

and local controls over the flow of municipal solid waste, and for other purposes.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1917

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1998

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1998, a bill to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

S. 2194

At the request of Mr. MCCONNELL, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Alabama (Mr. SESSIONS), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2200

At the request of Mr. BAUCUS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. CLELAND), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2200, a bill to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property.

S. 2210

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2210, a bill to amend the International Financial Institutions Act to provide for modification of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative.

S. 2215

At the request of Mrs. BOXER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its de-

velopment of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2384

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2384, a bill to establish a joint United States-Canada customs inspection project.

S. RES. 247

At the request of Mr. LIEBERMAN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Rhode Island (Mr. REED), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 247, a resolution expressing solidarity with Israel in its fight against terrorism.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. ALLEN, Mr. HOLLINGS, Mrs. BOXER, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. NELSON of Nebraska, and Mr. DORGAN):

S. 2395. A bill to prevent and punish counterfeiting and copyright piracy, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Anticounterfeiting Amendments of 2002, along with Senators ALLEN, HOLLINGS, BOXER, MURRAY, SMITH of Oregon, NELSON of Nebraska, and DORGAN.

In February of this year, I held a hearing entitled, "Theft of American Intellectual Property: Fighting Crime Abroad and At Home," and I issued a report on the status of our fight against this crime.

What I learned is that every day, thieves steal millions of dollars of American intellectual property from its rightful owners. Over a hundred thousand American jobs are lost as a result.

American innovation and creativity need to be protected by our government no less than our personal property, our homes and our streets. The Founding Fathers had the foresight to provide for protection of intellectual property, giving Congress the power to "promote the progress of science and useful arts" by providing copyrights and patents.

American intellectual property represents the largest single sector of the American economy, employing 4.3 million Americans. It has been estimated that software piracy alone cost the U.S. economy over 118,000 jobs and \$5.7 billion in wage losses in the year 2000. Even more, the International Planning and Research Corporation estimates that the government loses more than a billion dollars worth of revenue every year from intellectual property theft.

To put that in perspective, with a billion dollars in additional revenue, the American government could pay for child care services for more than 100,000 children annually. Alternatively, \$1 billion could be used to fund a Senate proposal to assist schools nationally with emergency school renovations and repairs.

There's another problem. Counterfeiters of software, music CDs and motion pictures are now tampering with authentication features. Holograms, certificates of authenticity, and other security features allow the copyright owners to distinguish genuine works from counterfeits. But now, highly sophisticated counterfeiters have found ways to tamper with these features to make counterfeit products appear genuine and to increase the selling price of genuine products and licenses. Put another way, not only do crooks illegally copy American intellectual property, they also now illegally fake or steal the very features property owners use to prevent that theft.

Copyrights mean nothing if government authorities fail to enforce the protections they provide intellectual property owners. The criminal code has not kept up with the counterfeiting operations of today's high-tech pirates, and it's time to make sure that it does. The Anticounterfeiting Amendments of 2002 update and strengthen the Federal criminal code, which currently makes it a crime to traffic in counterfeit labels or copies of certain forms of intellectual property, but not authentication features. For example, we can currently prosecute someone for trafficking in fake labels for a computer program, but we cannot go after them for faking the hologram that the software maker uses to ensure that copies of the software are genuine.

In addition, many actions that violate current law go unprosecuted in this day and age when priorities, such as the fight against terrorism and life-threatening crimes, necessarily take priority over crimes of property, be they intellectual or physical. Moreover, the victims of this theft often do not have a way to recover their losses from this crime. For this reason, the Anticounterfeiting Amendments of 2002 also provide a private cause of action, to permit the victims of these crimes to pursue the criminals themselves and recover damages in federal court.

Current law criminalizes trafficking in counterfeit documentation and packaging, but only for software programs. The Anticounterfeiting Amendments of 2002 update and expand these provisions to include documentation and packaging for phonorecords, motion pictures and other audiovisual works.

America is a place where we must encourage diverse ideas, and with that encouragement we must protect those ideas. They are the source of our music, our art, our novels, our movies, our software, all that is American culture and American know-how. The

Anticounterfeiting Amendments of 2002 give our ideas the protection they deserve.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2395

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Anticounterfeiting Amendments of 2002".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) American innovation, and the protection of that innovation by the government, has been a critical component of the economic growth of this Nation throughout the history of the Nation;

(2) copyright-based industries represent one of the most valuable economic assets of this country, contributing over 5 percent of the gross domestic product of the United States and creating significant job growth and tax revenues;

(3) the American intellectual property sector employs approximately 4,300,000 people, representing over 3 percent of total United States employment;

(4) the proliferation of organized criminal counterfeiting enterprises threatens the economic growth of United States copyright industries;

(5) the American intellectual property sector has invested millions of dollars to develop highly sophisticated authentication features that assist consumers and law enforcement in distinguishing genuine intellectual property products and packaging from counterfeits;

(6) in order to thwart these industry efforts, counterfeiters traffic in, and tamper with, genuine authentication features, for example, by obtaining genuine authentication features through illicit means and then commingling these features with counterfeit software or packaging;

(7) Federal law does not provide adequate civil and criminal remedies to combat tampering activities that directly facilitate counterfeiting crimes; and

(8) in order to strengthen Federal enforcement against counterfeiting of copyrighted works, Congress must enact legislation that—

(A) prohibits trafficking in, and tampering with, authentication features of copyrighted works; and

(B) permits aggrieved parties an appropriate civil cause of action.

#### SEC. 3. PROHIBITION AGAINST TRAFFICKING IN ILLICIT AUTHENTICATION FEATURES.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) by striking the heading and inserting "TRAFFICKING IN COUNTERFEIT LABELS, ILLICIT AUTHENTICATION FEATURES, OR COUNTERFEIT DOCUMENTATION OR PACKAGING";

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

"(a) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

"(1) a counterfeit label affixed to, or designed to be affixed to—

"(A) a phonorecord;

"(B) a copy of a computer program;

"(C) a copy of a motion picture or other audiovisual work; or

"(D) documentation or packaging;

"(2) an illicit authentication feature affixed to or embedded in, or designed to be affixed to or embedded in—

"(A) a phonorecord;

"(B) a copy of a computer program;

"(C) a copy of a motion picture or other audiovisual work; or

"(D) documentation or packaging; or

"(3) counterfeit documentation or packaging,

shall be fined under this title or imprisoned for not more than 5 years, or both.";

(3) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3)—

(i) by striking "and 'audiovisual work' have" and inserting the following: " 'audiovisual work', and 'copyright owner' have"; and

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

(C) by adding at the end the following:

"(4) the term 'authentication feature' means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other physical feature that either individually or in combination with another feature is used by the respective copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, or documentation or packaging is not counterfeit or otherwise infringing of any copyright;

"(5) the term 'documentation or packaging' means documentation or packaging for a phonorecord, copy of a computer program, or copy of a motion picture or other audiovisual work; and

"(6) the term 'illicit authentication feature' means an authentication feature, that—

"(A) without the authorization of the respective copyright owner has been tampered with or altered so as to facilitate the reproduction or distribution of—

"(i) a phonorecord;

"(ii) a copy of a computer program;

"(iii) a copy of a motion picture or other audiovisual work; or

"(iv) documentation or packaging;

in violation of the rights of the copyright owner under title 17;

"(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the respective copyright owner; or

"(C) appears to be genuine, but is not.";

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

"(3) the counterfeit label or illicit authentication feature is affixed to, is embedded in, or enclosed, or is designed to be affixed to, to be embedded in, or to enclose—

"(A) a phonorecord of a copyrighted sound recording;

"(B) a copy of a copyrighted computer program;

"(C) a copy of a copyrighted motion picture or other audiovisual work; or

"(D) documentation or packaging; or"; and

(B) in paragraph (4), by striking "for a computer program";

(5) in subsection (d)—

(A) by inserting "or illicit authentication features" after "counterfeit labels" each place it appears;

(B) by inserting "or illicit authentication features" after "such labels"; and

(C) by inserting before the period at the end the following: " , and of any equipment, device, or materials used to manufacture, reproduce, or assemble the counterfeit labels or illicit authentication features"; and

(6) by adding at the end the following:

"(f) CIVIL REMEDIES FOR VIOLATION.—

"(1) IN GENERAL.—Any copyright owner who is injured by a violation of this section or is threatened with injury, may bring a civil action in an appropriate United States district court.

