
CUSTOMS AND TRADE ACT OF 1990

JULY 30, 1990.—Ordered to be printed

Mr. ROSTENKOWSKI, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 1594]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 1594) to make miscellaneous and technical changes to various trade laws, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment to the Senate amendment to the text of the bill insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

(a) **SHORT TITLE.**—*This Act may be cited as the “Customs and Trade Act of 1990”.*

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title and table of contents.

TITLE I—TRADE AGENCY AUTHORIZATIONS, CUSTOMS USER FEES, AND OTHER PROVISIONS

Subtitle A—Trade Agency Authorizations for Fiscal Years 1991 and 1992

Sec. 101. United States International Trade Commission.

Sec. 102. United States Customs Service.

Sec. 103. Office of the United States Trade Representative.

Subtitle B—Customs User Fees

Sec. 111. Customs user fees.

Sec. 112. Exemption of Israeli products from certain user fees.

Sec. 113. Customs Service administration.

Sec. 114. GAO report on entries by mail.

Sec. 115. Effective date.

Subtitle C—Miscellaneous Customs Provisions

- Sec. 121. Customs forfeiture fund.*
Sec. 122. Increase in value subject to administrative forfeiture; processing of money seized under the customs laws.
Sec. 123. Annual national trade and customs law violation estimates and enforcement strategy.
Sec. 124. Reports regarding expansion of customs preclearance operations and recovery for damage resulting from customs examinations.

Subtitle D—Miscellaneous Provisions

- Sec. 131. Treatment of Czechoslovakia and East Germany under the Generalized System of Preferences.*
Sec. 132. Technical amendments regarding nondiscriminatory trade treatment.
Sec. 133. Competitiveness Policy Council.
Sec. 134. Technical amendments relating to the United States-Canada Free-Trade Agreement.
Sec. 135. Treatment of certain information under administrative protective orders.
Sec. 136. Extension of time for preparation of report on supplemental wage allowance demonstration projects under the Worker Adjustment Assistance Program.
Sec. 137. Drug paraphernalia.
Sec. 138. Economic sanctions against products of Burma.
Sec. 139. Miscellaneous technical and clerical amendments.
Sec. 140. Increase in expenditures to provide assistance for United States citizens returning from foreign countries.
Sec. 141. Administrative provision.
Sec. 142. Nondiscriminatory treatment for the products of East Germany.

TITLE II—CARIBBEAN BASIN ECONOMIC RECOVERY

Subtitle A—Short Title and Findings

- Sec. 201. Short title.*
Sec. 202. Congressional findings.

Subtitle B—Amendments to the Caribbean Basin Economic Recovery Act and Related Provisions

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Sec. 222. Duty-free treatment for articles assembled in beneficiary countries from components produced in the United States.
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Sec. 225. Ethyl alcohol.
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Sec. 227. Requirement for investment of section 936 funds in Caribbean Basin countries.

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- Sec. 231. Cooperative public and private sector program for providing scholarships to students from the Caribbean and Central America.*
Sec. 232. Promotion of tourism.
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Subtitle D—Miscellaneous Provisions

- Sec. 241. Trade benefits for Nicaragua.*

- Sec. 242. *Agricultural infrastructure support.*
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TITLE III—TARIFF PROVISIONS

- Sec. 301. *Reference.*

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TITLE I—TRADE AGENCY AUTHORIZATIONS, CUSTOMS USER FEES, AND OTHER PROVISIONS

Subtitle A—Trade Agency Authorizations for Fiscal Years 1991 and 1992

SEC. 101. UNITED STATES INTERNATIONAL TRADE COMMISSION.

Section 330(e)(2) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

“(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere) not to exceed the following:

“(i) \$41,170,000 for fiscal year 1991.

“(ii) \$44,052,000 for fiscal year 1992.

“(B) Not to exceed \$2,500 of the amount authorized to be appropriated for any fiscal year under subparagraph (A) may be used, subject to the approval of the Chairman of the Commission, for reception and entertainment expenses.

“(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission in the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.”

SEC. 102. UNITED STATES CUSTOMS SERVICE.

Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended to read as follows:

“(b) AUTHORIZATION OF APPROPRIATIONS.—

“(1) **FOR NONCOMMERCIAL OPERATIONS.**—There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in noncommercial operations not to exceed the following:

“(A) \$516,217,000 for fiscal year 1991.

“(B) \$542,091,000 for fiscal year 1992.

“(2) **FOR COMMERCIAL OPERATIONS.**—(A) There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in commercial operations not less than the following:

“(i) \$672,021,000 for fiscal year 1991.

“(ii) \$705,793,000 for fiscal year 1992.

