii) in paragraph (3), by inserting "or section 3(d) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402(d)), as the case may be" after "section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c))";

(B) in subsection (b)—

(i) in the heading of paragraph (1), by inserting "OR SMOKELESS TOBACCO PRODUCTS" after "CIGARETTES"; and

(ii) in the heading of paragraphs (2) and (3), by inserting "OR SMOKELESS TOBACCO PRODUCTS" after "CIGARETTES"; and

(C) in subsection (c)—

(i) in the heading, by inserting "OR SMOKELESS TOBACCO PRODUCT" after "CIGARETTE";

(ii) in paragraph (1), by inserting "or section 4 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4403), as the case may be" after "section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a)";

(iii) in paragraph (2)(A), by inserting "or section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as the case may be," after "section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333)"; and

(iv) in paragraph (2)(B), by inserting "or section 3(d) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402(d)), as the case may be" after "section 4(c) of the Federal Ciga-

rette Labeling and Advertising Act (15 U.S.C. 1333(c))".

(3) Section 803(b) of such Act, as amended by subsection (d)(1) of this section, is further amended by inserting ", or any smokeless tobacco product," after "or tube" the first place it appears.

*(4)(A) The heading of title VIII of such Act is amended by inserting "**AND SMOKELESS TOBACCO PRODUCTS**" after "**CIGARETTES**".*

*(B) The heading of section 802 of such Act is amended by inserting "**AND SMOKELESS TOBACCO PRODUCTS**" after "**CIGARETTES**".*

(f) APPLICATION OF CIVIL PENALTIES TO RELANDINGS OF TOBACCO PRODUCTS SOLD IN A DELIVERY SALE.—

(1) IN GENERAL.—Section 5761 of the Internal Revenue Code of 1986 (relating to civil penalties) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) PERSONAL USE QUANTITIES.—

"(1) IN GENERAL.—No quantity of tobacco products other than the quantity referred to in paragraph (2) may be relanded or received as a personal use quantity.

"(2) EXCEPTION FOR PERSONAL USE QUANTITY.—Subsection (c) and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under chapter 98 of the Harmonized Tariff Schedule of the United States, and such person may voluntarily relinquish to the Secretary at the time of entry any excess of such quantity without incurring the penalty under subsection (c).

"(3) SPECIAL RULE FOR DELIVERY SALES.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any tobacco product sold in connection with a delivery sale.

"(B) DELIVERY SALE.—For purposes of subparagraph (A), the term 'delivery sale' means any sale of a tobacco product to a consumer if—

"(i) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made, or

"(ii) the tobacco product is delivered by use of a common carrier, private deliv-

ery service, or the mail, or the seller is not in the physical presence of the buyer when the buyer obtains personal possession of the tobacco product.".

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 5761 of such Code is amended by striking the last two sentences.

(B) Paragraph (1) of section 5754(c) of such Code is amended by striking "section 5761(c)" and inserting "section 5761(d)".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 402. ETHANOL TARIFF SCHEDULE.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking "10/1/2007" each place it appears and inserting "1/1/2009".

SEC. 403. 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 ENTITY.—The transferee of the qualifying mineral or geothermal interest is an eligible entity.

(B) QUALIFYING LETTER OF INTENT REQUIRED.—At the time of the sale, such transferee 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 INTEREST.—For purposes of this subsection—

(A) IN GENERAL.—The term "qualifying mineral or geothermal interest" means an interest in any mineral or geothermal deposit located on eligible Federal land which constitutes a taxpayer'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 subparagraph (A)) shall be relieved of liability for the tax imposed by subparagraph (A) with respect 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 consistent with section 170(h)(5) of such Code, and the transferee provides such person, at

the time of transfer, a qualifying 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 Treasury may require such reporting as may be necessary or appropriate to further the purpose under this subsection that any conservation use be in perpetuity.

(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.

SEC. 404. CONTINUING ELIGIBILITY FOR CERTAIN STUDENTS UNDER DISTRICT OF COLUMBIA SCHOOL CHOICE PROGRAM.

(a) IN GENERAL.—Section 307(a)(4) of the DC School Choice Incentive Act of 2003 (sec. 38—1851.06(a)(4), D.C. Official Code) is amended by striking "200 percent" and inserting the following: "200 percent (or, in the case of an eligible student whose first year of participation in the program is an academic year ending in June 2005 or June 2006 and whose second or succeeding year is an academic year ending on or before June 2009, 300 percent)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the DC School Choice Incentive Act of 2003.

SEC. 405. STUDY ON ESTABLISHING UNIFORM NATIONAL DATABASE ON ELDER ABUSE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Attorney General, shall conduct a study on establishing a uniform national database on elder abuse.

(2) ISSUES STUDIED.—The study conducted under paragraph (1) may consider the following:

(A) Current methodologies used for collecting data on elder abuse, including a determination of the shortcomings, strengths, and

commonalities of existing data collection efforts and reporting forms, and how a uniform national database would capitalize on such efforts.

(B) The process by which uniform national 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.

(C) Potential conflicts in Federal, State, and local laws, and enforcement and jurisdictional issues that could occur as a result of the creation of a uniform national database on elder abuse.

(D) The scope, purpose, and variability of existing definitions used by Federal, State, and local agencies with respect to elder abuse.

(3) DURATION.—The study conducted under paragraph (1) shall be conducted for a period not to exceed 2 years.

(b) REPORT.—Not later than 180 days after the completion of the study conducted under subsection (a)(1), 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 of the House of Representa-

tives containing the findings of the study, together with recommendations on how to implement a uniform national database on elder abuse.

(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section, $500,000 for each of fiscal years 2007 and 2008.

SEC. 406. TEMPORARY DUTY REDUCTIONS FOR CERTAIN COTTON SHIRTING FABRIC.

(a) CERTAIN COTTON SHIRTING FABRICS.—

(1) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States 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*

9902.52.10	*Woven fabrics of cotton, of a type described in subheading 5208.29, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.11	*Woven fabrics of cotton, of a type described in subheading 5208.31, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.12	*Woven fabrics of cotton, of a type described in subheading 5208.32, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.13	*Woven fabrics of cotton, of a type described in subheading 5208.39, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.14	*Woven fabrics of cotton, of a type described in subheading 5208.41, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*

9902.52.15	*Woven fabrics of cotton, of a type described in subheading 5208.42, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.16	*Woven fabrics of cotton, of a type described in subheading 5208.49, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.17	*Woven fabrics of cotton, of a type described in subheading 5208.51, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.18	*Woven fabrics of cotton, of a type described in subheading 5208.52, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.19	*Woven fabrics of cotton, of a type described in subheading 5208.59, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*

9902.52.20	*Woven fabrics of cotton of a type described in subheading 5208.21, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.21	*Woven fabrics of cotton of a type described in subheading 5208.22, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.22	*Woven fabrics of cotton of a type described in subheading 5208.29, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.23	*Woven fabrics of cotton of a type described in subheading 5208.31, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.24	*Woven fabrics of cotton of a type described in subheading 5208.32, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*

9902.52.25	*Woven fabrics of cotton of a type described in subheading 5208.39, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.26	*Woven fabrics of cotton of a type described in subheading 5208.41, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.27	*Woven fabrics of cotton of a type described in subheading 5208.42, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.28	*Woven fabrics of cotton of a type described in subheading 5208.49, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*
9902.52.29	*Woven fabrics of cotton of a type described in subheading 5208.51, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*

9902.52.30	*Woven fabrics of cotton of a type described in subheading 5208.52, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	
9902.52.31	*Woven fabrics of cotton of a type described in subheading 5208.59, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

(2) DEFINITIONS AND LIMITATION ON QUANTITY OF IMPORTS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States 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 cut-

ting and sewing men's and boys' cotton shirts in the United States and purchased by such manufacturer during calendar year 2000.".

(b) DETERMINATION OF TARIFF-RATE QUOTAS.—

(1) AUTHORITY TO ISSUE LICENSES AND LICENSE USE.—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 assign the authority (in whole or in part) under the license to import fabric under headings 9902.52.08 through 9902.52.19 of such Schedule.

(2) LICENSES UNDER U.S. NOTE 19.—For purposes 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 license to a manufacturer within 60 days after the manufacturer files with the Secretary of Commerce an appli-

cation containing a notarized affidavit from an officer of the manufacturer that the manufacturer is eligible to receive a license and stating the quantity of imported woven fabrics of cotton containing 85 percent or more by weight of cotton purchased during calendar year 2000 for use in the cutting and sewing men's and boys' shirts in the United States.

(3) AFFIDAVITS.—For purposes of an affidavit described in this subsection, the date of purchase shall be—

(A) the invoice date if the manufacturer is not the importer of record; and

(B) the date of entry if the manufacturer is the importer of record.

SEC. 407. COTTON TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—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 subsection (b).

(b) TRANSFER OF AMOUNTS.—

(1) 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 paragraph (2).

(2) 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.

(c) 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:

(1) 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.

(2) 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—

(A) 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—

(B) the production of the yarns described in subparagraph (A) during the period January 1, 1998 through December 31, 2003 for all spinners who qualify under this paragraph.

(3) 50 percent of the amounts in the Trust Fund shall be paid annually to those manufacturers who cut and sew cotton shirts in the United States who certify that they used imported cotton fabric during the period January 1, 1998, through July 1, 2003, and shall be allocated to each such manufacturer in an amount that bears the same ratio as—

(A) 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 requirements of subsection (d)) used in the manufacturing of men's and boys' cotton shirts, bears to—

(B) the dollar value (excluding duty, shipping, and related costs) of the fabric described in subparagraph (A) purchased during calendar year 2002 by all manufacturers who qualify under this paragraph.

(d) AFFIDAVIT OF SHIRTING MANUFACTURERS.—The affidavit required by subsection (c)(3)(A) is a notarized affidavit provided by an officer of the manufacturer of men's and boys' shirts concerned that affirms—

(1) 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;

(2) the dollar value of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased during calendar year 2002;

(3) 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

(4) that the fabric was suitable for use in the manufacturing of men's and boys' cotton shirts.

(e) DATE OF PURCHASE.—For purposes of the affidavit under subsection (d), the date of purchase shall be the invoice date, and the dollar value shall be determined excluding duty, shipping, and related costs.

(f) AFFIDAVIT OF YARN SPINNERS.—The affidavit required by subsection (c)(2)(A) is a notarized affidavit provided by an officer of the producer of ring spun yarns that affirms—

(1) 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;

(2) 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

(3) 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.

(g) 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.

SEC. 408. TAX COURT REVIEW OF REQUESTS FOR EQUITABLE RELIEF FROM JOINT AND SEVERAL LIABILITY.

(a) IN GENERAL.—Paragraph (1) of section 6015(e) of the Internal Revenue Code of 1986 (relating to petition for tax court review) is amended by inserting ", or in the case of an individual who requests equitable relief under subsection (f)" after "who elects to have subsection (b) or (c) apply".

(b) CONFORMING AMENDMENTS.—

(1) Section 6015(e)(1)(A)(i)(II) of such Code is amended by inserting "or request is made" after "election is filed".

(2) Section 6015(e)(1)(B)(i) of such Code is amended—

(A) by inserting "or requesting equitable relief under subsection (f)" after "making an election under subsection (b) or (c)", and

(B) by inserting "or request" after "to which such election".

(3) Section 6015(e)(1)(B)(ii) of such Code is amended by inserting "or to which the request under subsection (f) relates" after "to which the election under subsection (b) or (c) relates".

(4) Section 6015(e)(4) of such Code is amended by inserting "or the request for equitable relief under subsection (f)" after "the election under subsection (b) or (c)".

(5) Section 6015(e)(5) of such Code is amended by inserting "or who requests equitable relief under subsection (f)" after "who elects the application of subsection (b) or (c)".

(6) Section 6015(g)(2) of such Code is amended by inserting "or of any request for equitable relief under subsection (f)" after "any election under subsection (b) or (c)".

(7) Section 6015(h)(2) of such Code is amended by inserting "or a request for equitable relief made under subsection (f)" after "with respect to an election made under subsection (b) or (c)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to liability for taxes arising

or remaining unpaid on or after the date of the enactment of this Act.

DIVISION D—TEMPORARILY MODIFY CERTAIN RATES OF DUTY AND MAKE OTHER TECHNICAL AMENDMENTS TO THE TRADE LAWS, EXTEND CERTAIN TRADE PREFERENCE PROGRAMS, AND OTHER PURPOSES

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Sec. 1309. TMPO ethoxylate (TMPOE).
Sec. 1310. Amyl-anthraquinone.
Sec. 1311. T-butyl acrylate.

Sec. 1312. 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1R,6R)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt.
Sec. 1313. Mixtures of phosphate ammonium salt derivatives of a fluorochemical.
Sec. 1314. 1-(3H)-isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-.
Sec. 1315. Mixture of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl)imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]]) and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate.
Sec. 1316. Certain bitumen-coated polyethylene sleeves specifically designed to protect in-ground wood posts.
Sec. 1317. Nylon woolpacks used to package wool.
Sec. 1318. Magnesium zinc aluminum hydroxide carbonate hydrate.
Sec. 1319. C12–18 alkenes.
Sec. 1320. Acrypet UT100.
Sec. 1321. 5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)–(trifluoromethyl)-sulfinyl]-1H-pyrazole-3-carbonitrile (Fipronil).
Sec. 1322. 2,3-Pyridinedicarboxylic acid.
Sec. 1323. Mixtures of 2-amino-2,3-dimethylbutylnitrile and toluene.
Sec. 1324. 2,3-Quinolinedicarboxylic acid.
Sec. 1325. 3,5-Difluoroaniline.
Sec. 1326. Clomazone.
Sec. 1327. Chloropivaloyl chloride.
Sec. 1328. N,N′-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-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. Bispyribac-sodium.
Sec. 1335. Dinotefuran.
Sec. 1336. Etoxazole.
Sec. 1337. Bioallethrin.
Sec. 1338. S-Bioallethrin.
Sec. 1339. Tetramethrin.
Sec. 1340. Tralomethrin.
Sec. 1341. Flumiclorac-pentyl.
Sec. 1342. 1-Propene-2-methyl homopolymer.
Sec. 1343. Acronal-S-600.
Sec. 1344. Lucirin TPO.
Sec. 1345. Sokalan PG IME.
Sec. 1346. Lycopene 10 percent.
Sec. 1347. Mixtures of CAS Nos. 181274–15–7 and 208465–21–8.
Sec. 1348. 2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)–1-propanone.
Sec. 1349. 1,6-Hexanediamine, N,N- bis(2,2,6,6-tetramethyl-4- piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with n-butyl-1-butanamine and N-butyl- 2,2,6,6-tetramethyl-4-piperidinamine.
Sec. 1350. Vat Black 25.
Sec. 1351. Acid Orange 162.
Sec. 1352. Methyl salicylate.
Sec. 1353. 1,2-Octanediol.
Sec. 1354. Menthone glycerin acetal.
Sec. 1355. Pontamine Green 2b.

