

averaging the eligible remediation expenditures for all such properties acquired during the election period. If the eligible taxpayer or qualifying partnership makes such an election, the election shall apply to all qualified sales, exchanges, or other dispositions of qualifying brownfield properties the acquisition and transfer of which occur during the period for which the election remains in effect.

“(ii) ELECTION.—An election under clause (i) shall be made with the eligible taxpayer's or qualifying partnership's timely filed tax return (including extensions) for the first taxable year for which the taxpayer or qualifying partnership intends to have the election apply. An election under clause (i) is effective for the period—

“(I) beginning on the date which is the first day of the taxable year of the return in which the election is included or a later day in such taxable year selected by the eligible taxpayer or qualifying partnership, and

“(II) ending on the date which is the earliest of a date of revocation selected by the eligible taxpayer or qualifying partnership, the date which is 8 years after the date described in subclause (I), or, in the case of an election by a qualifying partnership of which the eligible taxpayer is a partner, the date of the termination of the qualifying partnership.

“(iii) REVOCATION.—An eligible taxpayer or qualifying partnership may revoke an election under clause (i)(II) by filing a statement of revocation with a timely filed tax return (including extensions). A revocation is effective as of the first day of the taxable year of the return in which the revocation is included or a later day in such taxable year selected by the eligible taxpayer or qualifying partnership. Once an eligible taxpayer or qualifying partnership revokes the election, the eligible taxpayer or qualifying partnership is ineligible to make another election under clause (i) with respect to any qualifying brownfield property subject to the revoked election.

“(I) RECAPTURE.—If an eligible taxpayer excludes gain or loss from a sale, exchange, or other disposition of property to which an election under subparagraph (H) applies, and such property fails to satisfy the requirements of this paragraph, the unrelated business taxable income of the eligible taxpayer for the taxable year in which such failure occurs shall be determined by including any previously excluded gain or loss from such sale, exchange, or other disposition allocable to such taxpayer, and interest shall be determined at the overpayment rate established under section 6621 on any resulting tax for the period beginning with the due date of the return for the taxable year during which such sale, exchange, or other disposition occurred, and ending on the date of payment of the tax.

“(J) RELATED PERSONS.—For purposes of this paragraph, a person shall be treated as related to another person if—

“(i) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or section 707(b)(1), determined by substituting ‘25 percent’ for ‘50 percent’ each place it appears therein, and

“(ii) in the case such other person is a non-profit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.”

(b) EXCLUSION FROM DEFINITION OF DEBT-FINANCED PROPERTY.—Section 514(b)(1) (defining debt-financed property) is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “; or”, and by inserting after subparagraph (D) the following new subparagraph:

“(E) any property the gain or loss from the sale, exchange, or other disposition of which would be excluded by reason of the provisions of section 512(b)(18) in computing the gross income of any unrelated trade or business.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any gain or loss on the sale, exchange, or other disposition of any property acquired by the taxpayer after the date of the enactment of this Act.

SA 2701. Mr. WARNER (for himself, Mr. STEVENS, Mr. INHOFE, Mr. ROBERTS, Ms. COLLINS, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, and Mr. TALENT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 4, line 4, increase the amount by \$699,700,000.

On page 4, line 5, increase the amount by \$262,000,000.

On page 4, line 6, increase the amount by \$358,000,000.

On page 4, line 7, increase the amount by \$405,000,000.

On page 4, line 8, increase the amount by \$432,000,000.

On page 4, line 12, increase the amount by \$5,506,000,000.

On page 4, line 13, increase the amount by \$1,855,000,000.

On page 4, line 14, increase the amount by \$799,000,000.

On page 4, line 15, increase the amount by \$550,000,000.

On page 4, line 16, increase the amount by \$480,000,000.

On page 4, line 20, decrease the amount by \$5,506,000,000.

On page 4, line 21, decrease the amount by \$1,855,000,000.

On page 4, line 22, decrease the amount by \$799,000,000.

On page 4, line 23, decrease the amount by \$550,000,000.

On page 4, line 24, decrease the amount by \$480,000,000.