"(2) DISCRETION OF COURT.—In any action brought under paragraph (1), the court—

"(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain violations of this section;

"(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of this section; and

"(C) may award to the injured party—

"(i) reasonable attorney fees and costs; and

"(ii) (I) actual damages and any additional profits of the violator, as provided by paragraph (3); or

"(II) statutory damages, as provided by paragraph (4).

"(3) ACTUAL DAMAGES AND PROFITS.—

"(A) IN GENERAL.—The injured party is entitled to recover—

"(i) the actual damages suffered by the injured party as a result of a violation of this section, as provided by subparagraph (B); and

"(ii) any profits of the violator that are attributable to a violation of this section and are not taken into account in computing the actual damages.

"(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—

"(i) the value of the phonorecords or copies to which counterfeit labels, illicit authentication features, or counterfeit documentation or packaging were affixed or embedded, or designed to be affixed or embedded; by

"(ii) the number of phonorecords or copies to which counterfeit labels, illicit authentication features, or counterfeit documentation or packaging were affixed or embedded, or designed to be affixed or embedded,

unless such calculation would underestimate the actual harm suffered by the copyright owner.

"(C) DEFINITION.—For purposes of this paragraph, the term 'value of the phonorecord or copy' means—

"(i) the retail value of an authorized phonorecord of a copyrighted sound recording;

"(ii) the retail value of an authorized copy of a copyrighted computer program; or

"(iii) the retail value of a copy of a copyrighted motion picture or other audiovisual work.

"(4) STATUTORY DAMAGES.—The injured party may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for each violation of this section in a sum of not less than \$2,500 or more than \$25,000, as the court considers appropriate.

"(5) SUBSEQUENT VIOLATION.—The court may increase an award of damages under this subsection by 3 times the amount that would otherwise be awarded, as the court considers appropriate, if the court finds that a person has subsequently violated this section within 3 years after a final judgment was entered against that person for a violation of this section.

"(6) LIMITATION ON ACTIONS.—A civil action may not be commenced under this section unless it is commenced within 3 years after the date on which the claimant discovers the violation.

"(g) OTHER RIGHTS NOT AFFECTED.—Nothing in this section shall enlarge, diminish, or otherwise affect liability under section 1201 or 1202 of title 17."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The item relating to section 2318 in the table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting “or illicit authentication features” after “counterfeit labels”.

By Mr. CARPER:

S. 2396. A bill to suspend temporarily the duty on prodiamine technical; to the Committee on Finance.

By Mr. CARPER:

S. 2397. A bill to suspend temporarily the duty on thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2398. A bill to suspend temporarily the duty on fluazinam; to the Committee on Finance.

By Mr. CARPER:

S. 2399. A bill to suspend temporarily the duty on benzyl carbazate; to the Committee on Finance.

By Mr. CARPER:

S. 2400. A bill to suspend temporarily the duty on esfenvalerate technical; to the Committee on Finance.

By Mr. CARPER:

S. 2401. A bill to suspend temporarily the duty on triflusulfuron methyl formulated product; to the Committee on Finance.

By Mr. CARPER:

S. 2402. A bill to suspend temporarily the duty on Avaunt and Steward; to the Committee on Finance.

By Mr. CARPER:

S. 2403. A bill to suspend temporarily the duty on 50% Homopolymer, 3-(dimethylamino propyl amide, dimethyl sulfate-quaternized 50% polyricinoleic acid; to the Committee on Finance.

By Mr. CARPER:

S. 2404. A bill to suspend temporarily the duty on black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[4-(2 or 4-amino-4 or 2-hydroxylphenyl)azo] phenyl]amino]-3-sulfo-phenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2405. A bill to suspend temporarily the duty on fast black 287 paste, 1,3-benzenedicarboxylic acid 5-[[4[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl azo)-1-naphthalenyl]azo]-, trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2406. A bill to suspend temporarily the duty on fast black 287 NA liquid feed, 1, 3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2407. A bill to suspend temporarily the duty on fast yellow 2 stage, 1, 3-benzenedicarboxylic acid 5,5'-[[6-(4-morpholinyl)-1, 3, 5-triazine-2,4-diyl]bis(im ino-4, 1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt; to the Committee on Finance.

By Mr. CARPER:

S. 2408. A bill to suspend temporarily the duty on cyan 1 RO feed, copper [29H, 31H-phthalocyaninato (2-)-N29,N30,N31,N32]-aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2409. A bill to suspend temporarily the duty on cyan 1 stage, copper, [29H, 31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2410. A bill to suspend temporarily the duty on cyan 1 OF stage; copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2411. A bill to suspend temporarily the duty on cyan 9075 stage, copper [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2412. A bill to suspend temporarily the duty on yellow 1 stage, 1,5-naphthalenedisulfonic acid 3,3'-[[6-(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4, 1-phenylene)az o]]bis-, tetrasodium salt, to the Committee on Finance.

By Mr. CARPER:

S. 2413. A bill to suspend temporarily the duty on yellow 1 G stage benzenesulfonic acid 3,3'-[carbonylbis[imino(3-methoxy-4, 1-phenylene)azo]]bis-, disodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2414. A bill to suspend temporarily the duty on yellow 746 state, 1,3-bipyridium, 3-carboxy-5'-(2-carboxy-4-sulfophenyl)azo]-1,2', dihydro-6'-hydroxy-4'-methyl-2'-oxo, inner salt, lithium/sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2415. A bill to suspend temporarily the duty on black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[(2 or 4 -amino-4 or 2-hydroxyphenyl)azo]phenyl]amino]-3-sulfophenyl] axo]-5-hydroxy-6-(phenylazo)-trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2416. A bill to suspend temporarily the duty on magenta 3B-OA stage, 2-[[4-chloro-6[[8-hydroxy-3,6-disulphonate-7-[(1-sulpho-2-naphthalenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2417. A bill to suspend temporarily the duty on yellow 577 stage, 5-{4-[4-(4,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3,5]triazin-2-ylamino]phenylazo}isophthalic acid/sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2418. A bill to suspend temporarily the duty on cyan 485/4 stage, copper [29H,31H-phthalocyaninato (2-)-xN29,xN30,xN31,xN32]-aminosulfonyl[(2-hydroxy-ethyl)amino] sulfonyl sulfo derivatives, sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2419. A bill to suspend temporarily the duty on R118118 Salt; to the Committee on Finance.

By Mr. CARPER:

S. 2420. A bill to suspend temporarily the duty on NSMBA; to the Committee on Finance.

Mr. CARPER. Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRODIAMINE TECHNICAL.