Sec. 1356. Bayderm bottom 10 UD.
Sec. 1357. Bayderm finish DLH.
Sec. 1358. Levagard DMPP.
Sec. 1359. Bayderm bottom DLV.
Sec. 1360. Certain ethylene-vinyl acetate copolymers.
Sec. 1361. Cyazofamid.
Sec. 1362. Flonicamid.
Sec. 1363. Zeta-cypermethrin.
Sec. 1364. 2-Ethylhexyl 4-methoxycinnamate.
Sec. 1365. Certain flame retardant plasticizers.
Sec. 1366. Baypure DS.
Sec. 1367. Bayowet C4.
Sec. 1368. Certain bicycle parts.
Sec. 1369. Other cycles.
Sec. 1370. Certain bicycle parts.
Sec. 1371. Certain bicycle parts.
Sec. 1372. (2-Chloroethyl)phosphonic acid (Ethephon).
Sec. 1373. Preparations containing, 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)–5-(2-(ethylthio)propyl)–3-hydroxy-2-cyclohexene-1-one (Clethodim).
Sec. 1374. Urea, polymer with formaldehyde (pergopak).
Sec. 1375. Ortho nitroaniline.
Sec. 1376. 2,2 -(2,5-thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole).
Sec. 1377. Certain chemicals and chemical mixtures.
Sec. 1378. Acid Red 414.
Sec. 1379. Solvent Yellow 163.
Sec. 1380. 4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)–2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt.
Sec. 1381. Reactive Red 123.
Sec. 1382. Reactive Blue 250.
Sec. 1383. Reactive Black 5.
Sec. 1384. 5-[(2-Cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)–3-pyridinecarbonitrile.
Sec. 1385. Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]-acetic acid, pentyl ester.
Sec. 1386. [(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)–3,1-propanediyl]]]bisbenzenesulfonic acid, disodium salt.
Sec. 1387. [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b′]difuran-3-yl)phenoxy]-acetic acid, 2-ethoxyethyl ester.
Sec. 1388. 3-Phenyl-7-(4-propoxyphenyl)-benzo[1,2-b:4,5-b′]difuran-2,6-dione.
Sec. 1389. 2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt.
Sec. 1390. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt.
Sec. 1391. 7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl) amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]- 1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt.

Sec. 1392. 4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt.
Sec. 1393. [4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]-acetic acid, 2-ethoxyethyl ester.
Sec. 1394. Basic Yellow 40 chloride based.
Sec. 1395. Direct Yellow 119.
Sec. 1396. Naugard 412s.
Sec. 1397. Triacetonamine.
Sec. 1398. Ipconazole.
Sec. 1399. Omite tech.
Sec. 1400. Pantera technical.
Sec. 1401. p-Toluenesulfonyl chloride.
Sec. 1402. Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide.
Sec. 1403. p-Aminobenzamide (4-aminobenzamide).
Sec. 1404. p-Chloroaniline.
Sec. 1405. 4-Chloro-2-nitroaniline.
Sec. 1406. o-Chloro-p-toluidine (3-chloro-4-methylaniline).
Sec. 1407. 2-Chloroacetoacetanilide.
Sec. 1408. p-Acetoacetanisidide.
Sec. 1409. 1-Hydroxy-2-naphthoic acid.
Sec. 1410. Pigment Green 7 crude, not ready for use as a pigment.
Sec. 1411. 1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione).
Sec. 1412. Diisopropyl succinate.
Sec. 1413. 2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol.
Sec. 1414. Direct Black 22.
Sec. 1415. Methylene bis-benzotriazolyl tetramethylbutylphenol.
Sec. 1416. Bis-ethylhexyloxyphenol methoxyphenol triazine.
Sec. 1417. Reactive Orange 132.
Sec. 1418. Acid Black 244.
Sec. 1419. Certain cores used in remanufacture.
Sec. 1420. ADTP.
Sec. 1421. DCBTF.
Sec. 1422. Noviflumuron.
Sec. 1423. Parachlorobenzotrifluoride.
Sec. 1424. Mixtures of insecticide.
Sec. 1425. Mixture of fungicide.
Sec. 1426. 1,2-Benzisothiazol-3(2H)-one.
Sec. 1427. Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6CI) beads with low ash.
Sec. 1428. Mixtures of fungicide.
Sec. 1429. 2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt.
Sec. 1430. Charge control agent 7.
Sec. 1431. Pro-jet Black 820 liquid feed.
Sec. 1432. Pro-jet Magenta M700.
Sec. 1433. Pro-jet Fast Black 287 NA liquid feed.
Sec. 1434. Pro-jet Fast Black 286 stage.
Sec. 1435. Pro-jet Cyan 485 stage.
Sec. 1436. Pro-jet Black 661 liquid feed.
Sec. 1437. Pro-jet Black Cyan 854 liquid feed.
Sec. 1438. Erasers.
Sec. 1439. Artificial flowers.
Sec. 1440. Suspension system stabilizer bars.
Sec. 1441. Rattan webbing.

Sec. 1442. Tractor body parts.
Sec. 1443. AC electric motors of an output exceeding 74.6 W but not exceeding 85 W.
Sec. 1444. AC electric motors of an output exceeding 74.6 W but not exceeding 105 W.
Sec. 1445. AC electric motors of an output exceeding 74.6 W but not exceeding 95 W.
Sec. 1446. Certain AC electric motors.
Sec. 1447. Viscose rayon yarn.
Sec. 1448. Certain twisted yarn of viscose rayon.
Sec. 1449. Allyl ureido monomer.
Sec. 1450. Synthetic elastic staple fiber.
Sec. 1451. Certain fiberglass sheets.
Sec. 1452. Halophosphor calcium diphosphate.
Sec. 1453. Certain rayon staple fibers.
Sec. 1454. Synthetic quartz or fused silica photomask substrates.
Sec. 1455. Certain integrated machines for manufacturing pneumatic tires.
Sec. 1456. Tramway cars.
Sec. 1457. Certain artificial filament single yarn (other than sewingthread).
Sec. 1458. Certain electrical transformers rated at 25VA.
Sec. 1459. Certain electrical transformers rated at 40VA.

CHAPTER 2—REDUCTIONS

Sec. 1461. Floor coverings and mats of vulcanized rubber.
Sec. 1462. Manicure and pedicure sets.
Sec. 1463. Nitrocellulose.
Sec. 1464. Sulfentrazone technical.
Sec. 1465. Clock radio combos.
Sec. 1466. Thiamethoxam technical.
Sec. 1467. Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning.
Sec. 1468. Certain men's footwear covering the ankle with coated or laminated textile fabrics.
Sec. 1469. Certain footwear not covering the ankle with coated or laminated textile fabrics.
Sec. 1470. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning.
Sec. 1471. Certain women's footwear.
Sec. 1472. Numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material.
Sec. 1473. Tetrakis.
Sec. 1474. Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer.
Sec. 1475. Diethyl ketone.
Sec. 1476. Acephate.
Sec. 1477. Flumioxazin.
Sec. 1478. Garenoxacin mesylate.
Sec. 1479. Butylated hydroxyethylbenzene.
Sec. 1480. Certain automotive catalytic converter mats.
Sec. 1481. 3,3′-Dichlorobenzidine dihydrochloride.
Sec. 1482. TMC114.
Sec. 1483. Biaxially oriented polypropylene dielectric film.
Sec. 1484. Biaxially oriented polyethylene terephthalate dielectric film.

Sec. 1485. Certain bicycle parts.
Sec. 1486. Certain bicycle parts.
Sec. 1487. Bifenthrin.
Sec. 1488. Reduced Vat 1.
Sec. 1489. 4-Chlorobenzonitrile.
Sec. 1490. Nail clippers and nail files.
Sec. 1491. Electric automatic shower cleaners.
Sec. 1492. Mesotrione technical.
Sec. 1493. Certain crank-gear and other bicycle parts.

Subtitle B—Existing Suspensions and Reductions

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

Subtitle C—Effective Date

Sec. 1511. Effective date.

TITLE II—RELIQUIDATIONS

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

TITLE III—TECHNICAL CORRECTIONS AND OTHER PROVISIONS

Subtitle A—Technical corrections

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

Subtitle B—Other Provisions

Sec. 3011. Consideration of certain civil actions delayed because of the terrorist attacks of September 11, 2001.
Sec. 3012. Effective date of modifications to the Harmonized Tariff Schedule.

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

Sec. 4001. Findings.
Sec. 4002. Termination of application of title IV of the Trade Act of 1974 to Vietnam.
Sec. 4003. Procedure for determining prohibited subsidies by Vietnam.
Sec. 4004. Consultations upon initiation of investigation.
Sec. 4005. Public participation and consultation.
Sec. 4006. Arbitration and imposition of quotas.
Sec. 4007. Definitions.

TITLE V—HAITI

Sec. 5001. Short title.
Sec. 5002. Trade benefits for Haiti.
Sec. 5003. ITC study.
Sec. 5004. Sense of Congress on interpretation of textile and apparel provisions for Haiti.
Sec. 5005. Technical amendments.
Sec. 5006. Effective date.

TITLE VI—AFRICAN GROWTH AND OPPORTUNITY ACT

Sec. 6001. Short title.
Sec. 6002. Preferential treatment of apparel products of lesser developed countries.
Sec. 6003. Technical corrections.
Sec. 6004. Effective date for AGOA.

TITLE VII—ANDEAN TRADE PREFERENCE ACT

Sec. 7001. Short title.
Sec. 7002. ATPA extension.
Sec. 7003. Technical amendments.

TITLE VIII—GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM

Sec. 8001. Limitations on waivers of competitive need limitation.
Sec. 8002. Extension of GSP program.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title, title II, and title III an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.05.34
9902.06.01
9902.06.62
9902.08.10
9902.19.80
9902.20.05
9902.21.06
9902.21.42
9902.26.11
9902.28.40
9902.28.94
9902.29.01
9902.29.04
9902.29.05
9902.29.06 (relating to racemic dl-menthol)
9902.29.13
9902.29.14
9902.29.27
9902.29.30
9902.29.31
9902.29.33
9902.29.39
9902.29.40
9902.29.41
9902.29.42
9902.29.47
9902.29.56
9902.29.63
9902.29.68
9902.29.69
9902.29.75
9902.29.76
9902.29.78
9902.29.79
9902.29.84
9902.29.85
9902.29.86
9902.29.88
9902.29.92
9902.29.94
9902.29.96
9902.29.97
9902.29.99
9902.30.08
9902.30.11
9902.30.13
9902.30.46
9902.32.05
9902.32.06
9902.32.09
9902.32.10
9902.32.15
9902.32.17
9902.32.20
9902.32.23
9902.32.24
9902.32.25
9902.32.44 (relating to CAS No. 201932–24–3)
9902.32.44 (relating to CAS No. 186537–30–4)
9902.32.46
9902.32.50
9902.32.53
9902.32.58
9902.32.59
9902.32.60
9902.32.64
9902.32.65
9902.32.66
9902.32.67
9902.32.80
9902.32.81
9902.32.84
9902.32.86
9902.32.88
9902.32.96
9902.32.98
9902.37.01
9902.37.02
9902.38.00
9902.38.01
9902.38.02
9902.38.03
9902.38.13
9902.38.20
9902.38.22
9902.38.24
9902.38.29
9902.38.30
9902.38.50
9902.38.51
9902.38.53
9902.39.07
9902.39.31
9902.39.32
9902.52.01
9902.52.03
9902.70.01
9902.84.00
9902.84.16
9902.84.19
9902.84.30
9902.84.40
9902.84.70
9902.85.00
9902.90.20
9902.98.07

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}phenoxy)-N-2-methylpyridine-2-carboxamide 4-methylbenzenesulfonate (Sorafenib tosylate) (CAS No. 475207–59–1) (provided for in subheading 2933.39.41) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.22.04*	*Methyl methoxyacetate (CAS No. 6290–49–9) (provided for in subheading 2918.90.50) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1115. METHOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.05*	*Methoxyacetic acid (CAS No. 625–45–6) (provided for in subheading 2918.90.50) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1116. N-METHYLPIPERIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.06*	*N-Methylpiperidine (CAS No. 626–67–5) (provided for in subheading 2933.39.61) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1117. QUINCLORAC TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.07*	*3,7-Dichloroquinoline-8-carboxylic acid (Quinclorac) (CAS No. 84087–01–4) (provided for in subheading 2933.49.30) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1118. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.08*	*2-Tert-butyl-5-(4-tert-butylbenzylthio)-4-chloropyridazin-3(2H)-one (Pyridaben) (CAS No. 96489–71–3) (provided for in subheading 2933.99.22) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1119. CERTAIN RUBBER OR PLASTIC FOOTWEAR.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.22.09*	*Footwear for persons other than women, with outer soles of leather or composition leather and with uppers of textile materials (provided for in subheading 6404.20.60) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1120. SODIUM ORTHO-PHENYLPHENOL.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.22.10*	*2-Phenylphenol sodium salt (CAS No. 132–27–4) (provided for in subheading 2907.19.80) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1121. CERTAIN CHEMICAL.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.22.11*	*Adsorbent resin comprised of a macroporous polymer of diethenylbenzene (CAS No. 9003–69–4) (provided for in subheading 3911.90.90) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1122. BAYPURE CX.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.22.12*	*Iminodisuccinic acid, triammonium salt, in aqueous solutions (CAS No. 415719–09–04) (provided for in subheading 2922.49.80) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1123. ISOEICOSANE.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.22.13*	*Isoeicosane (CAS No. 93685–79–1) (provided for in subheading 2710.19.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1124. ISODODECANE.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.22.14*	*Isododecane (CAS No. 31807–55–3) (provided for in subheading 2710.11.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1125. ISOHEXADECANE.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.22.15*	*Isohexadecane (CAS No. 60908–77–2) (provided for in subheading 2710.19.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1126. AMINOGUANIDINE BICARBONATE.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.22.16*	*Aminoguanidine bicarbonate (CAS No. 2582–30–1) (provided for in subheading 2928.00.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

13 ***SEC. 1127. O-CHLOROTOLUENE.***

14 *Subchapter II of chapter 99 is amended by inserting*
15 *in numerical sequence the following new headings:*

"	*9902.22.17*	*2-Chlorotoluene (CAS No. 95–49–8) (provided for in subheading 2903.69.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	
	9902.22.18	*Chloromethylbenzene (CAS No. 25168–05–2) (provided for in subheading 2903.69.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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-diisocyanatohexane, dimethyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, and α- hydro-ω-hydroxypoly[oxy(methyl-1,2-ethanediyl)], polyethylene-polypropylene glycol monobutyl ether blocked (CAS No. 841251–36–3) (provided for in subheading 3909.50.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

SEC. 1130. 1-METHOXY-2-PROPANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.21*	*1-Methoxy-2-propanol (CAS No. 107–98–2) (provided for in subheading 2909.49.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1131. BASIC RED 1 DYE.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.22.22*	*Basic Red 1 (CAS No. 989–38–8) (provided for in subheading 3204.13.80) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1132. BASIC RED 1:1 DYE.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.22.23*	*Basic Red 1:1 (CAS No. 3068–39–1) (provided for in subheading 3204.13.80) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1133. BASIC VIOLET 11 DYE.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.22.24*	*Basic Violet 11 (CAS No. 2390–63–8) (provided for in subheading 3204.13.80) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1134. BASIC VIOLET 11:1 DYE.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.22.25*	*Basic Violet 11:1 (CAS No. 39393–39–0) (provided for in subheading 3204.13.80) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

13 ***SEC. 1135. N-CYCLOHEXYLTHIOPHTHALIMIDE.***

14 *Subchapter II of chapter 99 is amended by inserting*
15 *in numerical sequence the following new heading:*

"	*9902.22.26*	*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*	".

SEC. 1136. 4,4′-DITHIODIMORPHOLINE.

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*	".

SEC. 1137. TETRAETHYLTHIURAM 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*	".

SEC. 1138. CERTAIN TETRAMETHYLTHIURAM DISULFIDE.

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*	".

