

Garrett (NJ)

Gephardt

Gerlach

Gibbons

Gilchrest

Gillmor

Gingrey

Gonzalez

Goode

Goodlatte

Gordon

Goss

Granger

Graves

Green (TX)

Green (WI)

Greenwood

Grijalva

Gutknecht

Hall

Harman

Harris

Hart

Hastings (WA)

Hayworth

Hefley

Hensarling

Herger

Hereth

Hill

Hinojosa

Hobson

Hoekstra

Holden

Holt

Honda

Hooley (OR)

Hostettler

Houghton

Hulshof

Hunter

Hyde

Israel

Issa

Jenkins

John

Johnson (CT)

Johnson (IL)

Johnson, E. B.

Johnson, Sam

Kanjorski

Kaptur

Keller

Kelly

Kennedy (MN)

Kildee

King (IA)

King (NY)

Kingston

Kirk

Klecza

Kline

Knollenberg

Kolbe

LaHood

Lampson

Lantos

Larsen (WA)

Latham

LaTourette

Leach

Levin

Lewis (CA)

Lewis (KY)

Linder

Lipinski

LoBiondo

Lofgren

Lowey

Lucas (KY)

Lucas (OK)

Maloney

Manzullo

Marshall

Matheson

Matsui

McCarthy (NY)

McCotter

McCrery

McHugh

McInnis

McIntyre

McKeon

McNulty

Meehan

Menendez

Mica

Michaud

Millender-

McDonald

Miller (FL)

Miller (MI)

Miller (NC)

Miller, Gary

Mollohan

Moore

Moran (KS)

Moran (VA)

Murphy

Murtha

Musgrave

Myrick

Nadler

Napolitano

Nethercutt

Neugebauer

Ney

Northup

Norwood

Nunes

Nussle

Ortiz

Osborne

Ose

Oxley

Pearce

Pence

Peterson (MN)

Peterson (PA)

Petri

Pickering

Pitts

Platts

Pombo

Pomeroy

Porter

Price (NC)

Pryce (OH)

Putnam

Quinn

Radanovich

Rahall

Ramstad

Regula

Rehberg

Renzi

Reynolds

Rodriguez

Rogers (AL)

Rogers (KY)

Rogers (MI)

Rohrabacher

Ros-Lehtinen

Ross

Roybal-Allard

Royce

Ruppersberger

Ryan (WI)

Ryun (KS)

Sabo

Sandlin

Saxton

Schiff

Schrock

Scott (GA)

Scott (VA)

Sensenbrenner

Serrano

Sessions

Shadegg

Shaw

Shays

Sherman

Sherwood

Shimkus

Shuster

Simmons

Simpson

Skelton

Slaughter

Smith (MI)

Smith (NJ)

Smith (TX)

Smith (WA)

Snyder

Solis

Souder

Spratt

Stearns

Steinholm

Strickland

Sullivan

Sweeney

Tancredo

Tanner

Tauscher

Tauzin

Taylor (NC)

Terry

Thomas

Thompson (CA)

Thornberry

Tiahrt

Tiberi

Toomey

Turner (OH)

Upton

Van Hollen

Visclosky

Vitter

Walden (OR)

Walsh

Wamp

Weiner

Weldon (FL)

Weldon (PA)

Weller

Wexler

Whitfield

Wicker

Wilson (NM)

Wilson (SC)

Wolf

Wu

Young (AK)

Young (FL)

Andrews

Baldwin

Becerra

Bell

Bishop (GA)

Bishop (NY)

Blumenauer

Brady (PA)

Brown, Corrine

Capuano

Clay

Clyburn

Conyers

Cummings

Davis (AL)

Doggett

Doyle

Farr

Fattah

Filner

Ford

Frank (MA)

Gutierrez

Hastings (FL)

Hayes

Hinchev

Hoyer

Inslee

Jackson (IL)

Jackson-Lee

(TX)

Jefferson

Jones (NC)

Jones (OH)

Kennedy (RI)

Kilpatrick

Kucinich

Langevin

Larson (CT)

Lee

Lewis (GA)

Lynch

Markey

McCarthy (MO)

McCollum

McDermott

McGovern

Meek (FL)

Meeks (NY)

Miller, George

Neal (MA)

Oberstar

Obey

Oliver

Owens

Pallone

Pascrell

Pastor

Paul

Payne

Pelosi

Reyes

Rothman

Abercrombie

Ackerman

Aderholt

Akin

Alexander

Allen

Andrews

Baca

Bachus

Baird

Baker

Baldwin

Ballenger

Barrett (SC)

