

One Hundred Eleventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,
the fifth day of January, two thousand and ten*

An Act

To extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

*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 “Haiti Economic Lift Program Act of 2010”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) On January 12, 2010, Haiti was hit by a 7.0 magnitude earthquake, the worst earthquake to affect Haiti in recorded history. Aftershocks from the earthquake, measuring up to 6.0 on the Richter scale, continued for days afterwards.

(2) The earthquake has devastated Haiti’s infrastructure, including homes, offices, factories, roads, ports, communications, and other facilities. The loss of life attributable to the earthquake was massive.

(3) Even before the earthquake, Haiti was the poorest country in the Western Hemisphere, ranking 149 out of 182 countries according to the United Nation’s Human Development Index.

(4) In recent years, however, the Government and people of Haiti had taken important steps forward to promote economic growth and development, including making strides towards establishing a competitive apparel sector.

(5) United States trade preference programs, including the Caribbean Basin Economic Recovery Act (as amended by the United States-Caribbean Basin Trade Partnership Act, the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, and the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008), which extend duty-free tariff treatment to certain apparel produced in Haiti, have made an important contribution to Haiti’s economic development efforts.

(6) However, the Haitian apparel sector has been hard hit by the January 12, 2010, earthquake. A number of apparel factories based in and around Port-au-Prince have been heavily damaged, including the collapse of one major apparel factory that had employed nearly 4,000 workers.

(7) The Port-au-Prince seaport that had served the apparel trade has been badly damaged. And extensive damage to roads

has made it difficult to transport apparel to the Dominican Republic for shipment from ports in that country.

(8) According to estimates by the Department of Commerce, imports of apparel articles from Haiti to the United States in 2010 have decreased by 43 percent as compared to the same period in 2009.

(9) The earthquake has increased significantly the costs and uncertainty of doing business in Haiti. A strong and unequivocal commitment from the United States is needed to help Haiti offset these costs and preserve the gains made under United States trade preference programs, and to encourage buyers and investors to stand with Haiti through this crisis.

SEC. 3. EXTENSION OF CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended—

(1) in section 213(b)—

(A) in paragraph (2)(A)—

(i) in clause (iii)—

(I) in subclause (II)(cc), by striking “September 30, 2010” and inserting “September 30, 2020”; and

(II) in subclause (IV)(dd), by striking “September 30, 2010” and inserting “September 30, 2020”; and

(ii) in clause (iv)(II), by striking “8” and inserting “18”; and

(B) in paragraph (5)(D)(i), by striking “September 30, 2010” and inserting “September 30, 2020”; and

(2) in section 213A(h), by striking “September 30, 2018” and inserting “September 30, 2020”.

SEC. 4. APPAREL AND OTHER ARTICLES SUBJECT TO CERTAIN ASSEMBLY RULES.

(a) CERTAIN OTHER APPAREL ARTICLES.—Section 213A(b)(3) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(3)) is amended by adding at the end the following:

“(F) CERTAIN OTHER APPAREL ARTICLES.—

“(i) IN GENERAL.—Any of the apparel articles described in clause (ii) that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

“(ii) ARTICLES DESCRIBED.—Apparel articles described in this clause are apparel articles in the following category numbers that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this subparagraph):

“Category Number	HTS Statistical Reporting Number
334	6101.90.9010 6112.11.0010 6103.22.0010 6113.00.9015
335	6104.22.0010 6104.29.2010 6112.11.0020
336	6104.49.9010
338	6103.22.0050 6105.90.8010 6112.11.0030
339	6104.22.0060 6104.29.2049 6106.90.2510 6106.90.3010 6110.20.1031 6110.20.1033 6112.11.0040
342	6104.22.0030 6104.29.2022 6104.52.0010 6104.52.0020 6104.59.8010
350	6107.91.0040 6107.91.0090
351	6107.21.0010 6107.21.0020 6107.91.0030 6108.31.0010 6108.31.0020
433	6103.23.0007 6103.29.0520 6103.31.0000 6103.33.1000 6103.39.8020
434	6101.30.1500