SEC. 1139. CERTAIN AEROSOL VALVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.30*	*Aerosol valves designed to deliver a metered dose (50 microliters) of a pressurized liquid pharmaceutical product, having a mounting cup with inside diameter of 20.1 mm and height (skirt to shoulder) of 7.49 mm with a stem outside diameter of 2.79 mm, with such components of stainless steel and buna rubber and with a retaining cup of aluminum (provided for in subheading 8481.80.30) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.22.31*	*4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one (CAS No. 145027–96–9) (provided for in subheading 2933.99.97) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1141. ETHOXYQUIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.32*	*Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) (CAS No. 91–53–2) (provided for in subheading 2933.49.10) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1142. TRICHOLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.33*	*1,2,4-Trichlorobenzene (CAS No. 120–82–1) (provided for in subheading 2903.69.10) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1143. BENZOIC ACID, 3,4,5-TRIHYDROXY-, PROPYL***
2 ***ESTER.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.22.34*	*Benzoic acid, 3,4,5-trihydroxy-, propyl ester (CAS No. 121–79–9) (propyl gallate) (provided for in subheading 2918.29.75)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1144. 2-CYANOPYRIDINE.***

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

"	*9902.22.35*	*2-Cyanopyridine (CAS No. 100–70–9) (provided for in subheading 2933.39.91)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

8 ***SEC. 1145. MIXED XYLIDINES.***

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

"	*9902.22.36*	*Mixed xylidines (CAS No. 1300–73–8) (provided for in subheading 2921.49.50)* ..	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

11 ***SEC. 1146. CERTAIN RECEPTION APPARATUS NOT CON-***
12 ***TAINING A CLOCK OR CLOCK TIMER, INCOR-***
13 ***PORATING ONLY AM RADIO.***

14 *Subchapter II of chapter 99 is amended by inserting*
15 *in numerical sequence the following new heading:*

"	*9902.22.37*	*Radiobroadcast receivers capable of operating without an external source of power, not containing a clock or clock timer in the same housing, each containing only an AM radiobroadcast receiver (provided for in subheading 8527.19.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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*	".

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*	".

1 ***SEC. 1150. ISOBUTYL PARAHYDROXYBENZOIC ACID AND ITS***
2 ***SODIUM SALT.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.22.41*	*Isobutyl 4-hydroxybenzoate (CAS No. 4247–02–3) and its sodium salt (CAS No. 84930–15–4) (provided for in subheading 2918.29.65)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1151. PHOSPHINIC ACID, DIETHYL-, ALUMINUM SALT.***

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

"	*9902.22.42*	*Phosphinic acid, diethyl-, aluminum salt (CAS No. 225789–38–8) (provided for in subheading 2931.00.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

8 ***SEC. 1152. EXOLIT OP 1312.***

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

"	*9902.22.43*	*Phosphinic acid, diethyl-, aluminum salt (CAS No. 225789–38–8) with synergists and encapsulating agents (provided for in subheading 3824.90.91)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

11 ***SEC. 1153. SODIUM HYPOPHOSPHITE.***

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

"	*9902.22.44*	*Sodium hypophosphite monohydrate (CAS No. 10039–56–2) (provided for in subheading 2835.10.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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*	".

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*	".

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*	".

1 ***SEC. 1158. CERTAIN WORK FOOTWEAR WITH OUTER SOLES***
2 ***OF LEATHER.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.22.49*	*Footwear with outer soles of leather and uppers of leather, covering the ankle, other than for women (provided for in subheading 6403.51.90) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1159. CERTAIN FOOTWEAR WITH OUTER SOLES OF***
6 ***RUBBER OR PLASTICS AND WITH OPEN TOES***
7 ***OR HEELS.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.22.50*	*Footwear with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels, the foregoing other than house slippers and other than footwear for women (provided for in subheading 6404.19.30) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1160. CERTAIN ATHLETIC FOOTWEAR.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.22.51*	*Footwear with outer soles of leather or composition leather and uppers of textile materials, valued over $2.50 per pair, the foregoing other than for men or women (provided for in subheading 6404.20.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

13 ***SEC. 1161. CERTAIN WORK FOOTWEAR.***

14 *Subchapter II of chapter 99 is amended by inserting*
15 *in numerical sequence the following new heading:*

"	*9902.22.52*	*Work footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather, not covering the ankle (provided for in subheading 6403.99.60 or 6403.99.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1162. CERTAIN FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.53*	*Footwear with outer soles and uppers of rubber or plastics, incorporating a protective metal toecap, having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is rubber or plastics (provided for in subheading 6402.30.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1163. 1-NAPHTHYL METHYLCARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.54*	*1-Naphthyl methylcarbamate (Carbaryl) (CAS No. 63-25-2) (provided for in subheading 2924.29.47)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1164. CERTAIN 16-INCH VARIABLE SPEED SCROLL SAW MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.55*	*Variable speed scroll sawing machines each having a throat depth of approximately 406 mm, new (provided for in subheading 8465.91.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1165. 3,4-DIMETHOXYBENZALDEHYDE.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.22.56*	*3,4-Dimethoxybenzaldehyde (CAS No. 120–14–9) (provided for in subheading 2912.49.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1166. 2-AMINOTHIOPHENOL.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.22.57*	*2-Aminothiophenol (CAS No. 137–07–5) (provided for in subheading 2930.90.29)* ..	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1167. SOLVENT RED 227.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.22.58*	*Solvent Red 227 (CI 60510) (provided for in subheading 3204.19.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1168. MIXTURES OF FORMALDEHYDE POLYMER AND***
11 ***TOLUENE.***

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

"	*9902.22.59*	*Formaldehyde, polymer with toluene (CAS No. 25155–81–1) (provided for in subheading 3911.90.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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 subheading 3812.30.60) ..*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1170. MIXTURE OF BARIUM CARBONATE, STRONTIUM CARBONATE, CALCIUM CARBONATE, 1-METHOXY-2-PROPANANOL ACETATE, FOR USE AS EMITTER SUSPENSION CATHODE COATING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.61*	*A mixture of barium carbonate, strontium carbonate, calcium carbonate, and 1-methoxy-2-propanol acetate, for use as emitter suspension cathode coating (CAS Nos. 513–77–9, 1633–05–2, 471–34–1, and 108–65–6) (provided for in subheading 3824.90.91) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1171. RESIN CEMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.62*	*Resin cement based on calcium carbonate and silicone resins (CAS Nos. 471–34–1 and 68037–83–2) (provided for in subheading 3214.10.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.22.63*	*Yttrium oxide phosphor, activated by europium of a kind used as a luminophore (CAS No. 68585–82–0) (provided for in subheading 3206.50.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1173. PHOSPHOR-BAG-BARIUM MAGNESIUM ALUMINATE PHOSPHOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.64*	*Compound of barium magnesium aluminate phosphor, activated by europium or manganese, of a kind used as luminophores (CAS Nos. 63774–55–0 and 1308–96–9) (provided for in subheading 3206.50.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1174. YTTRIUM VANADATE PHOSPHOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.65*	*Yttrium vanadate phosphor, of a kind used as a luminophore (CAS No. 6874–82–7) (provided for in subheading 3206.50.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.22.69*	*Yttrium oxide phosphor, activated by europium used as a luminophore (CAS No. 68585–82–0) (provided for in subheading 3206.50.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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. 75535–31–8) (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. 75535–31–8) (provided for in subheading 3206.50.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1182. PHOSPHOR-SCA, STRONTIUM HALOPHOSPHATE***
2 ***DOPED WITH EUROPIUM.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.22.73*	*Strontium halophosphate doped with europium used as a luminophore (CAS Nos. 109037–74–3 and 1312–81–8) (provided for in subheading 3206.50.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1183. PHOSPHOR-COOL WHITE SMALL PARTICLE CAL-***
6 ***CIUM HALOPHOSPHATE PHOSPHOR ACTI-***
7 ***VATED BY MANGANESE AND ANTIMONY.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.22.74*	*Small particle calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore (CAS No. 75535–31–8) (provided for in subheading 3206.50.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1184. PHOSPHOR LAP LANTHANUM PHOSPHATE PHOS-***
11 ***PHOR, ACTIVATED BY CERIUM AND TERBIUM.***

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

"	*9902.22.75*	*Lanthanum phosphate phosphor, activated by cerium and terbium, inorganic used as luminophores (CAS Nos. 13778–59–1, 13454–71–2, and 13863–48–4 or 95823–34–0) (provided for in subheading 3206.50.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.22.79*	*Cold-formed wire of nickel alloys containing 0.09 percent or more but not more than 1.6 percent by weight of silicon, certified by the importer to be used in the manufacture of spark plug electrodes, the foregoing either round wire measuring 1.7 mm or more but not over 4.9 mm in cross-sectional diameter or flat wire of rectangular cross section measuring 0.9 mm or more but not over 2.2 mm in thickness and 1.7 mm or more but not over 3.3 mm in width (provided for in subheading 7505.22.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1188. TITANIUM MONONITRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.80*	*Titanium mononitride (CAS No. 25583–20–4) (provided for in subheading 2850.00.07)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.22.81*	*Marine sextants of metal, designed for use in navigating by celestial bodies (provided for in subheading 9014.80.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1190. ELECTRICALLY OPERATED PENCIL SHARPENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.22.82*	*Electrically operated pencil sharpeners (provided for in subheading 8472.90.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1191. VALVE ASSEMBLIES (VACUUM RELIEF).***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.22.83*	*Pedestal assemblies for vacuum relief valves, designed for use in aircraft (provided for in subheading 8481.40.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1192. SEALS, AERODYNAMIC, FIREPROOF.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.22.84*	*Seals of polyester fabric bonded over a silicone core, designed for use in airplanes (provided for in subheading 3926.90.00 or 5911.90.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1193. WING ILLUMINATION LIGHTS.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.22.85*	*Wing illumination lights, designed for use on airplanes (provided for in subheading 9405.60.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1194. EXTERIOR EMERGENCY LIGHTS.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.22.86*	*Exterior emergency lights, designed for use on airplanes (provided for in subheading 9405.60.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

13 ***SEC. 1195. MAGNESIUM PEROXIDE.***

14 *Subchapter II of chapter 99 is amended by inserting*
15 *in numerical sequence the following new heading:*

"	*9902.22.87*	*Magnesium peroxide, minimum 25 percent purity (CAS No. 1335–26–8) (provided for in subheading 2816.10.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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*	".

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. 12014–93–6 and 12031–49–1) (provided for in subheading 3206.49.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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-tolyl]acetate (Kresoxim methyl) (CAS No. 143390–89–0) and application adjuvants (provided for in subheading 3808.20.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1200. 4-PIECE OR 5-PIECE FIREPLACE TOOLS OF IRON***
2 ***OR STEEL.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.22.92*	*Packages containing 4 or 5 different fireplace tools, such tools of iron or steel, intended for sale to the ultimate consumer in such packages (provided for in subheading 8205.51.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1201. RSD 1235.***

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

"	*9902.22.93*	*3-Pyrrolidinol, 1-[(1R,2R)-2-[2-(3,4-dimethoxyphenyl)ethoxy]cyclohexyl]-,hydrochloride, (3R) (CAS No. 748810–28–8) (provided for in subheading 2933.99.53)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

8 ***SEC. 1202. MCPB ACID AND MCPB SODIUM SALT.***

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

"	*9902.22.94*	*4-(4-Chloro-2-methylphenoxy) butanoic acid (CAS No. 94–81–5); 4-(4-chloro-2-methylphenoxy)butanoic acid, sodium salt (CAS No. 6062–26–6) (provided for in subheading 2918.90.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

11 ***SEC. 1203. GIBBERELLIC ACID.***

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

"	*9902.22.95*	*Gibberellic acid (GA3) (CAS No. 77–06–5) and a mixture of gibberellin A4 (CAS No. 468–44–0) and gibberellin A7 (CAS No. 510–75–8) (provided for in subheading 2932.29.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1204. TRIPHENYLTIN HYDROXIDE.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.22.96*	*Triphenyltin hydroxide (CAS No. 76–87–9) (provided for in subheading 2931.00.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1205. BROMOXYNIL OCTONOATE.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.22.97*	*3,5-Dibromo-4-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*	".

7 ***SEC. 1206. METHYL 3-(TRIFLUOROMETHYL)BENZOATE.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.22.98*	*Methyl 3-(trifluoromethyl)benzoate (CAS No. 2557–13–3) (provided for in subheading 2916.39.45)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1207. 4-(TRIFLUOROMETHOXY)PHENYL ISOCYANATE.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.22.99*	*4-(Trifluoromethoxy)phenyl isocyanate (CAS No. 35037–73–1) (provided for in subheading 2929.10.55)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

13 ***SEC. 1208. 4-METHYLBENZONITRILE.***

14 *Subchapter II of chapter 99 is amended by inserting*
15 *in numerical sequence the following new heading:*

"	*9902.23.01*	*4-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*	*Diaminodecane (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 95823–34–0) (provided for in subheadings 2846.10.00 and 2846.90.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1213. CERTAIN COMPOUNDS OF YTTRIUM CERIUM***
2 ***PHOSPHATES.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.23.06*	*Mixtures or coprecipitates of yttrium phosphate (CAS No. 13990–54–0) and cerium phosphate (CAS No. 13454–71–2) (provided for in subheadings 2846.10.00 and 2846.90.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1214. CANNED, BOILED OYSTERS, NOT SMOKED.***

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

"	*9902.23.07*	*Oysters (other than smoked), prepared or preserved (provided for in subheading 1605.90.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

8 ***SEC. 1215. BOOTS.***

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

"	*9902.23.08*	*Boots constructed by hand of natural rubber, the foregoing with steel toes and incorporating ballistic nylon for cut protection, with self-cleaning lug soles or with "caulked" soles for slip and fall protection (provided for in subheading 6401.10.00)* ..	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

11 ***SEC. 1216. VINYLIDENE CHLORIDE-METHYL METHACRY-***
12 ***LATE-ACRYLONITRILE COPOLYMER.***

13 *Subchapter II of chapter 99 is amended by inserting*
14 *in numerical sequence the following new heading:*

"	*9902.23.09*	*Vinylidene chloride-methyl methacrylate-acrylonitrile copolymer (CAS No. 25214–39–5) (provided for in subheading 3904.50.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.23.13*	*1H-Benz[e]indolium, 2-[2-[2-chloro-3-[(1,3-dihydro-1,1,3-trimethyl-2H-benz[e]indol-2-ylidene)ethylidene]-1-cyclohexen-1-yl]ethenyl]-1,1,3-trimethyl-, salt with 4-methylbenzenesulfonic acid (1:1) (CAS No. 134127–48–3) (provided for in subheading 2934.99.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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-Tetrafluoroethene, oxidized, polymerized (CAS No. 69991–61–3) (provided for in subheading 3907.20.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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. 161075–02–1) (provided for in subheading 3824.90.91)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1224. ETHENE, TETRAFLUORO, OXIDIZED, POLYMERIZED 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, POLYMERIZED 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*	".