Bartlett (MD)

Barton (TX)

Bass

Beauprez

Becerra

Bell

Bereuter

Berkley

Berman

Berry

Biggert

Bilirakis

Bishop (GA)

Bishop (NY)

Bishop (UT)

Blackburn

Blumenauer

Blunt

Boehert

Boehner

Bonilla

Bonner

Bono

Boozman

Boswell

Boucher

Boyd

Bradley (NH)

Brady (PA)

Brady (TX)

Brown (OH)

Brown (SC)

Brown, Corrine

Brown-Waite,

Ginny

Burgess

Burns

Burr

Burton (IN)

Buyer

Calvert

Camp

Cannon

Cantor

Capito

Capps

Capuano

Cardin

Cardoza

Carter

Case

Castle

Chabot

Chandler

Chocola

Clay

Clyburn

Coble

Cole

Collins

Conyers

Cooper

Costello

Cox

Cramer

Crane

Crenshaw

Crowley

Cubin

Culberson

Cummings

Cunningham

Davis (AL)

Davis (CA)

Davis (FL)

Davis (IL)

Davis (TN)

Davis, Jo Ann

Davis, Tom

Deal (GA)

DeFazio

DeGette

Delahunt

DeLauro

DeLay

DeMint

Deutsch

Dicks

Dingell

Doggett

Dooley (CA)

Doolittle

Doyle

Dreier

Duncan

Dunn

Edwards

Ehlers

Emanuel

Emerson

Engel

English

Eshoo

Etheridge

Evans

Everett

Fattah

Feeney

Ferguson

Filner

Flake

Foley

Forbes

Ford

Fossella

Frank (MA)

Franks (AZ)

Frelinghuysen

Frost

Gallegly

Garrett (NJ)

Gephardt

Gerlach

Gilchrest

Gillmor

Gingrey

Gonzalez

Goodlatte

Gordon

Goss

Granger

Graves

Green (TX)

Green (WI)

Greenwood

Grijalva

Gutierrez

Gutknecht

Hall

Harman

Harris

Hart

Hastings (FL)

Hastings (WA)

Hayes

Hayworth

Hefley

Hensarling

Hereth

Hill

Hinchev

Hinojosa

Hobson

Hoekstra

Holden

Holt

Honda

Hooley (OR)

Hostettler

Houghton

Hoyer

Hulshof

Hunter

Hyde

Inslee

Israel

Issa

Jackson (IL)

Jackson-Lee

(TX)

Jefferson

Jenkins

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Johnson, E. B.

Johnson, Sam

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Kanjorski

Kaptur

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Kennedy (MN)

Kennedy (RI)

Kildee

Kilpatrick

King (IA)

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Larsen (WA)

Larson (CT)

Latham

LaTourette

Leach

Lee

Levin

Lewis (CA)

Lewis (GA)

Lewis (KY)

Linder

Lipinski

LoBiondo

Lofgren

Lowey

Lucas (KY)

Lucas (OK)

Lynch

Maloney

Markey

Marshall

Matheson

Matsui

McCarthy (MO)

McCarthy (NY)

McCollum

McCotter

McCrery

McDermott

McGovern

McHugh

McInnis

McIntyre

McKeon

McNulty

Meehan

Meek (FL)

Meeks (NY)

Menendez

Mica

Michael

Millender-

McDonald

Miller (FL)

Miller (MI)

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Miller, George

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Murphy

Murtha

Musgrave

Myrick

Nadler

Napolitano

Nethercutt

Neugebauer

Ney

Northup

Norwood

Nunes

Nussle

Oberstar

Obey

Oliver

Ortiz

Osborne

Ose

Otter

Owens

Oxley

Pallone

Pascrell

Pastor

Paul

Payne

Pearce

Pelosi

Pence

Peterson (MN)

Peterson (PA)

Petri

Pickering

Pitts

Platts

Pombo

Pomeroy

Porter

Portman

Price (NC)

Pryce (OH)

Putnam

Quinn

Radanovich

Rahall

Ramstad

Regula

Rehberg

Renzi

Reyes

Reynolds

Rodriguez

Rogers (AL)

Rogers (KY)

Rogers (MI)

Rohrabacher

Ross

Rothman

Roybal-Allard

Royce

Ruppersberger

Rush

Ryan (OH)

Ryan (WI)

Ryun (KS)

Sabo

Sánchez, Linda

T.