(a) 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 heading:

|            |  |      |           |           |                         |
|------------|--|------|-----------|-----------|-------------------------|
| 9902.39.35 | Prodiamine technical - 1, 3-benzenediamine, 2,6-dinitro-N1,N1-dipropyl-4-(trifluoromethyl)- (CAS No. 29091-21-2) (provided in subheading 2921.43.80) | Free | No change | No change | On or before 12/31/2005 |
|------------|--|------|-----------|-----------|-------------------------|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. THIAMETHOXAM TECHNICAL.**

(a) 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 heading:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.35 | Thiamethoxam technical -4H-1,3,5-oxadiazin-4-imine, 3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro (CAS No. 153719-23-4) (provided in subheading 2934.10.20) ..... | Free | No change | No change | On or before 12/31/2005 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. MIXTURES OF FLUAZINAM.**

(a) 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 heading:

|   |            |  |      |           |           |                         |    |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.35 | Fluazinam mixed with - 2-pyridinamine,3-chloro-N-[3-chloro-2,6-dinitro-4-(trifluoromethyl)phenyl]-5-(trifluoromethyl) (CAS No. 79622-59-6) (provided in subheading 3808.20.15) ..... | Free | No change | No change | On or before 12/31/2005 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. BENZYL CARBAZATE.**

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in the numerical sequence the following new heading:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.29.48 | Phenylmethyl hydrazinecarboxylate (CAS No. 5331-43-1) (provided for in subheading 2928.00.25) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment 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 enactment of this Act.

S. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. ESFENVALERATE TECHNICAL.**

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in the numerical sequence the following new heading:

|   |            |  |      |           |           |                         |    |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.29.49 | (S)-Cyano (3-phenoxy-phenyl)- methyl (S)-4-chloro- $\alpha$ -(1-methylethyl)-benzeneacetate (CAS No. 66230-04-4) (provided for in subheading 2926.90.30) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment 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 enactment of this Act.

S. 2401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. TRIFLUSULFURON METHYL FORMULATED PRODUCT.**

(a) 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 heading:

|   |            |  |      |           |           |                         |    |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.38.16 | Mixtures of methyl 2-[[[4-(dimethylamino) -6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl] -amino]carbonyl] amino]sulfonyl]-3-methylbenzoate (CAS No. 126535-15-7) and application adjuvants (provided for in subheading 3808.10.15) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. AVAUNT AND STEWARD.**

(a) 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 heading:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.38.17 | Mixtures of (S)-methyl 7-chloro-2,5-dihydro-2-[[4-(methoxycarbonyl) (trifluoromethoxy) phenyl] amino]-carbonyl] indeno [1,2-e][1,3,4] oxadiazine-4a-(3H)-carboxylate (CAS Nos. 144171-61-9 and 173584-44-6) and application adjuvants (provided for in subheading 3808.10.25) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2403

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. 50% HOMOPOLYMER, 3-(DIMETHYLAMINO) PROPYL AMIDE, DIMETHYL SULFATE-QUATERNIZED 50% POLYRICINOLEIC ACID.**

(a) 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 heading:

|   |            |  |      |           |           |                         |    |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.38.34 | 50% homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50% polyricinoleic acid (provided for in subheading 3824.90.40.90) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2404

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. BLACK CPW STAGE, 2,7-NAPHTHALENE DISULFONIC ACID, 4-AMINO-3-[[4-[[-(2 OR 4 -AMINO-4 OR 2-HYDROXYPHENYL)AZO] PHENYL]AMINO]-3-SULFOPHENYL]AZO]-5-HYDROXY-6-(PHENYLAZO)-TRISODIUM SALT.**

(a) 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 heading:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.40 | Black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-(2 or 4 -amino-4 or 2-hydroxyphenyl)azo] phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt. (CAS No. 85631-88-5) (provided for in subheading 3204.14.30) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2405

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FAST BLACK 287 NA PASTE, 1,3-BENZENEDICARBOXYLIC ACID, 5-[[4-[(7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO]-1-NAPHTHALENYL]AZO]-, TRISODIUM SALT.**

(a) 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 heading:

|   |            |  |      |           |           |                         |    |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.35 | Fast black 287 NA paste, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt. (CAS No. not available) (provided for in subheading 3204.14.30) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2406

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FAST BLACK 287 NA LIQUID FEED, 1,3-BENZENEDICARBOXYLIC ACID, 5-[[4-[(7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO]-1-NAPHTHALENYL]AZO]-, TRISODIUM SALT.**

(a) 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 heading:

|   |            |  |      |           |           |                         |    |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.35 | Fast black 287 NA liquid feed, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt. (CAS No. not available) (provided for in subheading 3204.14.30) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2407

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FAST YELLOW 2 STAGE, 1,3-BENZENEDICARBOXYLIC ACID, 5,5'-[[6-(4-MORPHOLINYL)-1,3,5-TRIAZINE-2,4-DIYL]BIS(IMINO-4,1-PHENYLENEAZO)]BIS, AMMONIUM/SODIUM/HYDROGEN SALT.**

(a) 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 heading:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.36 | Fast yellow 2 stage, 1,3-benzenedicarboxylic acid, 5,5'-[[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt. (CAS No. not available) (provided for in subheading 3215.19.00.60) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2408

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CYAN 1 RO FEED, COPPER, [29H,31H-PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES, SODIUM SALTS.**

(a) 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 heading:

|   |            |  |      |           |           |                         |    |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.37 | Cyan 1 RO feed, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts. (CAS No. 90295-11-7) (provided for in subheading 3204.14.50) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2409

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CYAN 1 STAGE, COPPER, [29H,31H-PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES. TETRA METHYL AMMONIUM SALTS.**

(a) 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 heading:

|   |            |  |      |           |           |                         |    |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.41 | Cyan 1 stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts. (CAS No. not available) (provided for in subheading 3204.14.30) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2410

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CYAN 1 OF STAGE, COPPER, [29H,31H-PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES, SODIUM SALTS.**

(a) 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 heading:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.42 | Cyan 1 OF stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts. (CAS No. 90295-11-7) (provided for in subheading 3204.14.50) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2411

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CYAN 9075 STAGE, COPPER, [29H,31H-PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES, SODIUM SALTS.**

(a) 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 heading:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.43 | Cyan 9075 stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts. (CAS No. 90295-11-7) (provided for in subheading 3204.14.50) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2412

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. YELLOW 1 STAGE, 1,5-NAPHTHALENEDISULFONIC ACID, 3,3'-[[6-[(2-HYDROXYETHYL)AMINO]-1,3,5-TRIAZINE-2,4-DIYL]BIS[IMINO(2-METHYL-4,1-PHENYLENE)AZO]]BIS-, TETRASODIUM SALT.**

(a) 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 heading:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.39 | Yellow 1 stage, 1,5-naphthalenedisulfonic acid, 3,3'-[[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt. (CAS No. 50925-42-3 (confidential TSCA listing)) (provided for in subheading 3204.14.30) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. YELLOW 1 G STAGE, BENZENESULFONIC ACID, 3,3'-[CARBONYLBIS[IMINO(3-METHOXY-4,1-PHENYLENE)AZO]]BIS-, DISODIUM SALT.**