	6101.90.0500 6101.90.9020 6103.23.0005 6103.29.0510
435	6102.30.1000 6102.90.9010 6104.23.0010 6104.29.0510 6104.29.2012 6104.33.1000 6104.39.2020
438	6103.23.0025 6103.29.0550 6104.23.0020 6104.29.0560 6104.29.2051 6105.90.1000 6105.90.8020 6106.20.1020 6106.90.1010 6106.90.1020 6106.90.2520 6106.90.3020 6110.11.0070 6110.12.2070 6110.12.2080 6110.19.0070 6110.19.0080 6110.30.1550 6110.30.1560
633	6103.23.0037 6103.29.1015 6103.33.2000 6103.39.1000 6103.39.8030
634	6101.30.1000 6101.90.9030 6103.23.0036 6103.29.1010 6112.12.0010 6112.19.1010 6112.20.1010 6112.20.1030

	6113.00.9025
635	6102.30.0500 6102.90.9015 6104.23.0026 6104.29.1010 6104.29.2014 6104.39.2030 6112.12.0020 6112.19.1020 6112.20.1020 6112.20.1040 6113.00.9030
636	6104.49.9030 6104.44.2020
638	6103.23.0075 6103.29.1050 6105.90.8030 6110.30.1050 6110.30.2051 6110.30.2053 6112.12.0030 6112.19.1030
639	6104.23.0036 6104.29.1050 6104.29.2055 6106.90.2530 6106.90.3030 6110.30.1060 6110.30.2061 6110.30.2063 6112.12.0040 6112.19.1040
651	6107.22.0010 6107.22.0015 6107.22.0025 6107.99.1030 6108.32.0015

“(iii) CATEGORY DEFINED.—In this subparagraph, the term ‘category’ has the meaning given that term in paragraph (2A)(E) of this subsection.”

(b) MADE-UP TEXTILE ARTICLES.—Section 213A(b)(3) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(3)),

as amended by subsection (a), is further amended by adding at the end the following:

- “(G) MADE-UP TEXTILE ARTICLES.—
- “(i) IN GENERAL.—Any of the made-up textile articles described in clauses (ii) and (iii) that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.
- “(ii) ARTICLES DESCRIBED.—Made-up textile articles described in this clause are articles in the following category numbers that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this subparagraph):

“Category Number	HTS Statistical Reporting Number
363	6302.60.0020
	6302.91.0015
	6302.91.0035
	6307.90.8940
369	6304.91.0020
	6304.92.0000
	6302.60.0010
	6302.60.0030
	6302.91.0005
	6302.91.0050
	6307.90.8910
	6307.90.8945
	5701.90.2020
	5702.39.2010
	5702.50.5600
	5702.99.0500
	5702.99.1500
	5705.00.2020
	5807.10.0510
	5807.90.0510
	6307.90.3010
	6301.30.0010
	6305.20.0000
	6307.10.1020
	6307.10.1090
	6406.10.7700
	9404.90.1000

	9404.90.9505 6301.30.0020 6302.91.0045
465	5701.10.9000 5702.50.2000 5702.50.4000 5702.91.3000 5702.91.4000 5703.10.2000 5703.10.8000 5704.10.0010 5705.00.2005 5705.00.2015 5702.31.1000 5702.31.2000
469	6304.19.3040 6304.91.0050 6304.99.1500 6304.99.6010 5601.29.0020 6302.39.0010 6406.10.9020
665	5701.90.1030 5701.90.2030 5702.32.1000 5702.32.2000 5702.42.2090 5702.50.5200 5702.92.1000 5702.92.9000 5703.20.1000 5703.30.2000 5703.30.8030 5703.30.8080 5704.10.0090 5705.00.2030 5703.20.2010 5703.20.2090
666	6304.11.2000 6304.91.0040 6304.93.0000 6304.99.6020 6301.40.0010 6301.40.0020

	6301.90.0010
669	5601.10.2000 5601.22.0090 5807.10.0520 5807.90.0520 6307.90.3020 6305.32.0010 6305.32.0020 6305.32.0050 6305.32.0060 6305.39.0000 6406.10.9040 6308.00.0020
899	6304.11.3000 6304.19.3060 6304.91.0070 6304.99.3500 6304.99.6040 5601.29.0090 6301.90.0030 6305.90.0000 6406.10.9060
900	5601.29.0010 5701.90.2010 6301.90.0020

“(iii) OTHER ARTICLES DESCRIBED.—Made-up textile articles described in this clause are articles that fall within statistical reporting number 6406.10.9090 of the HTS (as in effect on the day before the date of the enactment of this subparagraph).

“(iv) CATEGORY DEFINED.—In this subparagraph, the term ‘category’ has the meaning given that term in paragraph (2A)(E) of this subsection.”.