1 ***SEC. 1227. CERTAIN LIGHT-ABSORBING PHOTO DYES.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.23.20*	*Morpholine, 4-[4,5-dihydro-4-[3-[5-hydroxy-1-methyl-3-(4-morpholinylcarbonyl)-1H-pyrazol-4-yl]-2-propenylidene]-1-methyl-5-oxo-1H-pyrazol-3-yl]carbonyl]-, potassium salt (CAS No. 183196–57–8) (provided for in subheading 2934.99.90); 1,4-benzenedisulfonic acid, 2-[4-[5-[1-(2,5-disulfophenyl)-1,5-dihydro-3-[(methylamino)carbonyl]-5-oxo-4H-pyrazol-4-ylidene]-3-(2-oxo-1-pyrrolidinyl)-1,3-pentadienyl]-5-hydroxy-3-[(methylamino)carbonyl]-1H-pyrazol-1-yl]-, pentapotassium salt (CAS No. 202482–44–8) (provided for in subheading 2933.79.08)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1228. CERTAIN SPECIALTY MONOMERS.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.23.21*	*3,4-Dimethylbenzene, 1,1′-[2,2,2-trifluoro-1-(trifluoromethyl)ethylidene]bis- (CAS No. 65294–20–4) (provided for in subheading 2903.69.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1229. SUSPENSION OF DUTY ON EXOFLEX F BX7011.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.23.22*	*1,4-Benzenedicarboxylic acid, dimethyl ester, polymer with 1,4-butanediol and hexanedioic acid (CAS No. 55231–08–8) (provided for in subheading 3907.99.00)* ..	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1230. TRIPHENYL PHOSPHINE.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.23.23*	*Triphenyl phosphine (CAS No. 603–35–0) (provided for in subheading 2931.00.90)* ..	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1231. CERTAIN GOLF BAG BODIES.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.23.24*	*Golf bag bodies made of woven fabrics of nylon or polyester, sewn together with rainhoods, pockets, dividers, and graphite shaft protection (provided for in subheading 6307.90.98)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1232. DICHLORPROP-P ACID, DICHLORPROP-P DI-***
5 ***METHYLAMINE SALT, AND DICHLORPROP-P 2-***
6 ***ETHYLHEXYL ESTER.***

7 *Subchapter II of chapter 99 is amended by inserting*
8 *in numerical sequence the following new heading:*

"	*9902.23.25*	*(+)-(R)-2-(2,4-Dichlorophenoxy) propanoic acid (CAS No. 15165–67–0); (+)-(R)-2-(2,4-dichlorophenoxy) propanoic acid, 2-ethylhexyl ester (CAS No. 79270–78–3) (provided for in subheading 2918.90.20), and (+)-(R)-2-(2,4-dichlorophenoxy)propanoic acid, dimethylamine salt (CAS No. 104786–87–0) (provided for in subheading 2921.19.60)* ..	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

9 ***SEC. 1233. 2,4-DB ACID AND 2,4-DB DIMETHYLAMINE SALT.***

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

"	*9902.23.26*	*4-(2,4-Dichlorophenoxy) butyric acid (CAS No. 94–82–6) (provided for in subheading 2918.90.20); and 4-(2,4-dichlorophenoxy)butyric acid, dimethylamine salt (CAS No. 2758–42–1) (provided for in subheading 2921.19.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

12 ***SEC. 1234. FILAMENT FIBER TOW OF RAYON.***

13 *Subchapter II of chapter 99 is amended by inserting*
14 *in numerical sequence the following new heading:*

"	*9902.23.27*	*Filament tow of rayon (provided for in heading 5502.00.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1235. PARTS FOR USE IN THE MANUFACTURE OF CER-***
2 ***TAIN HIGH-PERFORMANCE LOUDSPEAKERS.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.23.28*	*Parts (provided for in subheading 8518.90.80) certified by the importer as for use exclusively in the manufacture of loudspeakers which (when not mounted in their enclosures) meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands when tested in a reverberant chamber*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1236. CERTAIN PLASTIC LAMP-HOLDER HOUSINGS***
6 ***CONTAINING SOCKETS.***

7 *Subchapter II of chapter 99 is amended by inserting*
8 *in numerical sequence the following new heading:*

"	*9902.23.29*	*Lamp-holder housings of plastics, containing sockets (provided for in subheading 8536.61.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

9 ***SEC. 1237. CERTAIN PORCELAIN LAMP-HOLDER HOUSINGS***
10 ***CONTAINING SOCKETS.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.23.30*	*Lamp-holder housings of porcelain, containing sockets (provided for in subheading 8536.61.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1238. CERTAIN ALUMINUM LAMP-HOLDER HOUSINGS***
2 ***CONTAINING SOCKETS.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.23.31*	*Lamp-holder housings of aluminum, containing sockets (provided for in subheading 8536.61.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1239. CERTAIN BRASS LAMP-HOLDER HOUSINGS CON-***
6 ***TAINING SOCKETS.***

7 *Subchapter II of chapter 99 is amended by inserting*
8 *in numerical sequence the following new heading:*

"	*9902.23.32*	*Lamp-holder housings of brass, containing sockets (provided for in subheading 8536.61.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

9 ***SEC. 1240. STAPLE FIBERS OF VISCOSE RAYON, NOT***
10 ***CARDED.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.23.33*	*Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning, measuring 1.67 to 16.67 decitex and having a fiber length each measuring 20 mm or more but not over 150 mm (provided for in subheading 5504.10.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

13 ***SEC. 1241. STAPLE FIBERS OF RAYON, CARDED, COMBED,***
14 ***OR OTHERWISE PROCESSED.***

15 *Subchapter II of chapter 99 is amended by inserting*
16 *in numerical sequence the following new heading:*

"	*9902.23.34*	*Staple fibers of rayon, carded, combed, or otherwise processed for spinning, the foregoing presented in the form of top (provided for in heading 5507.00.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1242. MINI DVD CAMCORDER WITH 680K PIXEL CCD.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.23.35*	*Camcorders each capable of recording and reproducing video images on mini-DVD media in all the following formats: DVD–R, DVD–RW, DVD–RAM, or DVD+RW, the foregoing each with 25 power optical zoom and a lens diameter of 34 mm (provided for in subheading 8525.40.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1243. MINI DVD CAMCORDER WITH 20G HDD.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.23.36*	*Camcorders each capable of recording and reproducing video images on mini-DVD media in all the following formats: DVD–R, DVD–RW, DVD–RAM, or DVD+RW, the foregoing each with an internal 20 gigabyte (20G) hard disk drive and a USB 2.0 port (provided for in subheading 8525.40.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1244. METAL HALIDE LAMP.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.23.37*	*Metal halide lamps designed for use in video projectors (provided for in subheading 8539.32.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1245. HAND-HELD ELECTRONIC CAN OPENERS.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.23.38*	*Hand-held electromechanical can openers, with self-contained electric motor (provided for in subheading 8509.80.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1246. ELECTRIC KNIVES.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.23.39*	*Electromechanical knives, with self-contained electric motor (provided for in subheading 8509.80.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1247. TOASTER OVENS WITH SINGLE-SLOT TRADI-***
5 ***TIONAL TOASTER OPENING ON TOP OF OVEN.***

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

"	*9902.23.40*	*Electrothermic toaster ovens, each incorporating a single-slot toaster opening on top of the oven (provided for in subheading 8516.72.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

8 ***SEC. 1248. ICE SHAVERS.***

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

"	*9902.23.41*	*Electromechanical ice shavers, with self-contained electric motor (provided for in subheading 8509.40.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

11 ***SEC. 1249. DUAL-PRESS SANDWICH MAKERS WITH FLOAT-***
12 ***ING UPPER LID AND LOCK.***

13 *Subchapter II of chapter 99 is amended by inserting*
14 *in numerical sequence the following new heading:*

"	*9902.23.42*	*Dual-grid electric sandwich grillers, each with lock and floating upper lid (provided for in subheading 8516.60.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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 ELEC-***
2 ***TRONIC CLOCKS.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.23.47*	*Electrothermic automatic drip coffeemakers each with electronic clock and with self-contained coffee holding chamber, the foregoing designed to be used without separate carafe (provided for in subheading 8516.71.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1255. ELECTRIC UNDER-THE-CABINET MOUNTING CAN***
6 ***OPENERS.***

7 *Subchapter II of chapter 99 is amended by inserting*
8 *in numerical sequence the following new heading:*

"	*9902.23.48*	*Electromechanical can openers, with self-contained electric motor, the foregoing designed to be mounted below kitchen cabinets (provided for in subheading 8509.80.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

9 ***SEC. 1256. DIMETHYL MALONATE.***

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

"	*9902.23.49*	*Dimethyl malonate (CAS No. 108–59–8) (provided for in subheading 2917.19.70)* ..	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

12 ***SEC. 1257. LIGHTWEIGHT DIGITAL CAMERA LENSES.***

13 *Subchapter II of chapter 99 is amended by inserting*
14 *in numerical sequence the following new heading:*

"	*9902.23.50*	*Lenses designed for digital cameras, the foregoing with focal length 55 mm or more but not over 200 mm and not exceeding 255.2 g in weight (provided for in subheading 9002.11.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1258. DIGITAL ZOOM CAMERA LENSES.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.23.51*	*Lenses designed for digital cameras, the foregoing with focal length 17 mm or more but not over 55 mm and not exceeding 765.5 g in weight (provided for in subheading 9002.11.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1259. COLOR FLAT PANEL SCREEN MONITORS.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.23.52*	*Color video monitors each having a flat panel screen, BNC input connection and video loop-thru connector, the foregoing with a video display diagonal of either 41.9 cm or more but not more than 44.5 cm, or 47 cm or more but not more than 49.5 cm (provided for in subheading 8528.21.70)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1260. COLOR MONITORS WITH A VIDEO DISPLAY DI-***
8 ***AGONAL OF 35.56 CM OR GREATER.***

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

"	*9902.23.53*	*Color video monitors each having a cathode-ray tube and a video display diagonal exceeding 35.56 cm (provided for in subheading 8528.21.39)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

11 ***SEC. 1261. COLOR MONITORS.***

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

"	*9902.23.54*	*Color video monitors, each having a cathode-ray tube and a video display diagonal of more than 34.29 cm but not more than 35.56 cm (provided for in subheading 8528.21.29)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1262. BLACK AND WHITE MONITORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.55	Black and white or other monochrome monitors with cathode-ray tubes, the foregoing each with a video display diagonal of either 21.6 cm or more but not more than 24.1 cm, 29.2 cm or more but not more than 31.8 cm or 41.9 cm or more but not more than 44.5 cm (provided for in subheading 8528.22.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1263. 6 V LEAD-ACID STORAGE BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.56	6 V lead-acid storage batteries with a maximum length of 8.89 cm, maximum width of 5.08 cm and maximum height of 11.43 cm, rated at less than 10 ampere-hours, certified by the importer as intended for use as the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1264. ZIRCONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.57	Zirconium oxychloride (zirconyl chloride or zirconium dichloride oxide) (CAS No. 15461–27–5) (provided for in subheading 2827.49.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1265. NAPHTHOL AS-CA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.58	5′-Chloro-3-hydroxy-2′-methoxy-2-naphthanilide (CAS No. 137–52–0) (provided for in subheading 2924.29.36)	Free	No change	No change	On or before 12/31/2009	".

1 ***SEC. 1266. NAPHTHOL AS-KB.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.23.59*	*5′-Chloro-3-hydroxy-2′-methyl-2-naphthanilide (CAS No. 135–63–7) (provided for in subheading 2924.29.36)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1267. BASIC VIOLET 1.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.23.60*	*Basic Violet 1 (CAS No. 8004–87–3) (provided for in subheading 3204.13.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1268. BASIC BLUE 7.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.23.61*	*Basic Blue 7 (CAS No. 2390–60–5) (provided for in subheading 3204.13.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1269. 3-AMINO-4-METHYLBENZAMIDE.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.23.63*	*3-Amino-4-methylbenzamide (CAS No. 19406–86–1) (provided for in subheading 2924.29.76)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

13 ***SEC. 1270. ACETOACETYL-2,5-DIMETHOXY-4-***
14 ***CHLOROANILIDE.***

15 *Subchapter II of chapter 99 is amended by inserting*
16 *in numerical sequence the following new heading:*

"	*9902.23.64*	*Acetoacetyl-2,5-dimethoxy-4-chloroanilide (CAS No. 4433–79–8) (provided for in subheading 2924.29.76)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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*	".

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*	".

1 ***SEC. 1274. 50/50 MIXTURE OF 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-***
2 ***TRIONE, 1,3,5-TRIS[(2R)-OXIRANYLMETHYL]-***
3 ***AND 1,3,5,-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE,***
4 ***1,3,5-TRIS[(2S)-OXIRANYLMETHYL]-.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.23.68*	*50/50 Mixture of 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2R)-oxiranylmethyl]- and 1,3,5,-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2S)-oxirianylmethyl]- (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*	".

7 ***SEC. 1275. 9H-THIOXANTHENE-2-CARBOXALDEHYDE, 9-OXO-,***
8 ***2-(O-ACETYLOXIME).***

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

"	*9902.23.69*	*9H-Thioxanthene-2-carboxaldehyde, 9-oxo-, 2-(o-acetyloxime) (CAS No. 362624–80–4) (provided for in subheading 2934.99.39)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

11 ***SEC. 1276. 1H-IMIDAZOLE, 2-ETHYL-4-METHYL-.***

12 *Subchapter II of chapter 99 is amended by inserting*
13 *in numerical sequence the following new heading:*

"	*9902.23.70*	*1H-Imidazole, 2-ethyl-4-methyl- (CAS No. 931–36–2) (provided for in subheading 2933.29.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

14 ***SEC. 1277. 1H-IMIDAZOLE-4-METHANOL, 5-METHYL-2-***
15 ***PHENYL-.***

16 *Subchapter II of chapter 99 is amended by inserting*
17 *in numerical sequence the following new heading:*

"	*9902.23.71*	*1H-Imidazole-4-methanol, 5-methyl-2-phenyl- (CAS No. 13682–32–1) (provided for in subheading 2933.29.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.23.74*	*Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1281. CERTAIN WOMEN'S FOOTWEAR WITH COATED OR***

2 ***LAMINATED TEXTILE FABRICS.***

3 *Subchapter II of chapter 99 is amended by inserting*

4 *in numerical sequence the following new heading:*

"	*9902.23.75*	*Women's footwear with outer soles and uppers of rubber or plastics (except footwear of vulcanized rubber and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1282. CERTAIN MEN'S FOOTWEAR WITH COATED OR***
2 ***LAMINATED TEXTILE FABRICS.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.23.76*	*Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1283. CERTAIN MEN'S FOOTWEAR VALUED OVER $20 A***
6 ***PAIR WITH COATED OR LAMINATED TEXTILE***
7 ***FABRICS.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.23.77*	*Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1284. CERTAIN WOMEN'S FOOTWEAR VALUED OVER $20***
2 ***A PAIR WITH COATED OR LAMINATED TEX-***
3 ***TILE FABRICS.***

4 *Subchapter II of chapter 99 is amended by inserting*
5 *in numerical sequence the following new heading:*

"	*9902.23.78*	*Women's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

6 ***SEC. 1285. CERTAIN OTHER FOOTWEAR VALUED OVER $20 A***
7 ***PAIR WITH COATED OR LAMINATED TEXTILE***
8 ***FABRICS.***

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

"	*9902.23.79*	*Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1286. CERTAIN FOOTWEAR WITH COATED OR LAMI-***
2 ***NATED TEXTILE FABRICS.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.23.80*	*Footwear (other than for men or women and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1287. CERTAIN OTHER FOOTWEAR COVERING THE***
6 ***ANKLE WITH COATED OR LAMINATED TEX-***
7 ***TILE FABRICS.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.23.81*	*Footwear (other than for men or women, and other than vulcanized footwear and footwear with 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*	".

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*	".

SEC. 1289. CERTAIN WOMEN'S 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:

"	*9902.23.83*	*Women's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1290. FELT-BOTTOM BOOTS FOR USE IN FISHING WADERS.

Subchapter II of chapter 99 is amended by inserting 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*	".

SEC. 1291. LUG BOTTOM BOOTS FOR USE IN FISHING WADERS.

Subchapter II of chapter 99 is amended by inserting 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*	".

SEC. 1292. CERTAIN PARTS AND ACCESSORIES FOR MEASURING OR CHECKING INSTRUMENTS.

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*	".

SEC. 1293. CERTAIN PRINTED CIRCUIT ASSEMBLIES.

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*	".

SEC. 1294. CERTAIN SUBASSEMBLIES FOR MEASURING EQUIPMENT FOR TELECOMMUNICATIONS.

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*	".

SEC. 1295. CHLORONEB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.23.89*	*1,4-Dichloro-2,5-dimethoxybenzene (Chloroneb) (CAS No. 2675–77–6) (provided for in subheading 2909.30.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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*	".

1 ***SEC. 1298. BUTYL ETHYL PROPANEDIOL (BEP).***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.23.92*	*2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) (provided for in subheading 2905.39.90) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1299. BEPD70L.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.23.93*	*Mixture of 2-butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) and neopentyl glycol (CAS No. 126–30–7) (provided for in subheading 3824.90.91) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1300. BOLTORN-1 (BOLT-1).***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.23.94*	*Polymers of propanoic acid, 3-hydroxy-2-(hydroxymethyl)–2-methyl- with 2,2-bis(hydroxymethyl)–1,3-propanediol and oxirane (CAS No. 326794–48–3) (provided for in subheading 3907.99.00) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1301. BOLTORN-2 (BOLT-2).***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.23.95*	*Polymer of propanoic acid, 3-hydroxy-2-(hydroxymethyl)–2-methyl-polymer with 2,2-bis(hydroxymethyl)–1,3-propanediol and oxirane, decanoate octanoate (CAS No. 326794–49–4) (provided for in subheading 3907.99.00) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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*	".