(a) 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 heading:

|   |            |  |      |           |           |                         |    |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.38 | Yellow 1 G stage, benzenesulfonic acid, 3,3'-[carbonylbis[imino(3-methoxy-4,1-phenylene)azo]]bis-, disodium salt. (CAS No. 10114-86-0) (provided for in subheading 3204.14.50) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. YELLOW 746 STAGE, 1,3-BIPYRIDIRIUM, 3-CARBOXY-5'-[(2-CARBOXY-4-SULFOPHENYL)AZO]-1',2', DIHYDRO-6'-HYDROXY-4'-METHYL-2'-OXO-, INNER SALT, LITHIUM/SODIUM SALT.**

(a) 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 heading:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.44 | Yellow 746 stage, 1,3-bipyridirium, 3-carboxy-5'-[(2-carboxy-4-sulfophenyl)azo]-1',2', dihydro-6'-hydroxy-4'-methyl-2'-oxo-, inner salt, lithium/sodium salt. (CAS No. not available) (provided for in subheading 3204.14.30) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. BLACK SCR STAGE, 2,7-NAPHTHALENE DISULFONIC ACID, 4-AMINO-3-[[4-[(2 OR 4 -AMINO-4 OR 2-HYDROXYPHENYL)AZO]\*COM003\*PHENYL]AMINO]-3-SULFOPHENYL] AZO]-5-HYDROXY-6-(PHENYLAZO)-TRISODIUM SALT.**

(a) 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 heading:

|   |            |  |      |           |           |                         |    |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.47 | Black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[(2 or 4 -amino-4 or 2-hydroxyphenyl)azo] phenyl]amino]-3-sulfophenyl] azo]-5-hydroxy-6-(phenylazo)-trisodium salt. (CAS No. 85631-88-5) (provided for in subheading 3204.14.30) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. MAGENTA 3B-OA STAGE, 2-[[4-CHLORO-6[[8-HYDROXY-3,6-DISULFONATE-7-[(1-SULPHO-2-NAPHTHALENYL) AZO]-1-NAPHTHALENYL] AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-5-SULPHOBENZOIC ACID, SODIUM/LITHIUM SALTS.**

(a) 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 heading:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.39.45 | Magenta 3B-OA stage, 2-[[4-chloro-6[[8-hydroxy-3,6-disulphonate-7-[(1-sulpho-2-naphthalenyl) azo]-1-naphthalenyl] amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts. (CAS No. 12237-00-2) (provided for in subheading 3204.16.30) ..... | Free | No change | No change | On or before 12/31/2007 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. YELLOW 577 STAGE, 5-[[4-[[4-(4,8-DISULFONAPHTHALEN-2-YLAZO)-PHENYLAMINO]-6-(2-SULFOETHYLAMINO)-[1,3,5]TRIAZIN-2-YLAMINO]PHENYLAZO]ISOPHTHALIC ACID/SODIUM SALT.**

(a) 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 heading:

|            |   |      |           |           |                         |    |
|------------|---|------|-----------|-----------|-------------------------|----|
| 9902.39.46 | Yellow 577 stage, 5-[4-[4-(4,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-1,3,5]triazin-2-ylamino] phenylazo;isophthalic acid/sodium salt. (CAS No. not available) (provided for in subheading 3204.14.30) ..... | Free | No change | No change | On or before 12/31/2007 | .. |
|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2418

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
**SECTION 1. CYAN 485/4 STAGE, COPPER, [29H,31H-PHTHALOCYANINATO (2)- XN29,XN30,XN31,XN32]-AMINOSULFONYL [(2-HYDROXYETHYL)AMINO] SULFONYL SULFO DERIVATIVES, SODIUM SALT.**

(a) 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 heading:

|            |   |      |           |           |                         |    |
|------------|---|------|-----------|-----------|-------------------------|----|
| 9902.39.48 | Cyan 485/4 stage, copper, [29H,31H-phthalocyaninato (2)- xN29,xN30,xN31,xN32] -aminosulfonyl [(2-hydroxyethyl)amino] sulfonyl sulfo derivatives, sodium salt. (CAS No. not available) (provided for in subheading 3204.14.30) ..... | Free | No change | No change | On or before 12/31/2007 | .. |
|------------|---|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2419

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
**SECTION 1. R118118 SALT.**

(a) 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 heading:

|            |  |      |           |           |                         |    |
|------------|--|------|-----------|-----------|-------------------------|----|
| 9902.39.35 | R118118 Salt - benzoic acid, 3-[2-chloro-4-(trifluoromethyl) phenoxy]-(CAS No. 63734-62-3) (provided in subheading 2918.90.20) ..... | Free | No change | No change | On or before 12/31/2005 | .. |
|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2420

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
**SECTION 1. NSMBA.**

(a) 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 heading:

|            |  |      |           |           |                         |    |
|------------|--|------|-----------|-----------|-------------------------|----|
| 9902.39.35 | NSMBA - Benzoic acid, 4-(methylsulfonyl)-2-nitro (CAS No. 110964-79-9) (provided in subheading 2916.39.45) ..... | Free | No change | No change | On or before 12/31/2005 | .. |
|------------|--|------|-----------|-----------|-------------------------|----|

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. FEINGOLD (for himself and Mr. DOMENICI):

S. 2421. A bill to amend section 402A of the Higher Education Act of 1965 to define the terms different campus and different population; to the Committee of Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I rise today with my colleague from New Mexico to introduce the TRIO Education Access Act of 2002, which will improve access to higher education by ensuring that these programs are available to all those in need.

While many students in my State benefit immensely from the TRIO programs, misguided regulations are preventing Wisconsin's two year colleges from receiving funds to begin more than one TRIO program for the entire State.

Many students today dream of going to college, but the things that can put college out of reach for some students don't always get the attention that they deserve. Students who face these

additional barriers to higher education need a helping hand, and thanks to the TRIO Program, more students are getting the help they need.

The TRIO Program was so named because there were originally three programs, all of which had roots dating back to Lyndon Johnson's administration in the 1960s. Today TRIO consists of eight programs that offer vital advice and academic support to middle and high school students hoping to get into college, and it continues to offer that support to students after they enter college and begin working toward their diploma.

Many Federal education programs have come and gone, but the TRIO programs have not only survived, they've thrived and expanded to aid more than 10 million Americans.

In my home State of Wisconsin, many students at the University of Wisconsin's two-year colleges could reap tremendous benefits from the services the TRIO programs have to offer.

But today, because of the way that TRIO grants are structured, UW's 13 two-year colleges can only be considered for TRIO grants collectively, instead of applying for grants to serve each campus.

The Department of Education has ruled that the unique structure of the University of Wisconsin's two-year system, a centrally run system with 13 branch campuses, does not meet the criteria of having "independent" campuses.

This decision deeply concerns me, as the Federal Government is simply penalizing UW's two-year colleges simply because of their administrative structure.

As a result of the Department of Education's decision, only one TRIO Program, the Student Support Services Program, is available to these two-year colleges. UW—Waukesha is home to a thriving Student Support Services Program, which offers students counseling and vital academic support and skills development.

But UW's two-year colleges deserve to have access to all the TRIO Programs available to four-year institutions, such as Upward Bound, Talent Search, and Educational Opportunity Centers.

In different ways, each of these programs has helped students break through difficult economic or physical circumstances to successfully enter and graduate from college. Students in the Upward Bound program are four times more likely to earn an undergraduate degree than those students from similar backgrounds who did not participate in TRIO.

Students in the TRIO Student Support Services program are more than twice as likely to remain in college than those students from similar backgrounds who did not participate in the program.