“(B) The monies authorized to be appropriated under subparagraph (A) for any fiscal year, except for such sums as may be necessary for the salaries and expenses of the Customs Service that are incurred in connection with the processing of merchandise that is exempt from the fees imposed under section 13031(a)(9) and (10) of the Consolidated Omnibus Budget Reconciliation Act of 1985, shall be appropriated from the Customs User Fee Account.

“(3) **FOR AIR INTERDICTION.**—There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air interdiction program of the Customs Service not to exceed the following:

“(A) \$143,047,000 for fiscal year 1991.

“(B) \$150,199,000 for fiscal year 1992.”.

SEC. 103. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) **IN GENERAL.**—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended to read as follows:

“(g)(1)(A) There are authorized to be appropriated to the Office for the purposes of carrying out its functions not to exceed the following:

“(i) \$23,250,000 for fiscal year 1991.

“(ii) \$21,077,000 for fiscal year 1992.

“(B) Of the amounts authorized to be appropriated under subparagraph (A) for any fiscal year—

“(i) not to exceed \$98,000 may be used for entertainment and representation expenses of the Office;

“(ii) not to exceed \$2,050,000 may be used to pay the United States share of the expenses of binational panels and extraordinary challenge committees convened pursuant to chapter 19 of the United States-Canada Free-Trade Agreement; and

“(iii) not to exceed \$1,000,000 shall remain available until expended.”.

(b) **CONFORMING AMENDMENT.**—Section 406(b)(2) of the United States-Canada Free-Trade Agreement Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

“(2) The United States Trade Representative is authorized to transfer to any department or agency of the United States, from sums appropriated pursuant to the authorization provided under paragraph (1) or section 141(g)(1) of the Trade Act of 1974, such funds as may be necessary to facilitate the payment of the expenses described in paragraph (1).”.

Subtitle B—Customs User Fees

SEC. 111. CUSTOMS USER FEES.

(a) **MERCHANDISE PROCESSING FEES.**—Paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9) and (10)) are amended to read as follows:

“(9) For the processing of merchandise that is formally entered or released during any fiscal year, a fee, subject to the limitations in subsection (b)(8)(A), in an amount equal to 0.17 percent ad valorem.

“(10) For the processing of merchandise that is informally entered or released, other than at—

“(A) a centralized hub facility,

“(B) an express consignment carrier facility, or

“(C) a small airport or other facility to which section 236 of the Trade and Tariff Act of 1984 applies,

a fee of—

“(i) \$2 if the entry or release is automated and not prepared by customs personnel;

“(ii) \$5 if the entry or release is manual and not prepared by customs personnel; or

“(iii) \$8 if the entry or release, whether automated or manual, is prepared by customs personnel.

For provisions relating to the informal entry or release of merchandise at facilities referred to in subparagraphs (A), (B), and (C), see subsection (b)(9).”

(b) **LIMITATIONS ON FEES.**—Subsection (b) of section 13031 of such Act of 1985 (19 U.S.C. 58c(b)) is amended as follows:

(1) Subparagraph (B) of paragraph (1) is amended to read as follows:

“(B) the arrival of any railroad car the journey of which originates and terminates in the same country, but only if no passengers board or disembark from the train and no cargo is loaded or unloaded from such car while the car is within any country other than the country in which such car originates and terminates; or”.

(2) Paragraph (8) is amended—

(A) by redesignating subparagraph (A) as subparagraph (D),

(B) by striking out subparagraph (B),

(C) by inserting before subparagraph (D) (as redesignated by this paragraph) the following:

“(A)(i) Subject to clause (ii), the fee charged under subsection (a)(9) for the formal entry or release of merchandise may not exceed \$400 or be less than \$21.

“(ii) A surcharge of \$3 shall be added to the fee determined after application of clause (i) for any manual entry or release of merchandise.

“(B) No fee may be charged under subsection (a)(9) or (10) for the processing of any article that is—

“(i) provided for under any item in chapter 98 of the Harmonized Tariff Schedule of the United States, except subheading 9802.00.60 or 9802.00.80,

“(ii) a product of an insular possession of the United States, or

“(iii) a product of any country listed in subdivision (c)(ii)(B) or (c)(v) of general note 3 to such Schedule.

“(C) For purposes of applying subsection (a)(9) or (10)—

“(i) expenses incurred by the Secretary of the Treasury in the processing of merchandise do not include costs incurred in—

“(I) air passenger processing,

“(II) export control, or

“(III) international affairs, and

“(ii) any reference to a manual entry or release includes—

“(I) any entry or release filed by a broker or importer that requires the recording of cargo selectivity data by customs personnel, except when the recording of such data is required because of a temporary administrative or technical failure in the Customs Service automated commercial system that prevents the filing of entries or release in that system by brokers and importers that are certified by the Customs Service to do so; and

“(II) any entry or release filed by a broker or importer that is not certified by the Customs Service to file entries and releases in the Customs Service automated commercial system.”