On page 5, line 3, increase the amount by \$5,506,000,000.

On page 5, line 4, increase the amount by \$7,362,000,000.

On page 5, line 5, increase the amount by \$8,161,000,000.

On page 5, line 6, increase the amount by \$8,711,000,000.

On page 5, line 7, increase the amount by \$9,191,000,000.

On page 5, line 11, increase the amount by \$5,506,000,000.

On page 5, line 12, increase the amount by \$7,362,000,000.

On page 5, line 13, increase the amount by \$8,161,000,000.

On page 5, line 14, increase the amount by \$8,711,000,000.

On page 5, line 15, increase the amount by \$9,191,000,000.

On page 7, line 25, increase the amount by \$6,900,000,000.

On page 8, line 1, increase the amount by \$5,409,000,000.

On page 8, line 5, increase the amount by \$1,594,000,000.

On page 8, line 9, increase the amount by \$442,000,000.

On page 8, line 13, increase the amount by \$145,000,000.

On page 8, line 17, increase the amount by \$48,000,000.

On page 22, line 9, increase the amount by \$97,000,000.

On page 22, line 10, increase the amount by \$97,000,000.

On page 22, line 13, increase the amount by \$262,000,000.

On page 22, line 14, increase the amount by \$262,000,000.

On page 22, line 17, increase the amount by \$358,000,000.

On page 22, line 18, increase the amount by \$358,000,000.

On page 22, line 21, increase the amount by \$405,000,000.

On page 22, line 22, increase the amount by \$405,000,000.

On page 22, line 25, increase the amount by \$432,000,000.

On page 23, line 1, increase the amount by \$432,000,000.

On page 39, line 18, increase the amount by \$6,900,000,000.

On page 39, line 19, increase the amount by \$5,409,000,000.

On page 40, line 2, increase the amount by \$1,594,000,000.

SA 2702. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 18, line 4, increase the amount by \$156,000,000.

On page 18, line 5, increase the amount by \$135,000,000.

On page 18, line 8, increase the amount by \$162,000,000.

On page 18, line 9, increase the amount by \$160,000,000.

On page 18, line 12, increase the amount by \$169,000,000.

On page 18, line 13, increase the amount by \$170,000,000.

On page 18, line 16, increase the amount by \$175,000,000.

On page 18, line 17, increase the amount by \$175,000,000.

On page 18, line 20, increase the amount by \$180,000,000.

On page 18, line 21, increase the amount by \$180,000,000.

On page 23, line 5, decrease the amount by \$156,000,000.

On page 23, line 6, decrease the amount by \$135,000,000.

On page 23, line 9, decrease the amount by \$162,000,000.

On page 23, line 10, decrease the amount by \$160,000,000.

On page 23, line 13, decrease the amount by \$169,000,000.

On page 23, line 14, decrease the amount by \$170,000,000.

On page 23, line 17, decrease the amount by \$175,000,000.

On page 23, line 18, decrease the amount by \$175,000,000.

On page 23, line 21, decrease the amount by \$180,000,000.

On page 23, line 22, decrease the amount by \$180,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to

meet during the session on Monday, March 8, 2004, at 2 p.m., to consider the nomination of Mark B. McClellan to be Administrator of the Center for Medicare and Medicaid Services; Brian Rosoboro to be Under Secretary of the Department; Donald Korb, to be Chief Counsel for the Internal Revenue Service and Assistant General Counsel in the Department of the Treasury; and Mark J. Warshawsky, to be Assistant Secretary, U.S. Department of Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. NICKLES. Mr. President, I ask unanimous consent that privilege of the floor be granted to Amy Angelier, Katy Barr, Dan Brandt, Don Dempsey, Cara Duckworth, Beth Smerko Felder, Jim Hearn, Jody Hernandez, Stacey Hughes, Rachel Jones, Marshall Hazen, David Myers, Maureen O'Neill, David Ortega, Gayle Osterberg, Anne Oswald, David Pappone, Roy Phillips, Cheri Reidy, Margaret Stewart, Bob Taylor, Lee Greenwood, Letitia Fletcher, Tim Nolan, Lynne Seymour, George Woodall, Shelley Amdur, Steve Bailey, Rock Cheung, Jim Esquea, Tim Galvin, Lawrence Hershon, Jim Horney, Cliff Isenberg, Mike Jones, Erin Keogh, Jim Klumpner, Lisa Konwinski, Sarah Kuehl, Jessie LaVine, Jamie Morin, Stu Nagurka, Mary Naylor, Sue Nelson, Koby Noel, Anne Page, Steven Posner, John Righter, Barry Strumpf, and David Vandivier during consideration of S. Con. Res. 95, the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent that an additional four staff members, Stacey Hughes and Jody Hernandez from the Republican staff, and Jim Horney and Sue Nelson of the Democrat staff, be granted the privilege of the floor during debate on S. Con. Res. 95.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2003