By discriminating against the unique structure of the University of Wisconsin's two year colleges, the Department of Education hurts the very population the TRIO Programs aim to serve.

That's why it's so important that the rules at the Department of Education be changed, so that Wisconsin's two-year colleges have the opportunity to apply individually for the TRIO grants they see fit.

By clarifying the "Different Campus" and "Different Population of Participants" in the TRIO regulations, this legislation makes UW's two-year colleges eligible for all the programs TRIO has to offer. No definition or regulation should get in the way of qualified Wisconsin students gaining access to TRIO programs and the chance to earn a college degree.

I have heard from many Wisconsinites who have shared their personal stories about how TRIO had made a difference in their lives. TRIO offers hope to millions of students across the country who dream of a college education, and students at the University of Wisconsin's two-year colleges should be no exception. Waukesha can be proud of the TRIO program that has served so many students at UW-Waukesha.

Now it's time to give UW-Waukesha, and other two-year colleges around my State, an opportunity to open more TRIO programs, and open the doors of higher education to more Wisconsin students.

I urge my colleagues to co-sponsor this legislation.

By Mr. BAYH (for himself and Mr. BROWNBACK):

S. 2425. A bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism; to the Committee on Foreign Relations.

Mr. BAYH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2425

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "International Cooperative Antiterrorism Act of 2002".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The use of terrorism is detestable and an illegitimate means of political expression.

(2) International terrorist organizations pose a direct threat to the United States, and this threat is becoming more acute and more difficult to prevent.

(3) The threat from international terrorism is made far more dangerous by the proliferation of chemical, biological, and radiological weapons and the means to produce those weapons.

(4) The prosecution of the war against international terrorist organizations must continue until the threat they pose to the people and interests of the United States is eliminated.

(5) The United States can only win the war against terrorism if it receives cooperation from other countries and entities.

(6) Protecting the United States homeland and United States interests overseas from terrorism is of the highest priority in the foreign relations of the United States.

(7) Cooperation in the global war against international terrorism must be a primary focus of United States foreign relations, United States assistance, and international security relations.

(8) Winning the global war against international terrorism requires cooperation from the international community, especially in the areas of preventing the financing of terror, sharing information on international terror networks, eliminating terror cells, and in preventing the promotion of virulent anti-Americanism with the intent to incite violence and the glorification of terrorism in state-owned media and state-controlled schools.

(9) The promotion of terrorism, intolerance, and virulent anti-Americanism in state-owned media and state-controlled education systems is abhorrent and poses a long-term threat to the safety and security of the United States as well as the community of nations.

(10) All countries and entities must be encouraged to cooperate in the global war against international terrorism.

(11) Some foreign governments and entities are doing little to counter proterrorist and prointolerance messages to mass audiences, including to school age children.

(12) Countries providing direct or indirect assistance to international terrorist organizations undermine the direct security interests of the United States.

(13) Countries demonstrating indifference to or providing actual endorsement of international terror as a legitimate political tool make a direct threat to the security interests of the United States.

(14) United States economic assistance programs and the transfer of United States Munitions List items are a critical tool of United States foreign policy and winning the global war against international terrorism.

(15) Countries receiving United States assistance and the export of items on the United States Munitions List should be expected to support the global war against international terror.

(16) Several existing laws, including the USA Patriot Act of 2001, the Antiterrorism and Effective Death Penalty Act of 1996, the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Export Administration Act of 1979 (or successor statute), prohibit the provision of United States assistance, and the licensing for export of items on the United States Munitions List,

to countries supporting terror or not fully cooperating in antiterror efforts of the United States. It would be appropriate in the implementation of these laws to apply the definition of "fully cooperative in the global war against international terrorism" set forth in this Act, including preventing promotion of terror in state-owned and state-controlled media and educational systems.

#### SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States that—

(1) no United States economic assistance, other than humanitarian assistance, may be provided to any foreign country or entity that is not making a maximum effort to be fully cooperative in the global war against international terrorism; and

(2) no license for export of an item on the United States Munitions List to a country or entity may be issued if that country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism.

#### SEC. 4. PROHIBITION ON UNITED STATES ECONOMIC ASSISTANCE AND COMMERCIAL ARMS EXPORTS.

(a) UNITED STATES ECONOMIC ASSISTANCE.—If the President determines that a country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism—

(1) no United States economic assistance may be provided to such country or entity; and

(2) the United States shall oppose and vote against any lending from any international financial institution, including the World Bank, the International Monetary Fund, the Asian Development Bank, or other related institutions to such country or entity.

(b) COMMERCIAL ARMS EXPORTS.—No license for the export of an item on the United States Munitions List to any country or entity may be issued if the President determines that such country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism.

#### SEC. 5. REQUIREMENT FOR AN ANNUAL REPORT.

(a) REQUIREMENT FOR REPORT.—The President, in consultation with the Secretary of State, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Director of Central Intelligence, shall prepare an unclassified annual report that—

(1) contains a list of each country or entity for which the President has determined that there is credible evidence that such country or entity is not being fully cooperative in the global war against international terrorism under section 4; and

(2) describes for each country or entity listed under paragraph (1)—

(A) the specific failures of each country or entity to be fully cooperative in the global war against international terrorism;

(B) the reasons why such country or entity is not fully cooperative;

(C) the efforts being made by the United States Government to promote greater adherence by such countries or entities with the global war against international terrorism; and

(D) any removal of a country or entity from the list in paragraph (1).

(b) TRANSMISSION TO CONGRESS.—

(1) REPORT.—The report required by this section shall be submitted to Congress every year as a section of the annual country reports on terrorism required by section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656(f)).

(2) BRIEFING.—The President shall make the appropriate officials available to provide

a classified briefing to the appropriate committees of Congress if such committees request additional clarifying details on why a country or entity is listed under subsection (a)(1).

#### SEC. 6. PRESIDENTIAL WAIVER.

United States economic assistance or exports prohibited by section 4 may be provided to a country or entity described in that section if the President—

- (1) determines that permitting such assistance or exports is important to the national security interests of the United States; and
- (2) not later than 15 days before permitting such assistance or exports, furnishes a report describing the United States economic assistance or exports to be provided to the appropriate committees of Congress.

#### SEC. 7. DEFINITIONS.

In this Act:

(1) **EXPRESSION OF SUPPORT FOR TERRORISM AGAINST THE UNITED STATES.**—The term “expression of support for terrorism against the United States” means a pattern of actions or expressions that are designed to provoke or incite anti-American violence, advocate international terrorism, or to glorify the use of violence against citizens or government officials of the United States.

(2) **FULLY COOPERATIVE IN THE GLOBAL WAR AGAINST INTERNATIONAL TERRORISM.**—The term “fully cooperative in the global war against international terrorism” means a country or entity that has the necessary legal framework and, to the maximum extent possible, is enforcing efforts to—

- (A) prevent the knowing financing of terrorism, including preventing—
  - (i) direct financial payments to any terrorist organization;
  - (ii) any terrorist organization or any entity supporting a terrorist organization from receiving financial services such as brokering, lending, or transferring currency or credit;
  - (iii) any person from soliciting funds or items of value for a terrorist group; and
  - (iv) any humanitarian or other nongovernmental organization from providing financial support to terrorist organizations;

(B) share intelligence information with the United States, including—

- (i) releasing information to the United States related to any terrorist organization;
- (ii) cooperating in investigations conducted by the United States; and
- (iii) providing, to the extent possible, access to individuals suspected of or supporting terrorist organizations to United States investigators; and

(C) act against terrorist organizations, including—

- (i) preventing terrorist organizations from committing or inciting to commit terrorist acts against the United States or its interests overseas;
- (ii) preventing terrorist organizations from operating safe houses or providing transportation, communication, documentation, identification, weapons (including chemical, biological, or radiological weapons), explosives, or training to terrorists; and
- (iii) in the cases of a country—
  - (I) investigating suspected terrorists within its national territory;
  - (II) enforcing international agreements and United Nations Security Council Resolutions against terrorism; and
  - (III) curbing any domestic expression of support for terrorism against the United States and its allies in state-owned media, state-sanctioned gatherings, state-governed religious institutions, and state-sanctioned school and textbooks.