(D) by amending subparagraph (D) (as redesignated by this paragraph)—

(i) by striking out “be based” in clause (ii) and inserting “except as otherwise provided in this paragraph, be based”,

(ii) by striking out “and” at the end of clause (iii),

(iii) by striking out the period at the end of clause (iv) and inserting “; and”, and

(iv) by inserting after clause (iv) the following new clause:

“(v) in the case of agricultural products of the United States that are processed and packed in a foreign trade zone, be applied only to the value of material used to make the container for such merchandise, if such merchandise is subject to entry and the container is of a kind normally used for packing such merchandise.” and

(E) by adding at the end thereof the following new subparagraph:

“(E) For purposes of subsection (a)(9) and (10), merchandise is entered or released, as the case may be, if the merchandise is—

“(i) permitted or released under section 448(b) of the Tariff Act of 1930,

“(ii) entered or released from customs custody under section 484(a)(1)(A) of the Tariff Act of 1930, or

“(iii) withdrawn from warehouse for consumption.”

(3) Paragraph (9) is amended to read as follows:

“(9)(A) With respect to the processing of merchandise that is informally entered or released at a centralized hub facility, an express consignment carrier facility, or a small airport or other facility, the following reimbursements and payments are required:

“(i) In the case of a centralized hub facility or small airport or other facility—

“(I) the reimbursement which such facility is required to make during the fiscal year under section 9701 of title 31, United States Code or section 236 of the Trade and Tariff Act of 1984; and

“(II) an annual payment by the facility to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) for such fiscal year, in an amount equal to the reimbursement under subclause (I).

“(ii) In the case of an express consignment carrier facility—

“(I) an amount, for which the Customs Service shall be reimbursed under section 524 of the Tariff Act of 1930, equal to the cost of the customs inspectional services provided by the Customs Service at the facility during the fiscal year; and

“(II) an annual payment by the facility to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) for such fiscal year, in an amount equal to the reimbursement made under subclause (I).

“(B) For purposes of this paragraph:

“(i) The terms ‘centralized hub facility’ and ‘express consignment carrier facility’ have the respective meanings that are applied to such terms in part 128 of chapter I of title 19, Code of Federal Regulations, as in effect on July 30, 1990.

“(ii) The term ‘small airport or other facility’ means any airport or facility to which section 236 of the Tariff and Trade Act of 1984 applies.”

(4) Paragraph (10) is amended by striking out “under subsection (a)(10)” and inserting “under subsection (a)(9) or (10)”.

(5) The following new paragraph is added at the end:

“(11) No fee may be charged under subsection (a)(9) or (10) with respect to products of Israel if an exemption with respect to the fee is implemented under section 112 of the Customs and Trade Act of 1990.”

(c) DISPOSITION OF FEES.—Subsection (f) of section 13031 of such Act of 1985 (19 U.S.C. 58c(f)) is amended—

(1) by striking out “All funds” in paragraph (2) and inserting in lieu thereof “Except as otherwise provided in this subsection, all funds”; and

(2) by amending paragraph (3) to read as follows:

“(3)(A) The Secretary of the Treasury, in accordance with section 524 of the Tariff Act of 1930 and subject to subparagraph (B), shall directly reimburse, from the fees collected under subsection (a) (other than subsection (a) (9) or (10)), each appropriation for the amount paid out of that appropriation for the costs incurred by the Secretary—

“(i) in providing—

“(I) inspectional overtime services, and

“(II) all preclearance services for which the recipients of such services are not required to reimburse the Secretary of the Treasury, and

“(ii) to the extent funds remain available to make reimbursements under clause (i), in providing salaries for full-time and part-time inspectional personnel and equipment that enhance customs services for those persons or entities that are required to pay fees under paragraphs (1) through (8) of subsection (a) (distributed on a basis proportionate to the fees collected under subsection (a)(1) through (a)(8)).

Funds described in clause (ii) shall only be available to reimburse costs in excess of the highest amount appropriated for such costs during the period beginning with fiscal year 1990 and ending with the current fiscal year.

“(B) Reimbursement of appropriations under this paragraph—

“(i) except for costs described in subparagraph (A)(i)(I) and (II), shall be subject to apportionment or similar administrative practices;

“(ii) shall be made at least quarterly; and

“(iii) to the extent necessary, may be made on the basis of estimates made by the Secretary of the Treasury and adjustments shall be made in subsequent reimbursements to the extent that the estimates were in excess of, or less than, the amounts required to be reimbursed.

“(C)(i) For fiscal year 1991 and subsequent fiscal years, the amount required to fully reimburse inspectional overtime and preclearance costs shall be projected from actual requirements, and only the excess of collections over such projected costs for such fiscal year shall be used as provided in subparagraph (A)(ii).