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 3907.20.00) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

1 ***SEC. 1306. TMPDE.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.24.01*	*Trimethylolpropane diallyl ether (CAS No. 682–09–7) (provided for in subheading 2909.49.60) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1307. TMPME.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.24.02*	*Trimethylolpropane monoallyl ether (CAS No. 682–11–1) (provided for in subheading 2909.49.60) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1308. TMP OXETANE (TMPO).***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.24.03*	*3-Ethyl-3-oxetanemethanol (trimethylolpropane oxetane) (CAS No. 3047–32–3) (provided for in subheading 2932.99.90) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1309. TMPO ETHOXYLATE (TMPOE).***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.24.04*	*Poly(oxy-1,2-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*	".

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*	".

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)alkylthio)methyl]-2-hydroxy-2-oxo-1,3,2-dioxaphosphorinane, ammonium salt (CAS No. 148240–85–1) and 2,2-bis[(γ,ω-perfluoro(C4–20)alkylthio)methyl]-3-hydroxypropyl phosphate, diammonium salt (CAS No. 148240–87–3) and di-[2,2-bis[(γ,ω-perfluoro(C4–20)alkylthio)methyl]]-3-hydroxypropyl phosphate, ammonium salt (CAS No. 148240–89–5) and 2,2-bis[(γ,ω-perfluoro(C4–20)alkylthio)methyl]-1,3-di-(dihydrogenphosphate)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 52829–07–9) (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 multi-filament yarns not to exceed 10 decitex, used for packing wool for transport, storage, or sale (provided for in sub-heading 6305.39.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.24.14*	*C12–18 alkenes, polymers (TPX) with 4-methyl-1-pentene (CAS Nos. 25155–83–3, 81229–87–0, and 103908–22–1) (provided for in sub-heading 3902.90.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 is amended by striking heading 9902.03.86.

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-methylethenyl)benzene (CAS No. 107194–09–2) (provided for in subheading 3906.90.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.24.17*	*2,3-Pyridinedicarboxylic acid (CAS No. 89–00–9) (provided for in subheading 2933.39.61)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1323. MIXTURES OF 2-AMMINO-2,3-DIMETHYLBUTYLNITRILE AND TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.24.18*	*Mixtures of 2-amino-2,3-dimethylbutanenitrile (CAS No. 13893–53–3) and toluene (provided for in subheading 3824.90.28)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1324. 2,3-QUINOLINEDICARBOXYLIC ACID.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.24.19*	*2,3-Quinolinedicarboxylic acid (CAS No. 643–38–9) (provided for in subheading 2933.49.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1325. 3,5-DIFLUOROANILINE.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.24.20*	*3,5-Difluoroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1326. CLOMAZONE.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.24.21*	*2-[(2-Chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone (Clomazone) (CAS No. 81777–89–1) (provided for in subheading 2934.99.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1327. CHLOROPIVALOYL CHLORIDE.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.24.22*	*3-Chloropivaloyl chloride (CAS No. 4300–97–4) (provided for in subheading 2915.90.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.24.23*	*N,N′-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)) (CAS No. 23128–74–7) (provided for in subheading 2924.29.31)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1329. REACTIVE RED 268.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.24.24*	*Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1330. REACTIVE RED 270.

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*	".

SEC. 1331. CERTAIN GLASS THERMO BULBS.

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*	".

1 ***SEC. 1332. PYRIPROXYFEN.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.24.27*	*2-[1-Methyl-2-(4-phenoxyphenoxy) ethoxy]pyridine (Pyriproxyfen) (CAS No. 95737–68–1) (provided for in subheading 2933.39.27) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1333. UNICONAZOLE-P.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.24.28*	*(E)–(+)–(S)–1-(4-Chlorophenyl)–4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pent-1-en-3-ol (Uniconazole-P) (CAS No. 83657–17–4) (provided for in subheading 2933.69.60) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1334. BISPYRIBAC-SODIUM.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.24.29*	*Sodium 2,6-bis[(4,6-dimethoxypyrimidin-2-yl)oxy]benzoate (Bispyribac-sodium) (CAS No. 125401–92–5) (provided for in subheading 2933.59.10) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1335. DINOTEFURAN.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.24.30*	*N-Methyl-N′ -nitro-N″ -[(tetrahydro-3-furanyl)methyl]guanidine (Dinotefuran) (CAS No. 165252–70–0) (provided for in subheading 2932.19.50) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1336. ETOXAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.24.31*	*2-(2,6-Difluorophenyl)–4-[4-(1,1-dimethylethyl)–2-ethoxyphenyl]-4,5-dihydrooxazole (Etoxazole) (CAS No. 153233–91–1) (provided for in subheading 2934.99.18)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1337. BIOALLETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.24.32*	*[1RS-[1α(S*),3β]]-2-Methyl-4-oxo-3-(2-propenyl)–2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (Bioallethrin) (CAS No. 584–79–2) (provided for in subheading 2916.20.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1338. S-BIOALLETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.24.33*	*[1R-[1a(S*),3b]]-2-Methyl-4-oxo-3-(2-propenyl)–2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (S-Bioallethrin) (CAS No. 28434–00–6) (provided for in subheading 2916.20.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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 (CAS No. 7696–12–0) (Tetramethrin) (provided for in subheading 2925.19.90) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1340. TRALOMETHRIN.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.24.35*	*Cyano(3-phenoxyphenyl)methyl 2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)-cyclopropanecarboxylate (Tralomethrin) (CAS No. 66841–25–6) and application adjuvants (provided for in subheading 3808.10.25) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1341. FLUMICLORAC-PENTYL.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.24.36*	*Pentyl [2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)–4-fluorophenoxy]acetate (Flumiclorac-pentyl) (CAS No. 87547–04–4) (provided for in subheading 2926.90.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1342. 1-PROPENE-2-METHYL HOMOPOLYMER.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.24.37*	*1-Propene-2-methyl homopolymer (CAS No. 9003–27–4) (provided for in subheading 3902.30.00) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1343. ACRONAL-S-600.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.24.38*	*2-Propenoic acid, polymer with ethenylbenzene and 2-ethylhexyl 2-propenoate (CAS No. 25085–19–2) (provided for in subheading 3903.90.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1344. LUCIRIN TPO.

Subchapter II of chapter 99 is amended by inserting 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*	".

SEC. 1345. SOKALAN PG IME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.24.40*	*1H-Imidazole, polymer with (chloromethyl) oxirane (CAS No. 68797–57–9) (provided for in subheading 3911.90.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1346. LYCOPENE 10 PERCENT.

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. 1347. MIXTURES OF CAS NOS. 181274–15–7 AND 208465–21–8.

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) carboxamidosulfonylbenzoate, sodium salt (Propoxycarbazone-sodium) (CAS No. 181274–15–7), 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-α-(methanesulfonamido)-p-toluic acid, methyl ester (Mesosulfuron-methyl) (CAS No. 208465–21–8), and application adjuvants (provided for in subheading 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.24.43*	*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*	".

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.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.24.44*	*1,6-Hexanediamine, N,N-bis(2,2,6,6-tetramethyl-4-piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl-1-butanamine and N-butyl- 2,2,6,6-tetramethyl-4-piperidinamine (CAS No. 192268–64–7) (provided for in subheading 3911.90.90) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1350. VAT BLACK 25.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.24.45*	*Vat Black 25 (CAS No. 4395–53–3) (provided for in sub-heading 3204.15.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1351. ACID ORANGE 162.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.24.46*	*Acid Orange 162 (CAS No. 73612–40–5) (provided for in subheading 3204.12.45)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1352. METHYL SALICYLATE.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.24.47*	*Methyl salicylate (CAS No. 119–36–8) (provided for in subheading 2918.23.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1353. 1,2-OCTANEDIOL.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.24.48*	*1,2-Octanediol (CAS No. 1117–86–8) (provided for in subheading 2905.39.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

13 ***SEC. 1354. MENTHONE GLYCERIN ACETAL.***

14 *Subchapter II of chapter 99 is amended by inserting*
15 *in numerical sequence the following new heading:*

"	*9902.24.49*	*Menthone glycerin acetal (CAS No. 63187–91–7) (provided for in subheading 2932.99.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1355. PONTAMINE GREEN 2B.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.24.50*	*Dyestuff containing as active ingredient 2,7-naphthalenedisulfonic acid, 3,3'-[carbonylbis(imino-4,1-phenyleneazo)]bis[4-amino-5-hydroxy-6-(phenylazo)-, tetrasodium salt (CAS No. 59262–64–5) (provided for in subheading 3204.14.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1356. BAYDERM BOTTOM 10 UD.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.24.51*	*Aqueous polyurethane dispersions containing 29 percent to 31 percent solids content of hexanedioic acid, polymer with N-(2-aminoethyl)–1,2-ethanediamine, 2-butene-1,4-diol, 1,6-diisocyanatohexane, 1,2-ethanediol, 1,3-isobenzofurandione, methyloxirane, oxirane and sodium hydrogen sulfite, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 100486–94–0) (provided for in subheading 3909.50.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1357. BAYDERM FINISH DLH.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.24.52*	*Hexanedioic acid, polymer with 1,4-butanediol, 1,6-diisocyanatohexane and 1,6-hexanediol, 2-((2-aminoethyl)amino) ethanesulfonic acid, of 38 to 42 percent solids content in aqueous dispersion (CAS No. 68037–41–2) (provided for in subheading 3909.50.50) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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-diisocyanatohexane, diphenyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, methyloxirane, oxirane and 1,2-propanediol, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 137898–95–4) (provided for in subheading 3909.50.50) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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*	".

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 2933.39.27)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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-dimethylcyclopropanecarboxylate and (S)-cyano-(3-phenoxyphenyl)methyl (+)trans-3-(2,2-dichloroethenyl)–2,2-dimethylcyclopropanecarboxylate (Zeta-cypermethrin) (CAS No. 52315–07–8) (provided for in subheading 2926.90.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1364. 2-ETHYLHEXYL 4-METHOXYCINNAMATE.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.24.60*	*2-Ethylhexyl 4-methoxycinnamate (CAS No. 5466–77–3) (provided for in subheading 2918.90.43)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1365. CERTAIN FLAME RETARDANT PLASTICIZERS.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new headings:*

"	*9902.24.61*	*Plasticizers containing diphenyl cresyl phosphate (CAS No. 26444–49–5), triphenyl phosphate (CAS No. 115–86–6), tricresyl phosphate (CAS No. 1330–78–5), and phenyl dicresyl phosphate (CAS No. 26446–73–1) (provided for in subheading 3812.20.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	
	9902.24.62	*Phosphoric acid, tris (2-ethylhexyl) ester (CAS No. 78–42–2) (provided for in subheading 2919.00.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1366. BAYPURE DS.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.24.63*	*Polyaspartic acid, sodium salt, in aqueous solution (CAS No. 181828–06–8) (provided for in subheading 3911.90.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1367. BAYOWET C4.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.24.64*	*1,1,2,2,3,3,4,4,4-Nonafluorobutanesulfonic acid, potassium salt (CAS No. 29420–49–3) (provided for in subheading 2904.90.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1368. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.24.65*	*Bicycle speedometers (provided for in subheading 9029.20.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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 (ETHEPHON).

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*	".

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 adjuvants (provided for in subheading 3808.30.20) .....*	*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 formaldehyde (Pergopak) (CAS No. 9011–05–6) (provided for in subheading 3909.10.00) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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 subheading 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:

“	*9902.24.78*	*3-[(2-Chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine (Thiamethoxam) (CAS No. 153719–23–4) (provided for in subheading 2934.10.90) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	
	9902.24.79	*Mixtures of (±)-(cis and trans)-1-(2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxalan-2-yl)methyl)-1H-1,2,4-triazole (Propiconazole) (CAS No. 60207–90–1) and 3-iodo-2-propynyl butylcarbamate (CAS No. 55406–53–6), and application adjuvants (provided for in subheading 3808.20.15) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	
	9902.24.80	*Mixtures of 4,6-dimethyl-N-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112–28–0), (±)–1-[2-(2,4-dichlorophenyl)–2-(2-propenyloxy)ethyl]-1-H-imidazole sulfate (Imazalil Sulfate) (CAS No. 58595–72–2) and application adjuvants (provided for in subheading 3808.20.15) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	
	9902.24.81	*(±)–3-[2-[4-(6-Fluoro-1,2-benzisoxazol-3-yl)–1-piperidinyl]ethyl]-6,7,8,9-tetrahydro-9-hydroxy-2-methyl-4H-pyrido[1,2-a]pyrimidin-4-one (CAS No. 144598–75–4) (provided for in subheading 2934.99.39) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	
	9902.24.82	*3-Benzo[b]thien-2-yl-5, 6-dihydro-1,4,2-oxathiazine 4-oxide (Bethoxazin) (CAS No. 163269–30–5) (provided for in subheading 2934.99.12) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	
	9902.24.83	*4-Bromo-2-(4-chlorophenyl)–1-(ethoxymethyl)–5-(trifluoromethyl)–1H-pyrrole-3-carbonitrile (Chlorfenapyr) (CAS No. 122453–73–0) (provided for in subheading 2933.99.17) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	
	9902.24.84	*2-(p-Chlorophenyl)–3-cyano-4-bromo-5-trifluoromethylpyrrole (Tralopyril) (CAS No. 122454–29–9) (provided for in subheading 2933.99.22) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	
	9902.24.85	*Mixtures of 4,6-dimethyl-N-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112–28–0) and application adjuvants (provided for in subheading 3808.20.15) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	”.

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-NAPHTHALENEDISULFONIC 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-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt (CAS No. 205764–96–1) (provided for in subheading 3204.16.30) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1381. REACTIVE RED 123.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.24.89*	*Reactive Red 123 (CAS No. 85391–83–9) (provided for in subheading 3204.16.20) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1382. REACTIVE BLUE 250.

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*	".

SEC. 1383. REACTIVE BLACK 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*	".

SEC. 1384. 5-[(2-CYANO-4-NITROPHENYL)AZO]-2-[[2-(2-HYDROXYETHOXY)ETHYL]AMINO]-4-METHYL-6-(PHENYLAMINO)–3-PYRIDINECARBONITRILE.

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-ISOINDOL-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-isoindol-1-ylidene]acetic acid, pentyl ester (CAS No. 173285–74–0) (provided for in subheading 3204.11.50) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.24.96*	*[4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b′]difuran-3-yl)phenoxy]acetic acid, 2-ethoxyethyl ester (CAS No. 126877–05–2) (provided for in subheading 3204.11.35)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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-propoxyphenyl)benzo[1,2-b:4,5-b′]difuran-2,6-dione (CAS No. 79694–17–0) (provided for in subheading 3204.11.35)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

SEC. 1391. 7-[[2-[(AMINOCARBONYL)AMINO]-4-[[4-[4-[2-[[4-[[3-[(AMINOCARBONYL) AMINO]-4-[(3,6,8-TRISULFO-2-NAPHTHALENYL)AZO]PHENYL]AMINO]-6-CHLORO-1,3,5-TRIAZIN-2-YL]AMINO]ETHYL]- 1-PIPERAZINYL]-6-CHLORO-1,3,5-TRIAZIN-2-YL]AMINO]PHENYL]AZO]-1,3,6-NAPHTHALENETRISULFONIC ACID, LITHIUM POTASSIUM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.01*	*7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl) amino]-4-[(3,6,8-trisulfo-2-naphthalenyl) azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]- 1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino] phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt (CAS No. 202667–43–4) (provided for in subheading 3204.16.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1392. 4-[[3-(ACETYLAMINO)PHENYL]AMINO]-1-AMINO-9,10-DIHYDRO-9,10-DIOXO-2-ANTHRACENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.02*	*4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt (CAS No. 70571–81–2) (provided for in subheading 3204.12.45)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.03*	*[4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]acetic acid, 2-ethoxyethyl ester (CAS No. 126877–06–3) (provided for in subheading 3204.11.35) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

1 ***SEC. 1395. DIRECT YELLOW 119.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.25.05*	*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*	".