(3) **HUMANITARIAN ASSISTANCE.**—The term “humanitarian assistance” means any humanitarian goods and services, including

foodstuffs, medicines, and health assistance programs.

(4) **TERRORIST ORGANIZATION.**—The term “terrorist organization” means an organization designated as a foreign terrorist organization by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(5) **UNITED STATES ECONOMIC ASSISTANCE.**—The term “United States economic assistance” means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2, relating to the Overseas Private Investment Corporation);

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954;

(D) financing under the Export-Import Bank Act of 1945; and

(E) does not include humanitarian assistance or other assistance that is intended to support cooperative antiterrorism, peacekeeping, counter-narcotics, nonproliferation and counter-proliferation programs, or funding for nongovernmental organizations promoting education and democratic institutions.

(6) **UNITED STATES MUNITIONS LIST.**—The term “United States Munitions List” means the defense articles and defense services controlled by the President under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

By Mr. KERRY (for himself, Mr. SNOWE, Mr. HOLLINGS, Mr. STEVENS, Mr. BREAUX, Mr. MURKOWSKI, Mr. SARBANES, Mr. REED, and Mr. FEINGOLD):

S. 2428. A bill to amend the National Sea Grant College Program Act; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, I rise today to introduce with my colleagues, Ms. SNOWE, Mr. HOLLINGS, Mr. STEVENS, Mr. BREAUX, Mr. SARBANES, Mr. REED and Mr. FEINGOLD the National Sea Grant College Program Act Amendments of 2002, legislation to reauthorize the National Sea Grant College Program Act.

Congress established the Sea Grant program back in 1966. Since that time Sea Grant has provided the Administration and Congress a comprehensive vehicle that engages our best universities to respond to complex and changing ocean, coastal, and Great Lakes issues. The 31 Sea Grant programs, located in coastal and Great Lakes States and Puerto Rico, serve as the core of this dynamic national network of over 300 participating institutions involving more than 3,000 scientists, engineers, educators, students, and outreach experts.

Sea Grant's legislative charge is to “increase the understanding, assessment, development, utilization, and conservation of the nation's ocean and coastal resources by providing assistance to promote a strong education base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques”. Sea Grant has consistently proven its value to taxpayers as a program that supports rigorous, high qual-

ity research that is directly responsive to the concerns of coastal constituents. The Sea Grant Program brings academic creativity and expertise to bear on a host of issues affecting the oceans, coasts and Great Lakes.

Most decisions that affect the coastal environment are made locally, and, through the Sea Grant Colleges, the federal government has the ability to partner with state and local constituencies to address national problems at state and local levels. Moreover, many coastal issues cross State jurisdictions and need to be addressed regionally. In addition to its state-based infrastructure, Sea Grant has developed a system of regional networks for organizing multi-state responses to regional/ecosystem-level problems.

The current administration proposed moving the Sea Grant program from the National Oceanic and Atmospheric Administration, NOAA, to the National Science Foundation, NSF. I do not support such a move. The Sea Grant program has been a success in NOAA and one has to wonder if something is not broke why should we fix it. This is obviously the case with Sea Grant and I see no reason why we should move the program from NOAA to NSF.

Allow me for a moment to point out one area where the Sea Grant/NOAA partnership is working. As Chairman of the Oceans, Fisheries and Atmosphere Subcommittee I know first-hand the struggles that commercial fishermen face as we try and rebuild our stocks. Sea Grant is currently working in coastal communities to better document the social and economic impacts of fishery regulations on communities, so that we can develop regulations that not only preserve and protect are valuable marine resources but also protect the fabric of our coastal communities. As you may know, the National Marine Fisheries Service is one of five line offices within NOAA, that is charged with regulating all of our domestic commercial fisheries. One thing that all of us from coastal states will agree on is the need to improve our knowledge of fishing communities and how regulations affect the lives of the people who live there.

A unique feature of the existing National Sea Grant College Program Act, which is maintained through this reauthorization bill, is that the majority of grants awarded require that every \$2 of federal funds be matched by \$1 of non-federal funds that are usually provided by host universities, as well as state or local governments, thus providing outstanding leverage as well as strong regional support for the federal funds awarded.

Because Sea Grant is non-regulatory and science-based, it serves as an “honest broker” among a wide range of constituents. In an age that emphasizes multi-disciplinary, goal-oriented, performance-measured partnerships, Sea Grant has demonstrated its capability to effectively deliver relevant science and services.

In short, Sea Grant offers numerous economic opportunities, problem-solving processes and programmatic efficiencies for the federal government to achieve its marine and coastal science agenda. Based on the Sea Grant College Program's remarkable capabilities, excellent track record, and cost effective use of federal funds, I ask for your support in quick passage of this reauthorization bill.

I ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 2428

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Act Amendments of 2002".

#### SEC. 2. AMENDMENTS TO FINDINGS.

FINDINGS.—Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting ", including strong collaborations between Administration scientists and scientists at academic institutions."

#### SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 204 (c)(1) of the National Sea Grant College Program Act (33 U.S.C. 1123 (c)(1)) is amended to read as follows: "The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan which establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the strategic plans of the Department of Commerce and of NOAA."

(b) ALLOCATION OF FUNDING.—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended.—

(1) by striking "and" after the semicolon at the end of clause (ii);

(2) by adding at the end the following:

"(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and"

(c) ENSURING EQUAL ACCESS.—Section 208(a) of such Act (33 U.S.C. 1127(a)) is amended by adding at the end the following: "The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection."

#### SEC. 4. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: "The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year."

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subsections (a) and (b) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

"(A) \$75,000,000 for fiscal year 2004;

"(B) \$77,500,000 for fiscal year 2005;

"(C) \$80,000,000 for fiscal year 2006;

"(D) \$82,500,000 for fiscal year 2007; and

"(E) \$85,000,000 for fiscal year 2008.

"(2) PRIORITY RESEARCH.—In addition to the amount authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2004 through 2008—

"(A) \$5,000,000 for competitive grants for university research on biology and control of zebra mussels and other important non-native species as identified in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4171(b)(4)(A));

"(B) \$5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

"(C) \$5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including *Pfiesteria piscicida*; and

"(D) \$3,000,000 for competitive grants for research contributing to the fisheries extension program to enhance, not supplant, existing core program funding.

"(b) LIMITATIONS.—

"(1) ADMINISTRATION.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

"(A) the amount authorized to be appropriated under this title for the fiscal year; or

"(B) the amount appropriated under this title for the fiscal year.

"(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses."