Sanchez, Loretta

Sanders

Sandlin

Saxton

Schakowsky

Schiff

Schrock

Scott (GA)

Scott (VA)

Sensenbrenner

Serrano

Sessions

Shadegg

Shaw

Shays

Sherman

Sherwood

Shimkus

NOES—85

[Roll No. 374]

YEAS—416

Andrews

Baldwin

Becerra

Bell

Bishop (GA)

Bishop (NY)

Blumenauer

Brady (PA)

Brown, Corrine

Capuano

Clay

Clyburn

Conyers

Cummings

Davis (AL)

Doggett

Doyle

Farr

Fattah

Filner

Ford

Frank (MA)

Gutierrez

Hastings (FL)

Hayes

Hinchev

Hoyer

Inslee

Jackson (IL)

Jackson-Lee

(TX)

Jefferson

Jones (NC)

Jones (OH)

Kennedy (RI)

Kilpatrick

Kucinich

Langevin

Larson (CT)

Lee

Lewis (GA)

Lynch

Markey

McCarthy (MO)

McCollum

McDermott

McGovern

Meek (FL)

Meeks (NY)

Miller, George

Neal (MA)

Oberstar

Obey

Oliver

Owens

Pallone

Pascrell

Pastor

Paul

Payne

Pelosi

Reyes

Rothman

Abercrombie

Ackerman

Aderholt

Akin

Alexander

Allen

Andrews

Baca

Bachus

Baird

Baker

Baldwin

Ballenger

Barrett (SC)

Bartlett (MD)

Barton (TX)

Bass

Beauprez

Becerra

Bell

Bereuter

Berkley

Berman

Berry

Biggert

Bilirakis

Bishop (GA)

Bishop (NY)

Bishop (UT)

Blackburn

Blumenauer

Blunt

Boehert

Boehner

Bonilla

Bonner

Bono

Boozman

Boswell

Boucher

Boyd

Bradley (NH)

Brady (PA)

Brady (TX)

Brown (OH)

Brown (SC)

Brown, Corrine

Brown-Waite,

Ginny

Burgess

Burns

Burr

Burton (IN)

Buyer

Calvert

Camp

Cannon

Cantor

Capito

Capps

Capuano

Cardin

Cardoza

Carter

Case

Castle

Chabot

Chandler

Chocola

Clay

Clyburn

Coble

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Crowley

Cubin

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DeFazio

DeGette

Delahunt

DeLauro

DeLay

DeMint

Deutsch

Dicks

Dingell

Doggett

Dooley (CA)

Doolittle

Doyle

Dreier

Duncan

Dunn

Edwards

Ehlers

Emanuel

Emerson

Engel

English

Eshoo

Etheridge

Evans

Everett

Fattah

Feeney

Ferguson

Filner

Flake

Foley

Forbes

Ford

Fossella

Frank (MA)

Franks (AZ)

Frelinghuysen

Frost

Gallegly

Garrett (NJ)

Gephardt

Gerlach

Gilchrest

Gillmor

Gingrey

Gonzalez

Goodlatte

Gordon

Goss

Granger

Graves

Green (TX)

Green (WI)

Greenwood

Grijalva

Gutierrez

Gutknecht

Hall

Harman

Harris

Hart

Hastings (FL)

Hastings (WA)

Hayes

Hayworth

Hefley

Hensarling

Hereth

Hill

Hinchev

Hinojosa

Hobson

Hoekstra

Holden

Holt

Honda

Hooley (OR)

Hostettler

Houghton

Hoyer

Hulshof

Hunter

Hyde

Inslee

Israel

Issa

Jackson (IL)

Jackson-Lee

(TX)

Jefferson

Jenkins

John

Johnson (CT)

Johnson (IL)

Johnson, E. B.

Johnson, Sam

Jones (NC)

Jones (OH)

Kanjorski

Kaptur

Keller

Kelly

Kennedy (MN)

Kennedy (RI)

Kildee

Kilpatrick

King (IA)

King (NY)

Kingston

Kirk

Klecza

Kline

Knollenberg

Kolbe

Kucinich

LaHood

Lampson

Langevin

Lantos

Larsen (WA)

Larson (CT)

Latham

LaTourette

Leach

Lee

Levin

Lewis (CA)

Lewis (GA)

Lewis (KY)

Linder

Lipinski

LoBiondo

Lofgren

Lowey

Lucas (KY)

Lucas (OK)

Lynch

Maloney

Markey

Marshall

Matheson

Matsui

McCarthy (MO)

McCarthy (NY)

McCollum

McCotter

McCrery

McDermott

McGovern

McHugh

McInnis

McIntyre

McKeon

McNulty

Meehan

Meek (FL)