4 ***SEC. 1396. NAUGARD 412S.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.25.06*	*Pentaerythritol tetrakis[3-(dodecylthio)propionate] (CAS No. 29598–76–3) (provided for in subheading 2930.90.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1397. TRIACETONAMINE.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.25.07*	*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*	".

10 ***SEC. 1398. IPCONAZOLE.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.25.08*	*2-[(4-Chlorophenyl)methyl]-5-(1-methylethyl)–1-(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*	".

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*	".

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)phenoxy]propionoate (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*	".

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-Toluenesulfonyl chloride (CAS No. 98–59–9) (provided for in subheading 2904.10.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.12*	*Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide (CAS Nos. 7681–82–5, 7790–30–9, 15474–63–2, 13813–41–7, 1381–43–9, or 10102–68–8) (provided for in subheading 2827.60.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1403. P-AMINOBENZAMIDE (4-AMINOBENZAMIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.13*	*p-Aminobenzamide (4-aminobenzamide) (CAS No. 2835–68–9) (provided for in subheading 2924.29.76)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1404. P-CHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.14*	*p-Chloroaniline (CAS No. 106–47–8) (provided for in subheading 2921.42.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1405. 4-CHLORO-2-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.15*	*4-Chloro-2-nitroaniline (CAS No. 89–63–4) (provided for in subheading 2921.42.55)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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*	".

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*	".

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*	".

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 sub-heading 3204.17.90) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1411. 1,8-NAPHTHALIMIDE (1H-***
2 ***BENZ[DE]ISOQUINOLINE-1,3(2H)-DIONE).***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.25.21*	*1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione) (CAS No. 81–83–4) (provided for in subheading 2925.19.42)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1412. DIISOPROPYL SUCCINATE.***

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

"	*9902.25.22*	*Diisopropyl succinate (CAS No. 924–88–9) (provided for in subheading 2917.19.70)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

8 ***SEC. 1413. 2,4-DI-TERT-BUTYL-6-(5-CHLOROBENZOTRIAZOL-2-***
9 ***YL)PHENOL.***

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

"	*9902.25.23*	*2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol (CAS No. 3864–99–1) (provided for in subheading 2933.99.12)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

12 ***SEC. 1414. DIRECT BLACK 22.***

13 *Subchapter II of chapter 99 is amended by inserting*
14 *in numerical sequence the following new heading:*

"	*9902.25.25*	*Direct Black 22 (CAS No. 6473–13–8) (provided for in subheading 3204.14.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1415. METHYLENE BIS-BENZOTRIAZOLYL***
2 ***TETRAMETHYLBUTYLPHENOL.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.25.26*	*2,2′-Methylenebis[6-(2H-benzotriazol-2-yl)-4-(1,1,3,3-tetramethylbutyl)phenol] (CAS No. 103597–45–1) (provided for in subheading 3824.90.28)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1416. BIS-ETHYLHEXYLOXYPHENOL METHOXYPHENOL***
6 ***TRIAZINE.***

7 *Subchapter II of chapter 99 is amended by inserting*
8 *in numerical sequence the following new heading:*

"	*9902.25.27*	*2,2′-(6-(4-Methoxyphenyl)-1,3,5-triazine-2,4-diyl)bis(5-((2-ethylhexyl)oxy)phenol) (CAS No. 187393–00–6) (provided for in subheading 2933.69.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

9 ***SEC. 1417. REACTIVE ORANGE 132.***

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

"	*9902.25.28*	*Reactive Orange 132 (CAS No. 149850–31–7) (provided for in subheading 3204.16.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

12 ***SEC. 1418. ACID BLACK 244.***

13 *Subchapter II of chapter 99 is amended by inserting*
14 *in numerical sequence the following new heading:*

"	*9902.25.29*	*Acid Black 244 (CAS No. 30785–74–1) (provided for in subheading 3204.12.45)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1419. CERTAIN CORES USED IN REMANUFACTURE.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new headings:*

"	*9902.25.30*	*Used fuel, lubricating or cooling medium pumps for internal combustion piston engines (provided for in subheading 8413.30.10 or 8413.30.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	.....
	9902.25.31	*Used compression-ignition internal combustion piston engines to be installed in vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8408.20.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	.....
	9902.25.32	*Used gear boxes for the vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8708.40.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1420. ADTP.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.25.33*	*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*	".

7 ***SEC. 1421. DCBTF.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.25.34*	*3,4-Dichlorobenzotrifluoride (CAS No. 328–84–7) (provided for in subheading 2903.69.08)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1422. NOVIFLUMURON.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.25.35*	*N-[[[3,5-Dichloro-2-fluoro-4-(1,1,2,3,3,3-hexafluoropropoxy) phenyl]amino]carbonyl]-2,6-difluorobenzamide (Noviflumuron) (CAS No. 121451–02–3) (provided for in subheading 2924.29.52) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1423. PARACHLOROBENZOTRIFLUORIDE.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.25.36*	*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*	".

4 ***SEC. 1424. MIXTURES OF INSECTICIDE.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.25.37*	*Mixtures of insecticide containing gamma-cyhalothrin ((S)-α-cyano-3-phenoxybenzyl (Z)–(1R, 3R)–3-(2-chloro-3,3,3-trifluoropropenyl)–2,2-dimethyl cyclopropanecarboxylate) as the active ingredient and application adjuvants (CAS No. 76703–62–3) (provided for in subheading 3808.10.25) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1425. MIXTURE OF FUNGICIDE.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.25.38*	*Mixture of quinoxyfen (5,7-dichloro-4-(4-fluorophenoxyquinoline)) and application adjuvants (CAS No. 124495–18–7) (provided for in subheading 3808.20.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1426. 1,2-BENZISOTHIAZOL-3(2H)-ONE.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.25.39*	*1,2-Benzisothiazol-3(2H)-one (CAS No. 2634–33–5) (provided for in subheading 3808.40.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1427. STYRENE, AR-ETHYL-, POLYMER WITH***
5 ***DIVINYLBENZENE AND STYRENE (6CI) BEADS***
6 ***WITH LOW ASH.***

7 *Subchapter II of chapter 99 is amended by inserting*
8 *in numerical sequence the following new heading:*

"	*9902.25.40*	*Styrene, ar-ethyl-, polymer with divinylbenzene and 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*	".

9 ***SEC. 1428. MIXTURES OF FUNGICIDE.***

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

"	*9902.25.41*	*Mixtures of myclobutanil (α-Butyl-α-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile, and 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*	".

12 ***SEC. 1429. 2-METHYL-4-CHLOROPHENOXY-ACETIC ACID, DI-***
13 ***METHYLAMINE SALT.***

14 *Subchapter II of chapter 99 is amended by inserting*
15 *in numerical sequence the following new heading:*

"	*9902.25.42*	*2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039–46–5) (provided for in subheading 2921.11.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1430. CHARGE CONTROL AGENT 7.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.25.43*	*Charge control agent 7 Chromate(1-),bis{1-{(5-chloro-2-hydroxyphenyl)azo}-2-napthalenolato(2-)}-hydrogen (provided for in subheading 2942.00.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1431. PRO-JET BLACK 820 LIQUID FEED.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.25.44*	*Substituted naphthalene [[substituted pyridinyl azo] alkoxyphenyl azo]azo, potassium / sodium salt (PMN No. P04–390) (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1432. PRO-JET MAGENTA M700.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.25.45*	*Nickel [substituted naphthenyl azo] substituted triazole, sodium salt (PMN No. P–03–307) (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1433. PRO-JET FAST BLACK 287 NA LIQUID FEED.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.25.46*	*Pro-jet fast black 287 NA liquid feed ([(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt) (PMN No. P–90–391) (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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–99–105) (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1436. PRO-JET BLACK 661 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.49*	*Aryl substituted pyrazonyl [[[substituted phenyl azo]substituted naphthenyl] Azo phenyl]azo, sodium salt (PMN No. P–03–78) (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1437. PRO-JET BLACK CYAN 854 LIQUID FEED.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.25.50*	*Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, 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*	".

4 ***SEC. 1438. ERASERS.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.25.51*	*Erasers of vulcanized rubber other than hard rubber or cellular rubber (provided for in subheading 4016.92.00) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1439. ARTIFICIAL FLOWERS.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.25.65*	*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:*

"	*9902.25.77*	*Suspension system stabilizer bars of alloy steel of Japanese JIS grade SCM525S (26CrMo4) or SCM435H (34CrMo4), each weighing approximately 42 kg, comprising one rod measuring approximately 98.8 cm in length at each end of which is welded at approximately right angles to a rod measuring approximately 51 cm in length (provided for in subheading 8708.99.70), the foregoing designed for use in Class 7 and 8 trucks only .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1441. RATTAN WEBBING.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.25.78*	*Rattan webbing (provided for in subheading 4601.91.20) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1442. TRACTOR BODY PARTS.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.25.79*	*Parts and accessories of bodies (including cabs) for tractors for agricultural use (provided for in subheadings 8708.29.10, 8708.29.15, 8708.29.25, or 8708.29.50) ....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1443. AC ELECTRIC MOTORS OF AN OUTPUT EXCEED-***
8 ***ING 74.6 W BUT NOT EXCEEDING 85 W.***

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

"	*9902.85.06*	*AC electric motors of an output exceeding 74.6 W but not exceeding 85 W, single phase; each equipped with a capacitor, a speed control mechanism, a motor mount of plastics and a self-contained gear mechanism for oscillation (provided for in subheading 8501.40.40) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

11 ***SEC. 1444. AC ELECTRIC MOTORS OF AN OUTPUT EXCEED-***
12 ***ING 74.6 W BUT NOT EXCEEDING 105 W.***

13 *Subchapter II of chapter 99 is amended by inserting*
14 *in numerical sequence the following new heading:*

"	*9902.85.07*	*AC electric motors of an output exceeding 74.6 W but not exceeding 105 W, single phase; each equipped with a capacitor, a rotary speed control mechanism, and a motor mounting cooling ring (provided for in subheading 8501.40.40) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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*	".

SEC. 1447. VISCOSE RAYON YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.54.03*	*Single yarn of viscose rayon, untwisted or with a twist not exceeding 120 turns/m (provided for in subheading 5403.31.00)* ..	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

1 ***SEC. 1449. ALLYL UREIDO MONOMER.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.06.02*	*2-Imidazolidinone, 1-(2-aminoethyl)-, reaction product with oxirane, ((2-propenyloxy)methyl)- (CAS No. 90412–00–3) (provided for in subheading 2933.29.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2007*	".

4 ***SEC. 1450. SYNTHETIC ELASTIC STAPLE FIBER.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.55.03*	*Bi-component staple fibers of elasterell-p, measuring less than 3.5 decitex (provided for in subheading 5503.20.00) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1451. CERTAIN FIBERGLASS SHEETS.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.70.19*	*Thin smooth nonwoven fiberglass sheets, approximately .0125 inches thick, comprised principally of glass fibers bound together in a polyvinyl alcohol matrix, of a type primarily used as acoustical facing for ceiling panels provided for in subheading 7019.32.00) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1452. HALOPHOSPHOR CALCIUM DIPHOSPHATE.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.32.33*	*Halophosphor calcium diphosphate; inorganic product of a kind used as luminophores (CAS No. 7790–76–3) (provided for in subheading 3206.50.00) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

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 decitex of less than 5.0 and a multi-limbed cross-section, the limbs having a length-to-width aspect ratio of at least 2:1 (provided for in subheading 5504.10.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2008*	".

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 SiO^2) photomask blank substrates in squares having a surface area of 150 cm^2 or more but not over 522 cm^2 and a thickness of 2.2 mm or more but not over 6.45 mm (provided for in subheading 7006.00.40)* ..	*Free*	*No change*	*No change*	*On or before 12/31/2008*	".

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:

"	*9902.84.10*	*Machines for molding or forming pneumatic tires, the forgoing containing in a single housing both components for processing rubber, for positioning and assembling tire components (including but not limited to belts, cords, and other reinforcing materials) and for curing "green tires" to produce finished pneumatic tires of heading 4011; parts of such machines (including molds); or molds entered separately (provided for in 8477.59.80, 8477.90.85, or 8480.71.80, respectively)* ...	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1456. TRAMWAY CARS.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new headings:*

"	*9902.26.01*	*Tramway cars imported pursuant to contract by or on behalf of the City of Seattle (provided for in subheading 8603.10.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	.....
	9902.26.02	*Parts imported pursuant to contract by or on behalf of the City of Seattle, to be used in the tramway cars described in heading 9902.26.01, whether or not such parts are principally used as parts of such articles and whether or not covered by a specific provision within the meaning of additional United States rule of interpretation 1(c) (however: provided for in the tariff schedule)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1457. CERTAIN ARTIFICIAL FILAMENT SINGLE YARN***
5 ***(OTHER THAN SEWING THREAD).***

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

"	*9902.26.12*	*Artificial filament single yarn (other than sewing thread), not put up for retail sale, of viscose rayon, untwisted or with a twist not exceeding 120 turns/m (provided for in subheading 5403.31)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

8 ***SEC. 1458. CERTAIN ELECTRICAL TRANSFORMERS RATED***
9 ***AT 25VA.***

10 *Subchapter II of chapter 99 is amended by inserting*
11 *in numerical sequence the following new heading:*

"	*9902.85.05*	*120 volt/60 Hz electrical transformers, each with dimensions of 77 mm by 61 mm by 50 mm, containing a layered and uncut round core with two balanced bobbins, the foregoing rated at 25VA (provided for in subheading 8504.31.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1459. CERTAIN ELECTRICAL TRANSFORMERS RATED***
2 ***AT 40VA.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.85.06*	*120 volt/60 Hz electrical transformers, each with dimensions of 80 mm by 71 mm by 59 mm, containing a layered and uncut round core with two balanced bobbins, the foregoing rated at 40VA (provided for in subheading 8504.31.40) .....*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***CHAPTER 2—REDUCTIONS***

6 ***SEC. 1461. FLOOR COVERINGS AND MATS OF VULCANIZED***
7 ***RUBBER.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.25.54*	*Floor coverings and mats of vulcanized rubber (provided for in subheading 4016.91.00)*	*2.17%*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1462. MANICURE AND PEDICURE SETS.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.25.55*	*Manicure and pedicure sets, and combinations thereof, whether or not shrink-wrapped for retail display, the foregoing other than such sets or combinations in leather cases or other immediate cases or containers (provided for in subheading 8214.20.90)*	*2.3%*	*No change*	*No change*	*On or before 12/31/2009*	".

13 ***SEC. 1463. NITROCELLULOSE.***

14 *Subchapter II of chapter 99 is amended by inserting*
15 *in numerical sequence the following new heading:*

"	*9902.25.56*	*Cellulose nitrate (nitrocellulose) (CAS No. 9004–70–0) (provided for in subheading 3912.20.00)*	*4.4%*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.25.57*	*N-[2,4-Dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]phenyl]methanesulfonamide (Sulfentrazone) (CAS No. 122836–35–5) (provided for in subheading 2935.00.75)*	*1.2%*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1465. CLOCK RADIO COMBOS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.58*	*Radiobroadcast receivers capable of operating without an external source of power, incorporating a clock or clock timer (provided for in subheading 8527.19.50)*	*0.7%*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.25.60*	*Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20) .....*	*12.8%*	*No change*	*No change*	*On or before 12/31/2009*	".

1 ***SEC. 1469. CERTAIN FOOTWEAR NOT COVERING THE ANKLE***
2 ***WITH COATED OR LAMINATED TEXTILE FAB-***
3 ***RICS.***

4 *Subchapter II of chapter 99 is amended by inserting*
5 *in numerical sequence the following new heading:*

"	*9902.25.61*	*Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20) .....*	*15.2%*	*No change*	*No change*	*On or before 12/31/2009*	".