(b) DISTRIBUTION OF FUNDS.—Such section is further amended by striking subsection (c) and inserting the following:

"(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made pursuant to subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute the excess amounts (except amounts used for the administration of programs) solely to—

"(1) State sea grant programs on a merit reviewed, competitive basis to support, enhance, and reward programs that are best managed and carry out the highest quality research, education, extension, and training programs; and

"(2) national strategic initiatives."

by Mr. HUTCHINSON (for himself, Mr. CRAIG, Mr. ENZI, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, and Mr. SMITH of New Hampshire);

S. 2429. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction from certain expenses in connection with the determination, collection, or refund of any tax; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I rise today to introduce legislation that will help ease the financial burden for

the millions of Americans that find themselves extremely confused and frustrated every year as they try to prepare their tax returns. This year's tax filing deadline expired on April 15 for most American taxpayers, and the 17,000-page, 2.8 million-word tax code was more complex than ever. One estimate is that it now takes 28 hours and six minutes to tackle the Internal Revenue Service's 1040 form and do the necessary record keeping.

According to the Tax Foundation, it is estimated that in 2002, individuals and small businesses will spend approximately 5.8 billion hours complying with the Federal income tax code, with an estimated compliance cost of over \$194 billion. This amounts to imposing a more than 20 cent tax compliance surcharge for every dollar the tax system collects. By 2007, the compliance surcharge is conservatively estimated at \$244.3 billion. Under current law, there is a way for those taxpayers who itemize and accumulate tax preparation fees up to at least 2 percent of their Adjusted Gross Income to receive a financial break from the IRS to help offset the cost of having a tax preparer calculate their tax. The problem is that there are millions more low- or middle-income individuals and small business owners trying to decipher the same complicated instructions and forms, for which there is no tax break.

Since 1985, we have more than doubled the pages in the instruction booklet that accompanies the 1040. In response to this increased complexity, American taxpayers are seeking professional help at a record level that equals almost 60 percent of all returns filed. I believe it is time that we acknowledge how difficult our current tax system has become and help the millions of Americans who have to look to outside help in filing their yearly tax returns. I suggest that since the Federal Government is the party responsible for creating this overly complicated code, it is the Federal Government that should bear the burden of the costs that are incurred in its compliance.

My proposal is simple, my legislation provides for the expenses that are incurred by a taxpayer in having their return prepared to be fully deducted. This would be treated as an above-the-line deduction and would allow for anyone who pays for these services to deduct up to \$500 of these costs. Further, for those who already qualify to have their preparation cost be deducted because they reach the 2 percent threshold, they can opt not to have this deduction apply and continue to have their tax preparation fees be deducted under the current guidelines.

I believe the legislation that I have introduced today will provide much needed relief to the millions of American taxpayers that are forced to comply with this complex code. I ask my colleagues for their support.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2429

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES IN CONNECTION WITH THE DETERMINATION, COLLECTION, OR REFUND OF ANY TAX.**

(a) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following new paragraph:

“(19) CERTAIN TAX EXPENSES.—Unless the taxpayer elects to not have this paragraph apply, the deduction allowed by paragraph (3) of section 212 with respect to so much of the expenses described in such paragraph as does not exceed \$500.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid or incurred in taxable years beginning after the date of the enactment of this Act.

By Mr. BREAUX (for himself, Mr. NICKLES, Mr. CLELAND, Mr. BROWNBACK, Mr. MILLER, Mrs. HUTCHISON, and Mr. HUTCHINSON):

S. 2430. A bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Mr. President, I rise today along with Senators NICKLES, CLELAND, BROWNBACK, MILLER, HUTCHISON, and HUTCHINSON to introduce legislation that is designed to rejuvenate the struggling telecommunications and high-tech sectors of our economy. The Broadband Regulatory Parity Act of 2002 requires the Federal Communications Commission, FCC, to adopt rules that establish a level playing field for all broadband service providers in order to spur investment in broadband technology and to ensure that consumers can obtain the benefits of free and open competition.

Federal and State regulations on the books today governing high-speed Internet access are based largely on an outdated view of the telecom and high-tech industry. Both Federal and State regulators continue to view the emerging broadband market through different sets of eyes, focusing their regulatory policies on the type of provider rather than the type of service. Cable, wireless, and satellite providers face no regulation of their broadband networks, while telephone companies are heavily regulated. The effect of this disparate regulatory treatment among providers has been to construct a barrier to new investment in broadband networks by incumbent local telephone companies.

I am not alone in calling on the FCC to level the regulatory playing field for broadband providers. Several weeks ago, the High Tech Broadband Coalition, a group comprised of six leading trade associations representing the computer, telecommunications equip-

ment, semiconductor, consumer electronics, software and manufacturing industries, filed comments with the FCC requesting the removal of burdensome, outdated regulations that are hindering investment and limiting competition in high-speed Internet access.

In order to promote free and fair competition in the broadband market, my legislation requires the FCC to promulgate regulations, within 120 days of enactment, to achieve regulatory parity between broadband services providers and facilities. The key provision in my bill is, I believe, the 120-day requirement for FCC action. The FCC, to its credit, is attempting by means of a tortuously slow process to move in the direction of regulatory parity among broadband services and providers. Once the FCC completes action on its rulemakings, however, its orders will certainly be appealed, just as the FCC's March 14, 2002, order declaring cable modem service to be an information service has already been appealed to the United States Court of Appeals for the Ninth Circuit. To effect this needed regulatory parity, we need the expert agency to accomplish this reform with the necessary fine tuning that will further the public interest, but we need the force of Congressional action to bring about prompt results. I urge prompt action on this legislation.

Mr. NICKLES. Mr. President, I'm pleased to join Senator BREAUX today to introduce a bill that will allow all providers of broadband services to compete under the same rules and regulations. This bill will bring certainty to the regulatory environment ensuring more Americans will have a choice in their broadband service provider.

Access to broadband is crucial to consumers and communities in today's economy. High-speed connections to the Internet can provide a lifeline to small businesses, schools and hospitals, and can help communities prosper and grow in the Information Age.

But unfortunately, different rules for competing high-speed Internet companies are stifling competition. Phone companies that offer the same service as wireless, satellite, and cable companies face different rules and regulations that raise costs and slow innovation. These rules make it more difficult and expensive for phone companies to provide broadband service, leaving millions of consumers without access to high-speed connections and millions more with only one choice.

This service disparity is growing wider, and dozens of communities are at risk of being left behind, especially rural areas and inner-city neighborhoods. This bill will help close the Digital Divide and help ensure that all Americans have choices for high-speed Internet services. This issue is not about choosing winners and losers, it is about helping to ensure that high speed Internet service is not only available but competitive and affordable all across the country.

The Breaux-Nickles bill is a free-market, deregulatory approach to encourage private companies to rapidly deploy this new technology. It does nothing to change what the 1996 Telecom Act sought to accomplish, to open up the local voice telephone market to competition. At the time, no one envisioned the growth of the Internet. In fact, the web browser had just been invented. This bill simply eliminates regulations that were intended for the legacy network but have been mistakenly applied to new infrastructure investment.

The goal of this bill is to provide an economic incentive for local telephone companies to upgrade their networks and to rapidly deploy high-speed, broadband services throughout the U.S. According to the most recent nationwide data, there are approximately 11 million high speed Internet subscribers. Of that total, 7.2 million currently use high-speed cable modems and 3.5 million use Digital Subscriber Lines (DSL) provided by the telephone companies.