SEC. 5. MODIFICATION OF TARIFF PREFERENCE LEVELS; VERIFICATION WITH RESPECT TO TRANSSHIPMENT FOR CERTAIN APPAREL ARTICLES.

Section 213A(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)) is amended—

- (1) in paragraph (2)—
 - (A) in subparagraph (A)(ii)—
 - (i) by striking “The preferential treatment” and inserting “Except as provided in paragraph (2A), the preferential treatment”; and
 - (ii) by striking “9” and inserting “11”; and
 - (B) in subparagraph (B)(iii)—

(i) by striking “The preferential treatment” and inserting “Except as provided in paragraph (2A), the preferential treatment”; and

(ii) by striking “9” and inserting “11”; and

(2) by inserting after paragraph (2) the following:

“(2A) SPECIAL RULE FOR CERTAIN WOVEN ARTICLES AND CERTAIN KNIT ARTICLES ENTERED DURING FISCAL YEAR 2010 AND SUCCEEDING 1-YEAR PERIODS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C) and subject to subparagraph (D), if 52,000,000 square meter equivalents of apparel articles described in paragraph (2)(A)(i) or (2)(B)(i) enter the United States during the 1-year period beginning October 1, 2009, or any of the succeeding 1-year periods, the President shall extend the preferential treatment described in paragraph (2)(A)(i) or (2)(B)(i) (as the case may be) to not more than 200,000,000 square meter equivalents of apparel articles described in paragraph (2)(A)(i) or (2)(B)(i) (as the case may be) during that 1-year period, and shall publish notice of the extension in the Federal Register.

“(B) EXCEPTION FOR CERTAIN WOVEN ARTICLES.—

“(i) IN GENERAL.—In the case of apparel articles described in clause (ii), subparagraph (A) shall be applied by substituting ‘70,000,000’ for ‘200,000,000’.

“(ii) APPAREL ARTICLES DESCRIBED.—Apparel articles described in this clause are apparel articles described in paragraph (2)(A)(i) that are the following:

“(I) CATEGORY 347.—Apparel articles in category 347 that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this paragraph):

“6203.19.1020	6203.42.4011	6203.42.4061
6203.19.9020	6203.42.4016	6203.49.8020
6203.22.3020	6203.42.4026	6210.40.9033
6203.22.3030	6203.42.4036	6211.20.1520
6203.42.4003	6203.42.4046	6211.20.3810
6203.42.4006	6203.42.4051	6211.32.0040

“(II) CATEGORY 348.—Apparel articles in category 348 that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this paragraph):

“6204.12.0030	6204.62.4011	6204.69.9010
6204.19.8030	6204.62.4021	6210.50.9060
6204.22.3040	6204.62.4031	6211.20.1550
6204.22.3050	6204.62.4041	6211.20.6810
6204.29.4034	6204.62.4051	6211.42.0030
6204.62.3000	6204.62.4056	6217.90.9050
6204.62.4003	6204.62.4066	
6204.62.4006	6204.69.6010	

“(III) CATEGORY 647.—Apparel articles in category 647 that fall within the following statistical reporting numbers of the HTS (as in effect on

the day before the date of the enactment of this paragraph):

“6203.23.0060	6203.43.4020	6203.49.8030
6203.23.0070	6203.43.4030	6210.40.5031
6203.29.2030	6203.43.4040	6210.40.5039
6203.29.2035	6203.49.1500	6211.20.1525
6203.43.2500	6203.49.2015	6211.20.3820
6203.43.3510	6203.49.2030	6211.33.0030
6203.43.3590	6203.49.2045	
6203.43.4010	6203.49.2060	

“(IV) CATEGORY 648.—Apparel articles in category 648 that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this paragraph):

“6204.23.0040	6204.63.3510	6204.69.6030
6204.23.0045	6204.63.3530	6204.69.9030
6204.29.2020	6204.63.3532	6210.50.5031
6204.29.2025	6204.63.3540	6210.50.5039
6204.29.4038	6204.69.2510	6211.20.1555
6204.63.2000	6204.69.2530	6211.20.6820
6204.63.3010	6204.69.2540	6211.43.0040
6204.63.3090	6204.69.2560	6217.90.9060

“(C) EXCEPTION FOR CERTAIN KNIT ARTICLES.—

“(i) IN GENERAL.—In the case of apparel articles described in clause (ii), subparagraph (A) shall be applied by substituting ‘85,000,000’ for ‘200,000,000’.