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:

"	*9902.25.65*	*Tetrakis(2,4-di-tert-butylphenyl) 4,4'-biphenyldiphosphinate (CAS No. 38613–77–3) (provided for in subheading 2931.00.30)*	*3.6%*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1474. GLYCINE, N,N-BIS[2-HYDROXY-3-(2-PROPENYLOXY)PROPYL]-, MONOSODIUM SALT, REACTION PRODUCTS WITH AMMONIUM HYDROXIDE AND PENTAFLUOROIODOETHANE-TETRAFLUOROETHYLENE TELOMER.

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-tetrafluoroethylene telomer (CAS number 220459–70–1) (provided for in subheading 3809.92.50) .....*	*1.1%*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1475. DIETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.67*	*Diethyl ketone (CAS No. 96–22–0) (provided for in subheading 2914.19.00) .....*	*1.3%*	*No change*	*No change*	*On or before 12/31/2009*	".

SEC. 1476. ACEPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.25.68*	*O,S-Dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560–19–1) (provided for in subheading 2930.90.44)*	*1.8%*	*No change*	*No change*	*On or before 12/31/2009*	".

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*	".

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-isoindolyl]-4-oxo-1,4-dihydroquinoline-3-carboxylic acid monoethanesulfonate monohydrate (Garenoxacin mesylate) (CAS No. 223652–90–2) (provided for in subheading 2933.49.26)*	*3.1%*	*No change*	*No change*	*On or before 12/31/2009*	".

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***
2 ***MATS.***

3 *Subchapter II of chapter 99 is amended by inserting*
4 *in numerical sequence the following new heading:*

"	*9902.25.72*	*Catalytic converter mats of ceramic fibers containing over 65 percent by weight of aluminum oxide, the foregoing 4.7625 mm or more in thickness, in bulk, sheets or rolls and designed for motor vehicles of heading 8703 (provided for in subheading 6806.10.00)*	*1.5%*	*No change*	*No change*	*On or before 12/31/2009*	".

5 ***SEC. 1481. 3,3′-DICHLOROBENZIDINE DIHYDROCHLORIDE.***

6 *Subchapter II of chapter 99 is amended by inserting*
7 *in numerical sequence the following new heading:*

"	*9902.25.73*	*3,3′-Dichlorobenzidine dihydrochloride ([1,1′-biphenyl]-4,4′-diamino, 3,3′-dichloro-) (CAS No. 612–83–9) (provided for in subheading 2921.59.80)*	*5.9%*	*No change*	*No change*	*On or before 12/31/2009*	".

8 ***SEC. 1482. TMC114.***

9 *Subchapter II of chapter 99 is amended by inserting*
10 *in numerical sequence the following new heading:*

"	*9902.25.74*	*3-[4-Aminobenzensulfonyl)isobutylamino]-1-[benzyl-2-hydroxypropyl]carbamic acid, hexahydrofuro[2,3-b]furan-3-yl ester ethanolate (CAS No. 206361–99–1) (provided for in subheading 2932.99.61)*	*6.4%*	*No change*	*No change*	*On or before 12/31/2009*	".

11 ***SEC. 1483. BIAXIALLY ORIENTED POLYPROPYLENE DIELEC-***
12 ***TRIC FILM.***

13 *Subchapter II of chapter 99 is amended by inserting*
14 *in numerical sequence the following new heading:*

"	*9902.25.75*	*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*	".

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*	".

1 ***SEC. 1487. BIFENTHRIN.***

2 *Subchapter II of chapter 99 is amended by inserting*
3 *in numerical sequence the following new heading:*

"	*9902.24.72*	*(2-Methyl[1,1'-biphenyl]-3-yl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)–2,2-dimethylcyclopropanecarboxylate (Bifenthrin) (CAS No. 82657–04–3) (provided for in subheading 2916.20.50) .....*	*0.7%*	*No change*	*No change*	*On or before 12/31/2009*	".

4 ***SEC. 1488. REDUCED VAT 1.***

5 *Subchapter II of chapter 99 is amended by inserting*
6 *in numerical sequence the following new heading:*

"	*9902.24.92*	*Reduced Vat 1 (CAS No. 207692–02–2) (provided for in subheading 3204.15.40) .....*	*1.9%*	*No change*	*No change*	*On or before 12/31/2009*	".

7 ***SEC. 1489. 4-CHLOROBENZONITRILE.***

8 *Subchapter II of chapter 99 is amended by inserting*
9 *in numerical sequence the following new heading:*

"	*9902.25.24*	*p-Chlorobenzonitrile (CAS No. 623–03–0) (provided for in subheading 2926.90.14) .....*	*1.5%*	*No change*	*No change*	*On or before 12/31/2009*	".

10 ***SEC. 1490. NAIL CLIPPERS AND NAIL FILES.***

11 *Subchapter II of chapter 99 is amended by inserting*
12 *in numerical sequence the following new heading:*

"	*9902.25.52*	*Nail nippers and clippers and nail files (provided for in subheading 8214.20.30) .....*	*3.2%*	*No change*	*No change*	*On or before 12/31/2009*	".

13 ***SEC. 1491. ELECTRIC AUTOMATIC SHOWER CLEANERS.***

14 *Subchapter II of chapter 99 is amended by inserting*
15 *in numerical sequence the following new heading:*

"	*9902.98.08*	*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*	".

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*	".

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*	".

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 column 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).

(3) Heading 9902.02.48 (relating to 1,5-Naphthalenedisulfonic acid, 2-[[8- [[4-[[3-[[[2-(ethenylsulfonyl)ethyl] amino]carbonyl]phenyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydroxy- 3,6-disulfo-2-naphthalenyl]azo]-, tetrasodium salt (CAS No. 116912–36–8) (provided for in subheading 3204.16.30).

(4) Heading 9902.02.47 (relating to cuprate(3-), [2-[[[[3-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-2-(hydroxy-κ.o)-5-sulfophenyl]azo-κ.n2]phenylmethyl]azo-κ.n1]-4-sulfobenzoato(5-)-κ.o], trisodium).

(5) Heading 9902.02.44 (relating to 2,7-naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox′-, sodium salt).

(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-phenylene]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 Yellow 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 artichokes prepared or preserved otherwise than by vinegar 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-(ethylsulfonly)-2-pyridinesulfonamide).

(39) Heading 9902.03.22 (relating to 40 percent 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-dimethylcyclopropanecarboxylic 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-methylacetophenone).

(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-(methylethyl)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'-(methylimino) 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 phosphorochlorodothioate).

(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)"; and

(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-METHOXYCARBANOSE (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-TOLUIDINE.—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 dyestuff 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:

Entry number	*Date of entry*	*Port*
558–1171537–8	*01/20/01*	*Houston*
558–2014403–2	*07/24/00*	*Mobile*

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:

Entry number	*Date of entry*	*Date of liquidation*
FD630105373	*07/06/2001*	*11/22/2002*
FD630105399	*07/06/2001*	*11/22/2002*
FD630105415	*07/06/2001*	*11/22/2002*
FD630110282	*07/26/2001*	*11/22/2002*
FD630110274	*07/26/2001*	*11/22/2002*
FD630110860	*07/30/2001*	*11/22/2002*
FD630112338	*08/09/2001*	*11/22/2002*
FD630115208	*08/15/2001*	*11/22/2002*
FD630114128	*08/15/2001*	*11/22/2002*
FD630114110	*08/21/2001*	*11/22/2002*
FD630116537	*08/22/2001*	*11/22/2002*
FD630122402	*09/26/2001*	*11/22/2002*
FD630123533	*10/03/2001*	*11/22/2002*
FD630126577	*10/17/2001*	*11/22/2002*
FD630129712	*10/31/2001*	*11/22/2002*
FD630132088	*11/20/2001*	*11/22/2002*
FD630133987	*11/29/2001*	*11/22/2002*
FD630134043	*12/05/2001*	*11/22/2002*
FD630136972	*12/14/2001*	*11/22/2002*
FD630136998	*12/14/2001*	*11/22/2002*
FD630136980	*12/14/2001*	*11/22/2002*
FD630137806	*12/14/2001*	*11/22/2002*
FD630137822	*12/27/2001*	*11/22/2002*
FD630137814	*12/27/2001*	*11/22/2002*

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 (c) 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.

SEC. 2005. PAYMENT OF INTEREST ON AMOUNTS OWED PURSUANT TO RELIQUIDATION OF CERTAIN ENTRIES.

(a) AMENDMENTS.—Sections 1404(b), 1405(b), and subsection (c) of each of sections 1408 through 1411 of the Tariff Suspension and Trade Act of 2000 (Public Law 106-476; 19 U.S.C. 1654 note) and subsection (c) of each of sections 1517 through 1536 of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 19 U.S.C. 1654 note) are amended by inserting ", with interest provided for by law on the liquidation or reliquidation of the entries," after "under subsection (a)".

(b) RELIQUIDATION AND PAYMENT OF INTEREST.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall—

(1) reliquidate each of the entries specified in the provisions of law amended by subsection (a); and

(2) provide payment of interest owed by the United States by reason of the amendments made by subsection (a) for the period beginning on the date of deposit of estimated duties and ending on the date of reliquidation under paragraph (1).

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) Heading 9902.01.59.

(2) Heading 9902.01.60.

(3) Heading 9902.01.61.

(4) Heading 9902.01.86.

(5) Heading 9902.01.87.

(6) Heading 9902.01.90.

(7) Heading 9902.01.91.

(8) Heading 9902.03.20.

(9) Heading 9902.03.40.

(10) Heading 9902.03.41.

(11) Heading 9902.03.43.

(12) Heading 9902.04.05.

(13) Heading 9902.04.06.

(14) Heading 9902.04.07.

(15) Heading 9902.05.18.

(16) Heading 9902.05.19.

(17) Heading 9902.05.21.

(18) Heading 9902.05.35.

(19) Heading 9902.28.01.

(20) Heading 9902.29.03.

(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-dimethylcyclopropanecarboxylate (Deltamethrin) (CAS No. 52918–63–5) in bulk or unmixed in forms or packings for retail sale (provided for in subheading 2926.90.30 or 3808.10.25).*	*Free*	*No change*	*No change*	*On or before 12/31/2009*	".

(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:

"	9902.05.29	3-[2-Chloro-4-(trifluoromethyl)-phenoxy]benzoic acid, sodium salt (CAS No. 95251–52–8) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2006	".

(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

(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 1433, by striking "90–04–4" and inserting "90–04–0";

(7) in section 1456, by striking "2929.90.20" and inserting "2928.00.25";

(8) in section 1510, by inserting "in solvents" after "Hexane, 1,6-diisocyanato-, homopolymer, 3,5-dimethyl-1H-pyrazole-blocked";

(9) in section 1511, by amending the article description to read as follows: "Polyisocyanate cross linking agent products containing triphenylmethane triisocyanate in solvents (provided for in subheading 3824.90.28)";

(10) in section 1518, by striking "4402.12.80" and inserting "4202.12.80";

(11) in section 1542, by striking "hair" and inserting "hair,";

(12) in section 1548, by striking "10^{7}" and inserting "10^{-7}";

(13) in section 1549, by striking "10^{7}" and inserting "10^{-7}";

(14) in section 1555, by striking "2933.39.91" and inserting "2933.39.20";

(15) in section 1572, by striking ", rubber, or synthetic" and inserting "or rubber";

(16) 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 subheading 6404.11.20)";

(17) in section 1598, by striking "50 mm" and inserting "60 mm";

(18) 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**";*

(19) in section 1606—

(A) in subsection (a), by striking "facilities" and inserting "facilities,"; and

(B) in subsection (b), by striking "reactors" and inserting "reactors,";

(20) 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

(21) 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 enactment of section 1434 of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429).

(2) RETROACTIVE APPLICATION.—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 date of the enactment of this Act, any entry, or withdrawal 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 reliquidated 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 foregoing

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 de-

scription for subheading 8505.19 having the same degree of indentation as the article description for subheading 8505.11.00:

"	*8505.19*	*Other:*				
	8505.19.10	*Flexible magnets*	*4.9%*	*Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)*	*45%*	
	8505.19.20	*Composite goods containing flexible magnets*	*4.9%*	*Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)*	*45%*	
	8505.19.30	*Other*	*4.9%*	*Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)*	*45%*	".

(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. CONSIDERATION OF CERTAIN CIVIL ACTIONS DELAYED BECAUSE OF THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(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:

Entry Number	***Protest Number***	***Protest Date***	***Denial Date***
2704-442-1562415-4	*2704.01.100001*	*12/22/00*	*03/23/01*
2704-442-1559965-3	*2704.00.103269*	*12/12/00*	*03/23/01*
2704-442-1561096-3	*2704.00.103270*	*12/12/00*	*03/23/01*
2704-442-1562411-3	*2704.01.100002*	*12/22/00*	*03/23/01*
2704-442-1562408-9	*2704.01.100003*	*12/22/00*	*03/23/01*
2704-442-1562416-2	*2704.01.100009*	*12/22/00*	*03/23/01*
2704-442-1564132-3	*2704.01.100033*	*01/03/01*	*03/23/01*
2704-442-1564387-3	*2704.01.100034*	*01/03/01*	*03/23/01*
2704-442-1564389-9	*2704.01.100035*	*01/03/01*	*03/23/01*
2704-442-1564390-7	*2704.01.100036*	*01/03/01*	*03/23/01*
2704-442-1564870-8	*2704.01.100038*	*01/03/01*	*03/23/01*
2704-442-1565099-3	*2704.01.100039*	*01/03/01*	*03/23/01*
2704-442-1563549-9	*2704.01.100042*	*01/03/01*	*03/23/01*
2704-442-1554152-3	*2704.01.100043*	*12/22/00*	*03/23/01*

Entry Number	*Protest Number*	*Protest Date*	*Denial Date*
2704-442-1562418-8	*2704.01.100072*	*12/22/00*	*03/27/01*
2704-442-1562419-6	*2704.01.100073*	*12/22/00*	*03/27/01*
2704-442-1562872-6	*2704.01.100074*	*12/22/00*	*03/27/01*
2704-442-1570239-8	*2704.01.100392*	*02/09/01*	*03/23/01*
2704-442-1570423-8	*2704.01.100400*	*02/06/01*	*03/27/01*
2704-442-1570431-1	*2704.01.100401*	*02/06/01*	*03/27/01*
2704-442-1571191-0	*2704.01.100403*	*02/06/01*	*04/05/01*
2704-442-1565424-3	*2704.01.100411*	*02/05/01*	*03/27/01*
2704-442-1565513-3	*2704.01.100422*	*02/05/01*	*03/26/01*
2704-442-1565516-6	*2704.01.100423*	*02/05/01*	*03/23/01*
2704-442-1565518-2	*2704.01.100424*	*02/05/01*	*03/23/01*
2704-442-1566265-9	*2704.01.100425*	*02/05/01*	*03/23/01*
2704-442-1567197-3	*2704.01.100427*	*02/05/01*	*03/23/01*
2704-442-1573049-8	*2704.01.100723*	*03/13/01*	*04/05/01*
2704-442-1572011-9	*2704.01.100725*	*03/13/01*	*04/05/01*
2704-442-1572003-6	*2704.01.100726*	*03/13/01*	*04/05/01*
2704-442-1572000-2	*2704.01.100727*	*03/13/01*	*04/05/01*
2704-442-1571470-8	*2704.01.100728*	*03/13/01*	*04/05/01*

SEC. 3012. EFFECTIVE DATE OF MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE.

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".

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

SEC. 4001. 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.

SEC. 4002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO VIETNAM.

(a) 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—

(1) determine that such title should no longer apply to Vietnam; and

(2) after making a determination under paragraph (1) with respect to Vietnam, proclaim the ex-

tension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) 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 subsection (a), title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 4003. PROCEDURE FOR DETERMINING PROHIBITED SUBSIDIES BY VIETNAM.

(a) AUTHORITY OF TRADE REPRESENTATIVE.—The Trade Representative may conduct proceedings under this section to determine whether the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry, if such proceedings are begun, and consultations under section 4004 are initiated, during the 1-year period beginning on the date on which Vietnam accedes to the World Trade Organization.