Today's rules are not only unfair but they are a disincentive to deployment. No company will invest the capital required to upgrade their network and deploy new technologies when they are required to provide this new, upgraded technology to their competitors at a government-set price. If high speed, broadband service is going to be deployed rapidly throughout the country, especially in rural areas, the answer is not more rules and regulations, but a market-based deregulatory approach.

For a new market to evolve quickly and efficiently, government should not regulate the market out of existence before it has a chance to flourish. In fact, yesterday's Wall Street Journal had an editorial expressing concern about over-regulation at a critical time, it states, "Then the digital revolution ran headlong into the FCC and Congress, whose tender mercies enfolded consumer broadband at the moment of creation." It is not too late to encourage growth and innovation. As the Wall Street Journal points out, "There's still plenty of Internet and telecom enthusiasm out there, if only regulators will let it blossom."

With regulatory certainty, companies have the incentive to invest. For example, earlier this week, in my home State of Oklahoma, less than two weeks after Gov. Frank Keating signed the first state broadband parity law in the country, SBC Southwestern Bell announced a massive program of technology investment that will nearly double the number of Oklahoma towns with access to high-speed DSL Internet Access Service.

This initiative will bring high-speed DSL Internet service to 37 more towns, and expand access by building new broadband equipment in another 25 towns that already have the service. The initiative will make DSL available to about 137,000 more homes and businesses in 62 Oklahoma communities.

SBC is making this investment at a time when they, and other telecommunications companies, have dramatically slashed capital spending throughout the country.

This is the kind of investment that regulatory certainty and real competition bring and that is why I strongly support this legislation. If we can do for the country what we have done for the state of Oklahoma, Congress will go a long way toward reversing the economic slide currently enveloping the telecom sector. When all broadband providers are allowed to compete under the same rules, consumers win and the economy wins. I am pleased to sponsor this bipartisan approach to promoting competition for broadband services.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 255—TO DESIGNATE THE WEEK BEGINNING MAY 5, 2002, AS “NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK”

Mrs. FEINSTEIN (for herself, Mr. HATCH, Ms. STABENOW, Mr. REID, Mrs. BOXER, Mr. KENNEDY, Mr. CLELAND, Ms. CANTWELL, Mr. WYDEN, Mr. THOMAS, Mr. BINGAMAN, Mr. DOMENICI, Mr. JEFFORDS, Mrs. MURRAY, Mr. ROBERTS, Mr. FEINGOLD, Mr. HELMS, Mr. SARBANES, and Mr. AKAKA) submitted the following resolution, which was referred to the Committee on the Judiciary.

S. RES. 255

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

*Resolved,*

SECTION 1. DESIGNATION OF NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK.

That the Senate—

(1) designates the week beginning May 5, 2002, as “National Correctional Officers and Employees Week”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution honoring our Nation’s correctional officers and employees. This resolution reaffirms our support for the more than 200,000 corrections professionals who work in the face of danger while monitoring and reforming criminals and maintaining the safety of our communities.

I am pleased that Senators HATCH, STABENOW, REID, BOXER, KENNEDY, CLELAND, CANTWELL, WYDEN, THOMAS, BINGAMAN, DOMENICI, JEFFORDS, MURRAY, ROBERTS, FEINGOLD, HELMS, SAR-

BANES, and AKAKA have joined me in submitting this resolution today.

The job of correctional officers and employees is a dangerous, and often thankless, one. Most of us leave for work knowing that we will return home safe and sound at the end of the day. But, corrections personnel are not afforded this luxury. They put their lives on the line every time they begin a shift.

Tragically, many correctional officers have been permanently injured or killed in the line of duty. In all, more than 361 correctional officers and employees have died while on duty. This year, we honor nine: John Burkett III, Wayne Mitchell, James Salvino, Gregory Collins, George Turner, Richard Huffman, Virgil Reel, Timothy Williams, and Rodney Welch, whom we lost during the past year. We must not forget the sacrifices made by these heroic individuals for our public safety.

These courageous officers all died while performing the normal day-to-day tasks their jobs asked of them. Whether they died transporting inmates or responding to disturbances within their facilities, their loss reminds us of the many brave acts that take place daily among correctional officers and employees.

Since prison security never rests, officers work all hours of the day and night, weekends, and even holidays. But, corrections professionals do much more than just watch over prisoners. They also play an important role in reforming them and in lowering recidivism rates. Through literacy programs and vocational training, they work hard to transform offenders into productive, law-abiding members of society, which is sometimes no easy task.

The efforts of America’s correctional officers and employees to make our world a better, safer place too often go unnoticed. Few of us can truly appreciate the perils faced daily by these courageous public servants. We not only owe them our recognition, but our gratitude as well. To that end, I am pleased to offer this resolution to designate the week beginning May 5, 2002, as National Correctional Officers and Employees Week, and to honor and acknowledge their diligence and dedication to our public safety.

SENATE RESOLUTION 256—MAKING MINORITY PARTY APPOINTMENTS FOR THE SPECIAL COMMITTEE ON AGING FOR THE 107TH CONGRESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 256

*Resolved,* That the following be the minority membership on the Special Committee on Aging for the remainder of the 107th Congress, or until their successors are appointed:

Special Committee on Aging: Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Ms. Collins, Mr. Enzi, Mr. Hutchinson, Mr. Ensign, Mr. Hagel, and Mr. Smith of Oregon.

SENATE RESOLUTION 257—EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF SUZANNE D. PEARSON TO THE OFFICE OF LEGISLATIVE COUNSEL

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas Suzanne Pearson became an employee of the Senate on February 10, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the Office of the Legislative Counsel of the United States Senate for almost 32 years;

Whereas Suzanne Pearson from January 1, 1991, to December 31, 2001, served as the Office Manager of the Office of the Legislative Counsel and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of her position;

Whereas Suzanne Pearson retired on December 31, 2001, after more than 33 years of Government service; and

Whereas Suzanne Pearson has met the needs of the Senate with unflinching professionalism, skill, dedication, and good humor during her entire career: Now, therefore, be it

*Resolved,* That the United States Senate commends Suzanne D. Pearson for her almost 32 years of faithful and exemplary service to the United States Senate and the Nation, and expresses its deep appreciation and gratitude for her long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Suzanne D. Pearson.

SENATE CONCURRENT RESOLUTION 103—SUPPORTING THE GOALS AND IDEALS OF NATIONAL BETTER HEARING AND SPEECH MONTH, AND FOR OTHER PURPOSES

Mrs. CLINTON (for herself, Mr. CAMPBELL, Mr. DEWINE, Mr. EDWARDS, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEVIN, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. TORRICELLI) submitted the following concurrent resolution; which was ordered held at the desk:

S. CON. RES. 103

Whereas the National Institute on Deafness and Other Communication Disorders (NIDCD) reports that approximately 42,000,000 people in the United States suffer from a speech, voice, language, or hearing impairment;

Whereas almost 28,000,000 people in the United States suffer from hearing loss;

Whereas 1 out of every 3 people in the United States over 65 years of age suffers from hearing loss;

Whereas although more than 25,000,000 people in the United States would benefit from the use of a hearing aid, fewer than 7,000,000 people in the United States use a hearing aid;

Whereas sounds louder than 80 decibels are considered potentially dangerous and can lead to hearing loss;

Whereas the number of young children who suffer hearing loss as a result of environmental noise has increased;

Whereas every day in the United States approximately 33 babies are born with significant hearing loss;

Whereas hearing loss is the most common congenital disorder in newborns;

Whereas a delay in diagnosing a newborn’s hearing loss can affect the child’s social, emotional, and academic development;