“(ii) APPAREL ARTICLES DESCRIBED.—Apparel articles described in this clause are apparel articles described in paragraph (2)(B)(i) that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this paragraph), other than shirts with plackets and pointed collars:

“6105.10.0010	6109.10.0040	6110.30.3053
6109.10.0018	6109.10.0045	6110.30.3059
6109.10.0027	6110.20.2079	

“(D) VERIFICATION WITH RESPECT TO TRANSSHIPMENT FOR CERTAIN APPAREL ARTICLES.—

“(i) IN GENERAL.—Not later than April 1, July 1, October 1, and January 1 of each year, the Commissioner responsible for United States Customs and Border Protection shall verify that apparel articles imported into the United States under this paragraph are not being unlawfully transshipped (within the meaning of subsection (f)) into the United States.

“(ii) REPORT TO PRESIDENT.—If the Commissioner determines pursuant to clause (i) that apparel articles imported into the United States under this paragraph are being unlawfully transshipped into the United States, the Commissioner shall report that determination to the President.

“(iii) **AUTHORITY TO REDUCE QUANTITATIVE LIMITATION.**—If, in any 1-year period with respect to which the President extends preferential treatment as described in this paragraph, the Commissioner reports to the President pursuant to clause (ii) regarding unlawful transshipments, the President—

“(I) may modify the quantitative limitation under this paragraph as the President considers appropriate to account for such transshipments; and

“(II) if the President modifies the limitation under subclause (I), shall publish notice of the modification in the Federal Register.

“(E) **CATEGORY DEFINED.**—In this paragraph, the term ‘category’ means the number assigned under the U.S. Textile and Apparel Category System of the Office of Textiles and Apparel of the Department of Commerce, as listed in the HTS under the applicable heading or subheading (as in effect on the day before the date of the enactment of this paragraph).”.

SEC. 6. EARNED IMPORT ALLOWANCE RULE.

Section 213A(b)(4)(B)(ii)(I) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)(B)(ii)(I)) is amended by striking “three” and inserting “two”.

SEC. 7. EXTENSION OF VALUE-ADDED RULE.

Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a), as amended by this Act, is further amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) **INITIAL APPLICABLE 1-YEAR PERIOD.**—The term ‘initial applicable 1-year period’ means the 1-year period beginning on December 20, 2006.”; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “an applicable 1-year period” and inserting “the initial applicable 1-year period and any 1-year period thereafter”;

(B) in subparagraph (B)—

(i) in clause (i)—

(I) by striking “any applicable 1-year period” and inserting “the initial applicable 1-year period and any 1-year period thereafter”; and

(II) by striking “the applicable 1-year period” and inserting “that 1-year period”;

(ii) in clause (iv)(II)—

(I) in the subclause heading, by striking “APPLICABLE”;

(II) by striking “In each of the second, third, fourth, and fifth applicable 1-year periods” and inserting “In any 1-year period after the initial applicable 1-year period”; and

(III) by striking “applicable 1-year period” each place it appears and inserting “1-year period”;

(iii) in clause (v)(I)—

(I) in item (aa), by striking “, the second applicable 1-year period, and the third applicable

1-year period” and inserting “and the succeeding 8 1-year periods”;

(II) in item (bb), by striking “the fourth applicable 1-year period” and inserting “the 1-year period beginning on December 20, 2015, and the 1-year period beginning on December 20, 2016”; and

(III) in item (cc), by striking “the fifth applicable 1-year period” and inserting “the 1-year period beginning on December 20, 2017”; and

(iv) in clause (vi)—

(I) in subclause (II)—

(aa) by striking “any applicable 1-year period” and inserting “the initial applicable 1-year period or any 1-year period thereafter”; and

(bb) by striking “applicable 1-year period” each place it appears and inserting “1-year period”; and

(II) in subclause (III)—

(aa) in item (aa), by striking “an applicable 1-year period” and inserting “the initial applicable 1-year period or any 1-year period thereafter”; and

(bb) by striking “applicable 1-year period” each place it appears and inserting “1-year period”; and

(C) in subparagraph (C)—

(i) by striking “applicable 1-year periods” and inserting “1-year periods”;

(ii) by striking the table and inserting the following:

“During:	the corresponding percentage is:
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the initial applicable 1-year period	1 percent.
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each of the succeeding 11 1-year periods	1.25 percent.”;
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and

(iii) in the flush text, by striking “the last day of the fifth applicable 1-year period” and inserting “December 19, 2018”.