(b) PETITIONS.—

(1) FILING.—Any interested person may file a petition with the Trade Representative requesting that the Trade Representative make a determination under subsection (a). The petition shall set forth the allegations in support of the request.

(2) REVIEW BY TRADE REPRESENTATIVE.— The Trade Representative shall review the allegations in any petition filed under paragraph (1) and, not later than 20 days after the date on which the Trade Representative receives the petition, shall determine whether to initiate proceedings to make a determination under subsection (a).

(3) PROCEDURES.—

(A) DETERMINATION TO INITIATE PROCEEDINGS.—If the Trade Representative makes an affirmative determination under paragraph (2) with respect to a petition, the Trade Representative shall publish a summary of the petition in the Federal Register and notice of the initiation of proceedings under this section.

(B) DETERMINATION NOT TO INITIATE PROCEEDINGS.—If the Trade Representative determines not to initiate proceedings with respect to a petition, the Trade Representative shall inform the petitioner of the reasons therefor and shall publish notice of the determination, together with a summary of those reasons, in the Federal Register.

(c) INITIATION OF PROCEEDINGS BY OTHER MEANS.— If the Trade Representative determines, in the absence of

a petition, that proceedings should be initiated under this section, the Trade Representative shall publish in the Federal Register that determination, together with the reasons therefor, and notice of the initiation of proceedings under this section.

SEC. 4004. CONSULTATIONS UPON INITIATION OF INVESTIGATION.

If the Trade Representative initiates a proceeding under subsection (b)(3)(A) or (c) of section 4003, the Trade Representative, on behalf of the United States, shall, on the day on which notice thereof is published under the applicable subsection, so notify the Government of Vietnam and request consultations with that government regarding the subsidy.

SEC. 4005. PUBLIC PARTICIPATION AND CONSULTATION.

(a) PUBLIC PARTICIPATION.—In the notice published under subsection (b)(3)(A) or (c) of section 4003, the Trade Representative shall provide an opportunity to the public for the presentation of views concerning the issues—

(1) within the 30-day period beginning on the date of the notice (or on a date after such period if agreed to by the petitioner), or

(2) at such other time if a timely request therefor is made by the petitioner or by any interested person, with a public hearing if requested by an interested person.

(b) CONSULTATION.—The Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and with the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), with respect to whether to initiate proceedings under section 4003 and, if proceedings are conducted, with respect to making the determination under subsection (c).

(c) DETERMINATION.—After considering all comments submitted, and within 30 days after the close of the comment period under subsection (a), the Trade Representative shall determine whether the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry. The Trade Representative shall publish that determination in the Federal Register, together with the justification for the determination.

(d) RECORD.—The Trade Representative shall make available to the public a complete record of all nonconfidential information presented in proceedings conducted under this section, together with a summary of confidential information so submitted.

SEC. 4006. ARBITRATION AND IMPOSITION OF QUOTAS.

(a) ARBITRATION.—If, within 60 days after consultations are requested under section 4004, in a case in which the Trade Representative makes an affirmative determination under section 4005(c), the matter in dispute is not resolved, the Trade Representative shall request arbitration of the matter under the Dispute Settlement Understanding.

(b) IMPOSITION OF QUOTAS.—

(1) IN GENERAL.—The Trade Representative shall impose, for a period of not more than 1 year, the quantitative limitations described in paragraph (2) on textile and apparel products of Vietnam—

(A) if, pursuant to arbitration under subsection (a), the arbitrator determines that the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry; or

(B) if the arbitrator does not issue a decision within 120 days after the request for arbitration, in which case the limitations cease to be effective if the arbitrator, after such limitations are imposed, determines that the Government of Vietnam is not providing, on or after the date on which Vietnam accedes to the World Trade Orga-

nization, a prohibited subsidy to its textile or apparel industry.

(2) LIMITATIONS DESCRIBED.—The quantitative limitations referred to in paragraph (1) are those quantitative limitations that were in effect under the Bilateral Textile Agreement during the most recent full calendar year in which the Bilateral Textile Agreement was in effect.

(c) DETERMINATION OF COMPLIANCE.—If, after imposing quantitative limitations under subsection (b) because of a prohibited subsidy, the Trade Representative determines that the Government of Vietnam is not providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry, the quantitative limitations shall cease to be effective on the date on which that determination is made.

SEC. 4007. DEFINITIONS.

In this title:

(1) BILATERAL TEXTILE AGREEMENT.—The term "Bilateral Textile Agreement" means the Agreement Relating to Trade in Cotton, Wool, Man-Made Fiber, Non-Cotton Vegetable Fiber and Silk Blend Textiles and Textile Products Between the Governments of the

United States of America and the Socialist Republic of Vietnam, entered into on July 17, 2003.

(2) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(3) INTERESTED PERSON.—The term "interested person" includes, but is not limited to, domestic firms and workers, representatives of consumer interests, United States product exporters, and any industrial user of any goods or services that may be affected by action taken under section 4006(b).

(4) PROHIBITED SUBSIDY.—

(A) IN GENERAL.—The term "prohibited subsidy" means a subsidy described in article 3.1 of the Agreement on Subsidies and Countervailing Measures.

(B) SUBSIDY.—The term "subsidy" means a subsidy within the meaning of article 1.1 of the Agreement on Subsidies and Countervailing Measures.

(C) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term "Agreement

on Subsidies and Countervailing Measures" means the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(5) TEXTILE OR APPAREL PRODUCT.—The term "textile or apparel product" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(6) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

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 inserting 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 Department of Homeland Security shall develop and implement methods and procedures to ensure ongoing compliance with the requirements set forth in subparagraphs (A) and (D).

"(ii) NONCOMPLIANCE.—If the Bureau of Customs and Border Protection finds that a producer or an entity controlling production has not satisfied such requirements in any applicable 1-year period, either for individual entries entered pursuant to subparagraph (A) or for entries entered in aggregate pursuant to subparagraph (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 materials under clause (i) of subparagraph (A), plus

"(II) the direct costs of processing 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 subparagraph (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 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 COM-

MERCIAL 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:

"During the:	***the corresponding percentage is:***
"initial applicable 1-year period	*1 percent.*
"second applicable 1-year period	*1.25 percent.*
"third applicable 1-year period	*1.5 percent.*
"fourth applicable 1-year period	*1.75 percent.*
"fifth applicable 1-year period	*2 percent.*

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 the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

"(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 5002 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 5002 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 respect 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 con-

sumption, on or after the 15th day after the date of the enactment of this Act.

TITLE VI—AFRICAN GROWTH AND OPPORTUNITY ACT

SEC. 6001. SHORT TITLE.

This title may be referred to as the "Africa Investment Incentive Act of 2006".

SEC. 6002. PREFERENTIAL TREATMENT OF APPAREL PRODUCTS OF LESSER DEVELOPED COUNTRIES.

(a) IN GENERAL.—Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g);

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "The" and inserting "Subject to subsection (c), the" ; and

(B) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(3) by inserting after subsection (b) the following new subsection:

"(c) LESSER DEVELOPED COUNTRIES.—

"(1) PREFERENTIAL TREATMENT OF PRODUCTS THROUGH SEPTEMBER 30, 2012.—

"(A) PRODUCTS COVERED.—In addition to the products described in subsection (b), and subject to paragraph (2), the preferential treatment described in subsection (a) shall apply through September 30, 2012, to apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric or the yarn used to make such articles, in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the term 'applicable percentage' means—

"(i) 2.9285 percent for the 1-year period beginning on October 1, 2005; and

"(ii) 3.5 percent for the 1-year period beginning on October 1, 2006, and each 1-year period thereafter through September 30, 2012.

"(2) SPECIAL RULES FOR PRODUCTS IN COMMERCIAL QUANTITIES IN AFRICA.—

"(A) PETITION PROCESS.—Upon a petition filed by an interested party (which may include a foreign manufacturer), the Commission shall determine whether a fabric or yarn produced in beneficiary sub-Saharan African countries is available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries.

"(B) EFFECT OF AFFIRMATIVE DETERMINATION.—

"(i) DETERMINATION OF QUANTITY AVAILABLE.—If the Commission determines under subparagraph (A) that a fabric or yarn produced in beneficiary sub-Saharan African countries is available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries, the Commission shall determine the quantity of the fabric or yarn that will be so available in lesser developed beneficiary sub-Saharan African countries in the applicable 1-year period beginning after the determination is made.

"(ii) DETERMINATIONS.—In each case in which the Commission determines that a fabric or yarn is available in commercial quantities under subparagraph (A) for an applicable 1-year period, the Commission shall determine, before the end of that applicable 1-year period—

"(I) whether the fabric or yarn produced in beneficiary sub-Saharan African countries will be available in commercial quantities in the succeeding applicable 1-year period; and

"(II) if so, the quantity of the fabric or yarn that will be so available in that succeeding 1-year period, subject to clause (iii).

"(iii) DETERMINATION REGARDING IMPORTED ARTICLES.—After the end of each applicable 1-year period for which a determination under clause (i) is in effect, the Commission shall determine to what extent the quantity of the fabric or yarn determined under clause (i) to be available in commercial quantities for use by lesser developed beneficiary sub-Saharan African

countries was used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period. To the extent that the quantity so determined was not so used, then the Commission shall add to the quantity of that fabric or yarn determined to be available in the next applicable 1-year period the quantity not so used in the preceding applicable 1-year period.

"(C) DENIM.—Denim articles provided for in subheading 5209.42.00 of the Harmonized Tariff Schedule of the United States shall be deemed to have been determined to be in abundant supply under subparagraph (A) in an amount of 30,000,000 square meter equivalents for the 1-year period beginning October 1, 2006.

"(D) PRESIDENTIAL AUTHORITY TO RESTRICT IMPORTS.—

"(i) IN GENERAL.—Subject to clause (ii), the President may by proclamation provide that apparel articles otherwise eligible for preferential treatment under paragraph (1) that contain a fabric or yarn determined to be available in commercial

quantities under subparagraph (A) may not receive such preferential treatment in an applicable 1-year period unless—

"(I) the fabric or yarn in such articles was produced in 1 or more beneficiary sub-Saharan African countries; or

"(II) the Commission has determined that the quantity of the fabric or yarn determined under subparagraph (B) (or (C), as the case may be) to be available in lesser developed beneficiary sub-Saharan African countries for that applicable 1-year period has already been used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period.

"(ii) MANDATORY RESTRICTION.—If a fabric or yarn is determined to be available in commercial quantities under subparagraph (A) in an applicable 1-year period, and for 2 consecutive applicable 1-year periods the quantities determined to be so

available are not used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered during those 2 applicable 1-year periods, then beginning in the succeeding applicable 1-year period, apparel articles containing that fabric or yarn are ineligible for preferential treatment under paragraph (1) in any succeeding applicable 1-year period unless the Commission has determined that the quantity of the fabric or yarn determined under subparagraph (B) (or (C), as the case may be) to be available in lesser developed beneficiary sub-Saharan African countries for that applicable 1-year period has already been used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period.

"(E) PROCEDURES.—The Commission shall use the procedures prescribed in subsection (b)(3)(C)(iv) for the Secretary of Commerce in making determinations under this paragraph.

"(3) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that—

"(A) any fabric or yarn described in paragraph (2)(A) was determined to be eligible for preferential treatment, or

"(B) any fabric or yarn described in paragraph (2)(B) was designated as not being available in commercial quantities,

on the basis of fraud, the President may remove the eligibility or designation (as the case may be) of that fabric or yarn with respect to articles entered after such removal.

"(4) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(3)(C) applies to apparel articles eligible for preferential treatment under this subsection to the same extent as that subsection applies to apparel articles eligible for preferential treatment under subsection (b)(3).

"(5) DEFINITIONS.—In this subsection:

"(A) APPLICABLE 1-YEAR PERIOD.—The term 'applicable 1-year period' means each of the 12-month periods beginning on October 1 of each year and ending on September 30 of the following year.

"(B) COMMISSION.—The term 'Commission' means the United States International Trade Commission.

"(C) 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.

"(D) LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.—The term 'lesser developed beneficiary sub-Saharan African country' means—

"(i) a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

"(ii) Botswana; and

"(iii) Namibia.".

(b) ADDITIONAL PREFERENTIAL TREATMENT.—Section 112(b) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)) is amended by adding at the end the following new paragraph:

"(8) TEXTILE ARTICLES ORIGINATING ENTIRELY IN ONE OR MORE LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Textile and tex-

tile articles classifiable under chapters 50 through 60 or chapter 63 of the Harmonized Tariff Schedule of the United States that are products of a lesser developed beneficiary sub-Saharan African country and are wholly formed in one or more such countries from fibers, yarns, fabrics, fabric components, or components knit-to-shape that are the product of one or more such countries.".

(c) TECHNICAL AMENDMENT.—Section 112(e)(3) of the African Growth and Opportunity Act (as redesignated by subsection (a)(1) of this section) is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

SEC. 6003. TECHNICAL CORRECTIONS.

Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended as follows:

(1) Subsection (b)(5) is amended by adding at the end the following new subparagraph:

"(C) 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 subparagraph (A) 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.".

(2) Subsection (f), as redesignated by section 6002(a)(1), is amended by adding at the end the following:

"(5) ENTER; ENTERED.—The terms 'enter' and 'entered' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.".

SEC. 6004. EFFECTIVE DATE FOR AGOA.

Subsection (g) of section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721), as redesignated by section 6002(a)(1), is amended by striking "2008" and inserting "2015".

TITLE VII—ANDEAN TRADE PREFERENCE ACT

SEC. 7001. SHORT TITLE.

This title may be cited as the "Andean Trade Preferences Extension Act".

SEC. 7002. ATPA EXTENSION.

(a) TEMPORARY EXTENSION.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended by striking "December 31, 2006" and inserting "June 30, 2007".

(b) CONDITIONAL EXTENSIONS.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206), as amended by subsection (a), is further amended—

(1) by striking "No" and inserting "(a) TERMINATION.—Subject to subsection (b), no"; and

(2) by adding at the end the following:

"(b) CONDITIONAL EXTENSIONS.—Duty-free treatment and other preferential treatment under this title shall remain in effect with respect to a beneficiary country, during the period beginning on July 1, 2007, and ending on December 31, 2007, only if on or before June 30, 2007—

"(1) an implementing bill with respect to a trade agreement with that country has been enacted into law pursuant to the Bipartisan Trade Promotion Authority Act of 2002; and

"(2) the President determines that the legislature of that country has approved such trade agreement.".

SEC. 7003. TECHNICAL AMENDMENTS.

Section 204(b)(3)(B) Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)) is amended—

(1) in clause (iii)(II), by striking "The preferential" and inserting "Subject to section 208, the preferential"; and

(2) in clause (v)(II), by striking "During" and inserting "Subject to section 208, during".

TITLE VIII—GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM

SEC. 8001. LIMITATIONS ON WAIVERS OF COMPETITIVE NEED LIMITATION.

Section 503(d)(4)(B) of the Trade Act of 1974 (19 U.S.C. 2463(d)(4)(B)) is amended—

(1) by striking "The President" and inserting "(i) The President";

(2) by striking "(i) had" and inserting "(I) had" and by striking "(ii) had" and inserting "(II) had"; and

(3) by adding at the end the following new clause:

"(ii) Not later than July 1 of each year, the President should revoke any waiver that has then been in effect with respect to an article for 5 years or more if the beneficiary developing country has exported to the United States (directly or indirectly) during the preceding calendar year a quantity of the article—

"(I) having an appraised value in excess of 1.5 times the applicable amount set forth in subsection (c)(2)(A)(ii) for that calendar year; or

"(II) exceeding 75 percent of the appraised value of the total imports of that article into the United States during that calendar year.".

SEC. 8002. EXTENSION OF GSP PROGRAM.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "December 31, 2006" and inserting "December 31, 2008".

Amend the title so as to read "An Act to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.".

Attest:

Clerk.

109TH CONGRESS
2D SESSION

H.R. 6111

HOUSE AMENDMENTS TO SENATE AMENDMENT