On Thursday, March 4, 2004, the Senate passed H.R. 1047, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1047) entitled "An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 2004".

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

Sec. 1. Short title; table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. Bitolyene diisocyanate (TODI).

Sec. 1102. 2-Methylimidazole.

Sec. 1103. Hydroxylamine free base.

Sec. 1104. Prenol.

Sec. 1105. 1-Methylimidazole.

Sec. 1106. Formamide.

Sec. 1107. Michler's ethyl ketone.

Sec. 1108. Vinyl imidazole.

Sec. 1109. Disperse blue 27.

Sec. 1110. Acid black 244.

Sec. 1111. Reactive orange 132.

Sec. 1112. Mixtures of acid red 337, acid red 266, and acid red 361.

Sec. 1113. Vat red 13.

Sec. 1114. 5-Methylpyridine-2,3-dicarboxylic acid.

Sec. 1115. 5-Methylpyridine-2,3-dicarboxylic acid diethylester.

Sec. 1116. 5-Ethylpyridine dicarboxylic acid.

Sec. 1117. (E)-O-(2,5-Dimethylphenoxy methyl)-2-methoxy-imino-N-methylphenylacetamide.

Sec. 1118. 2-Chloro-N-(4-chlorobiphenyl-2-yl) nicotinamide.

Sec. 1119. Vinclozolin.

Sec. 1120. Dazomet.

Sec. 1121. Pyraclostrobin.

Sec. 1122. 1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt.

Sec. 1123. Saccharose.

Sec. 1124. (2-Benzothiazolythio) butanedioic acid.

Sec. 1125. 60–70 Percent amine salt of 2-benzothiazolythio succinic acid in solvent.

Sec. 1126. 4-Methyl-g-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1).

Sec. 1127. Mixtures of rimsulfuron, nicosulfuron, and application adjuvants.

Sec. 1128. Mixtures of thifensulfuron methyl, tribenuron methyl and application adjuvants.

Sec. 1129. Mixtures of thifensulfuron methyl and application adjuvants.

Sec. 1130. Mixtures of tribenuron methyl and application adjuvants.

Sec. 1131. Mixtures of rimsulfuron, thifensulfuron methyl and application adjuvants.

Sec. 1132. Vat black 25.

Sec. 1133. Cyclohexanepropanoic acid, 2-propenyl ester.

Sec. 1134. Neoheliopan hydro (2-phenylbenzimidazole-5-sulfonic acid).

Sec. 1135. Sodium methylate powder (Na methylate powder).

Sec. 1136. Globanone (cyclohexadec-8-en-1-one) (CHD).

Sec. 1137. Methyl acetophenone-para (melilot).

Sec. 1138. Majantol (2,2-dimethyl-3-(3-methylphenyl)propanol).

Sec. 1139. NeoHeliopan MA (menthyl anthranilate).

Sec. 1140. Allyl isosulfocyanate.

Sec. 1141. Frescolat.

Sec. 1142. Thymol (alpha-cymophenol).

Sec. 1143. Benzyl carbazate.

Sec. 1144. Esfenvalerate technical.

Sec. 1145. Avaunt and steward.

Sec. 1146. Helium.

Sec. 1147. Ethyl pyruvate.

Sec. 1148. Deltamethrin.