SEC. 8. WIRE HARNESES.

Section 213A(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703A(c)) is amended by striking “5-year period” and inserting “10-year period”.

SEC. 9. CUSTOMS SUPPORT SERVICES.

(a) IN GENERAL.—

(1) RAPID RESPONSE TEAM.—The Commissioner responsible for United States Customs and Border Protection (in this section referred to as the “Commissioner”) shall, in consultation with the United States Coast Guard, the Drug Enforcement

Agency, and other Federal agencies, as appropriate, seek to send a rapid response team to Haiti—

(A) to assess the short-term and long-term technical, capacity-building, and training needs of the authorities of the Government of Haiti responsible for customs services; and

(B) to provide immediate assistance, as warranted, particularly with respect to—

(i) reestablishing full capacity for commercial port operations at the seaport at Port-au-Prince;

(ii) facilitating trade between the United States and Haiti under the Caribbean Basin Economic Recovery Act, as amended by this Act;

(iii) preventing unlawful transshipment of goods through Haiti to the United States; and

(iv) otherwise strengthening cooperation between the customs authorities of the United States, Haiti, and the Dominican Republic with respect to trade facilitation and economic development, customs compliance and law enforcement, and efforts to combat unlawful trafficking in narcotic drugs and psychotropic substances.

(2) REPORT.—Not later than 75 days after the date of the enactment of this Act, the Commissioner shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a nonconfidential report summarizing the results of the assessment required by paragraph (1)(A), including—

(A) a description of the short-term and long-term technical, capacity-building, and training needs of the authorities of the Government of Haiti responsible for customs services, including a prioritization of immediate infrastructure needs;

(B) a multi-year plan for supplying technical, capacity-building, and training assistance to those authorities, including specific responsibilities to be undertaken by the support team authorized by subsection (b); and

(C) a statement of the amount and purpose for which any funds were expended by the rapid response team in Haiti to administer the provisions of this section, including any expenditure of funds authorized to be appropriated pursuant to subsection (c)(1).

(b) SUPPORT TEAM.—

(1) IN GENERAL.—The Commissioner shall, in consultation with other Federal agencies, as appropriate, seek to establish a support team in Haiti for the purpose of helping to meet the short-term and long-term technical, capacity-building, and training needs of the authorities of the Government of Haiti responsible for customs services, as described in this section.

(2) TERMINATION.—The support team authorized by paragraph (1) shall terminate on September 30, 2020.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the United States Customs and Border Protection Agency, to remain available until expended—

(A) \$100,000 to help meet the immediate infrastructure needs of the authorities of the Government of Haiti responsible for customs services for the purpose of facilitating trade between the United States and Haiti under the Caribbean Basin Economic Recovery Act, as amended by this Act; and

(B) \$750,000 for each of the fiscal years 2011 through 2020 for the purpose of maintaining the support team authorized by subsection (b).

(2) SUPPLEMENT AND NOT SUPPLANT.—The amounts authorized to be appropriated by paragraph (1) shall supplement and not supplant any other funds authorized to be appropriated to the Department of Homeland Security.

SEC. 10. SENSE OF CONGRESS.

(a) REGIONAL COOPERATION.—It is the sense of Congress that the United States Trade Representative should seek to enter into consultations with representatives of countries with which the United States has a trading relationship for the purpose of encouraging those countries to establish bilateral trade preference programs with respect to textile and apparel articles produced in Haiti.

(b) TRANSSHIPMENT.—It is the sense of Congress that the Commissioner responsible for United States Customs and Border Protection should, in consultation with the United States Trade Representative and the Secretary of Commerce, seek to enter into consultations with representatives of countries with which the United States has a trading relationship for the purpose of preventing the unlawful transshipment of textile and apparel articles from those countries through Haiti.

SEC. 11. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “May 14, 2018” and inserting “November 10, 2018”; and

(2) in subparagraph (B)(i), by striking “June 7, 2018” and inserting “August 17, 2018”.

SEC. 12. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) SHIFT FROM 2015 TO 2014.—The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 0.75 percentage points.

(b) SHIFT FROM 2016 TO 2015.—The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 0.75 percentage points.

SEC. 13. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

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Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*