Meeks (NY)

Menendez

Mica

Michael

Millender-

McDonald

Miller (FL)

Miller (MI)

Miller (NC)

Miller, Gary

Miller, George

Mollohan

Moore

Moran (KS)

Moran (VA)

Murphy

Murtha

Musgrave

Myrick

Nadler

Napolitano

Nethercutt

Neugebauer

Ney

Northup

Norwood

Nunes

Nussle

Oberstar

Obey

Oliver

Ortiz

Osborne

Ose

Otter

Owens

Oxley

Pallone

Pascrell

Pastor

Paul

Payne

Pearce

Pelosi

Pence

Peterson (MN)

Peterson (PA)

Petri

Pickering

Pitts

Platts

Pombo

Pomeroy

Porter

Portman

Price (NC)

Pryce (OH)

Putnam

Quinn

Radanovich

Rahall

Ramstad

Regula

Rehberg

Renzi

Reyes

Reynolds

Rodriguez

Rogers (AL)

Rogers (KY)

Rogers (MI)

Rohrabacher

Ross

Rothman

Roybal-Allard

Royce

Ruppersberger

Rush

Ryan (OH)

Ryan (WI)

Ryun (KS)

Sabo

Sánchez, Linda

T.

Sanchez, Loretta

Sanders

Sandlin

Saxton

Schakowsky

Schiff

Schrock

Scott (GA)

Scott (VA)

Sensenbrenner

Serrano

Sessions

Shadegg

Shaw

Shays

Sherman

Sherwood

Shimkus

Shuster	Tauzin	Walden (OR)
Simmons	Taylor (MS)	Walsh
Simpson	Taylor (NC)	Wamp
Skelton	Terry	Waters
Slaughter	Thomas	Watson
Smith (MI)	Thompson (CA)	Watt
Smith (NJ)	Thompson (MS)	Waxman
Smith (TX)	Thornberry	Weiner
Smith (WA)	Tiahrt	Weldon (FL)
Snyder	Tiberi	Weldon (PA)
Solis	Tierney	Weller
Souder	Toomey	Wexler
Stark	Towns	Whitfield
Stearns	Turner (OH)	Wicker
Stenholm	Turner (TX)	Wilson (NM)
Strickland	Udall (CO)	Wilson (SC)
Stupak	Udall (NM)	Wolf
Sullivan	Upton	Woolsey
Sweeney	Van Hollen	Wu
Tancredo	Velázquez	Wynn
Tanner	Visclosky	Young (AK)
Tauscher	Vitter	Young (FL)

NAYS—3

Diaz-Balart, L.	Diaz-Balart, M.	Ros-Lehtinen
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NOT VOTING—14

Carson (IN)	Hoefl	Manzullo
Carson (OK)	Isakson	Neal (MA)
Farr	Istook	Rangel
Goode	Kind	Spratt
Herger	Majette	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1432

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES-AUSTRALIA FREE TRADE IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 712, I call up the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4759 is as follows:

H.R. 4759

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “United States-Australia Free Trade Agreement Implementation Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.

Sec. 102. Relationship of the Agreement to United States and State law.

Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.

Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.

Sec. 105. Administration of dispute settlement proceedings.

Sec. 106. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.

Sec. 202. Additional duties on certain agricultural goods.

Sec. 203. Rules of origin.

Sec. 204. Customs user fees.

Sec. 205. Disclosure of incorrect information.

Sec. 206. Enforcement relating to trade in textile and apparel goods.

Sec. 207. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.

Sec. 312. Commission action on petition.

Sec. 313. Provision of relief.

Sec. 314. Termination of relief authority.

Sec. 315. Compensation authority.

Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.

Sec. 322. Determination and provision of relief.

Sec. 323. Period of relief.

Sec. 324. Articles exempt from relief.

Sec. 325. Rate after termination of import relief.

Sec. 326. Termination of relief authority.

Sec. 327. Compensation authority.

Sec. 328. Business confidential information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on goods from Australia.

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Australia, entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Australia for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term “Agreement” means the United States-Australia Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term “HTS” means the Harmonized Tariff Schedule of the United States.

(3) TEXTILE OR APPAREL GOOD.—The term “textile or apparel good” means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805)

and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Australia Free Trade Agreement entered into on May 18, 2004, with the Government of Australia and submitted to Congress on July 6, 2004; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on July 6, 2004.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Australia has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Australia providing for the entry into force, on or after January 1, 2005, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States, unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term “State law” includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the