Sec. 1149. Asulam sodium salt.

Sec. 1150. Tralomethrin.

Sec. 1151. N-Phenyl-N'-(1,2,3-thiadiazol-5-yl)-urea.

Sec. 1152. Benzenepropanoic acid, alpha-2-dichloro-5-{4 (difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl}-4-fluoro-ethyl ester.

Sec. 1153. (Z)-(1RS, 3RS)-3-(2-Chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropane carboxylic acid.

Sec. 1154. 2-Chlorobenzyl chloride.

Sec. 1155. (S)-Alpha-hydroxy-3-phenoxybenzeneacetonitrile.

Sec. 1156. 4-Pentenoic acid, 3,3-dimethyl-, methyl ester.

Sec. 1157. Terrazole.

Sec. 1158. 2-Mercaptoethanol.

Sec. 1159. Bifenazate.

Sec. 1160. A certain polymer.

Sec. 1161. Para ethylphenol.

Sec. 1162. Ezetimibe.

Sec. 1163. p-Cresidine sulfonic acid.

Sec. 1164. 2,4 Disulfobenzaldehyde.

Sec. 1165. m-Hydroxybenzaldehyde.

Sec. 1166. N-Ethyl-N-(3-sulfobenzyl)aniline, benzenesulfonic acid, 3[(ethylphenylamino)methyl].

Sec. 1167. Acrylic fiber tow.

Sec. 1168. Yttrium oxides.

Sec. 1169. Europium oxides.

Sec. 1170. Hexanedioic acid, polymer with 1,3-benzenedimethanamine.

Sec. 1171. N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine.

Sec. 1172. Aluminum tris (O-ethyl phosphonate).

Sec. 1173. Mixture of disperse blue 77 and disperse blue 56.

Sec. 1174. Acid black 172.

Sec. 1175. Mixture of 9,10-anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)-and disperse blue 77.

Sec. 1176. Certain children's products.

Sec. 1177. Certain optical instruments used in children's products.

Sec. 1178. Cases for certain children's products.

Sec. 1179. 2,4-Dichloroaniline.

Sec. 1180. Ethoprop.

Sec. 1181. Foramsulfuron.

Sec. 1182. Certain epoxy molding compounds.

Sec. 1183. Dimethyldicyane.

Sec. 1184. Triacetone diamine.

Sec. 1185. Triethylene glycol bis(3-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate).

Sec. 1186. Certain power weaving textile machinery.

Sec. 1187. Certain filament yarns.

Sec. 1188. Certain other filament yarns.

Sec. 1189. Certain ink-jet textile printing machinery.

Sec. 1190. Certain other textile printing machinery.

Sec. 1191. D-Mannose.

Sec. 1192. Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl)-ethenyl]-1H-indazol-6-yl]thio]-.

Sec. 1193. 1(2H)-Quinolinecarboxylic acid, 4-[[[3,5-bis-(trifluoromethyl)phenyl]methyl](methoxycarbonyl)amino]-2-ethyl-3,4-dihydro-6-(trifluoromethyl)-, ethyl ester, (2R,4S)-(9CI).

Sec. 1194. Disulfide, bis(3,5-dichlorophenyl)(9CI).

Sec. 1195. Pyridine, 4-[[4-(1-methylethyl)-2-(phenylmethoxy)methyl]-1H-midazol-1-yl] methyl]-ethanedioate (1:2).

Sec. 1196. Paclabutrazole technical.

Sec. 1197. Paclabutrazole 2SC.

Sec. 1198. Methidathion technical.

Sec. 1199. Vanguard 75 WDG.

Sec. 1200. Wakil XL.

Sec. 1201. Mucochloric acid.

Sec. 1202. Azoxystrobin technical.

Sec. 1203. Flumetralin technical.

Sec. 1204. Cyprodinil technical.

Sec. 1205. Mixtures of lambda-cyhalothrin.

Sec. 1206. Primisulfuron methyl.

Sec. 1207. 1,2-Cyclohexanedione.

Sec. 1208. Difenoconazole.

Sec. 1209. Certain refracting and reflecting telescopes.