“(ii) The excess of collections over inspectional overtime and preclearance costs (under subparagraph (A)(i)) reimbursed for fiscal years 1989 and 1990 shall be available in fiscal year 1991 and subsequent fiscal years for the purposes described in subparagraph (A)(ii), except that \$30,000,000 of such excess shall remain without fiscal year limitation in a contingency fund and, in any fiscal year in which receipts are insufficient to cover the costs described in subparagraph (A) (i) and (ii), shall be used for—

“(I) the costs of providing the services described in paragraph (A)(i), and

“(II) after the costs described in subclause (I) are paid, the costs of providing the personnel and equipment described in subparagraph (A)(ii) at the preceding fiscal year level.

“(D) At the close of each fiscal year, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives summarizing the expenditures, on a port-by-port basis, for which reimbursement has been provided under subparagraph (A)(ii).”

(d) ENFORCEMENT AUTHORITY.—Subsection (g) of section 13031 of such Act of 1985 (19 U.S.C. 58c(g)) is amended—

(1) by amending the heading to read as follows: “REGULATIONS AND ENFORCEMENT.—”; and

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

“(3) Except to the extent otherwise provided in regulations, all administrative and enforcement provisions of customs laws and regulations, other than those laws and regulations relating to drawback, shall apply with respect to any fee prescribed under subsection (a) of this section, and with respect to persons liable therefor, as if such fee is a customs duty. For purposes of the preceding sentence, any penalty expressed in terms of a relationship to the amount of the duty shall be treated as not less than the amount which bears a similar relationship to the amount of the fee assessed. For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, any fee prescribed under subsection (a) of this section shall be treated as if such fee is a customs duty.”.

(e) **EXTENSION OF FEES.**—Paragraph (3) of section 13031(j) of such Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking out “1990” and inserting “1991”.

(f) **AGGREGATION OF MERCHANDISE PROCESSING FEES.**—

(1) Notwithstanding any provision of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), in the case of entries of merchandise made under the temporary monthly entry programs established by the Commissioner of Customs before July 1, 1989, for the purpose of testing entry processing improvements, the fee charged under section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 for each day's importations at each port by the same importer from the same exporter shall be the lesser of—

(A) \$400, or

(B) the amount determined by applying the ad valorem rate determined in such section 13031(a)(9) to the total value of each day's importations at each port by the same importer from the same exporter.

(2) The fees described in paragraph (1) that are payable under the program described in paragraph (1) shall be paid with each monthly consumption entry. Interest shall accrue on the fees paid monthly in accordance with section 6621 of the Internal Revenue Code of 1986.

SEC. 112. EXEMPTION OF ISRAELI PRODUCTS FROM CERTAIN USER FEES.

If the United States Trade Representative determines that the Government of Israel has provided reciprocal concessions in exchange for the exemption of the products of Israel from the fees imposed under section 13031(a)(9) and (10) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (as amended by section 111), such fees may not be charged with respect to any product of Israel that is entered, or withdrawn from warehouse for consumption, on or after the 15th day (which day may not be before October 1, 1990) after the date on which the determination is published in the Federal Register.

SEC. 113. CUSTOMS SERVICE ADMINISTRATION.

(a) **IN GENERAL.**—The Commissioner of Customs shall—

(1) develop and implement accounting systems that accurately determine and report the allocations made of Customs Service personnel and other resources among the various operational

functions of the Service, such as passenger processing, merchandise processing and drug enforcement;

(2) develop and implement periodic labor distribution surveys of major workforce activities (such as inspectors, import specialists, fines, penalties, and forfeiture officers, special agents, data transcribers, and Customs aides) to determine the costs of different types of passenger and merchandise processing transactions, such as informal and formal entries, and automated and manual entries;

(3) as soon as practicable after the enactment of appropriations for the Customs Service for each fiscal year, but not later than the 15th day after the beginning of such year, estimate, based on the amounts appropriated, the amount of the fee that would, if imposed on the processing of merchandise, offset the salaries and expenses subject to reimbursement from the fee that will likely be incurred by the Service in conducting commercial operations during that year;

(4) develop annually a detailed derivation of the commercial services cost base and the methodology used for computing the merchandise processing fee under paragraph (3); and

(5) report within 45 days of the beginning of any fiscal year to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of each fee estimate made under paragraph (3) and each cost base and user fee methodology derivation made under paragraph (4).

(b) **SURVEY REPORTS.**—The Commissioner of Customs shall no later than January 31, 1991, submit to the Committees referred to in subsection (a)(5) a report on the results of the first survey implemented under subsection (a)(2).

SEC. 114. GAO REPORT ON ENTRIES BY MAIL.

Before the 240th day after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) determine the extent to which the fees imposed under section 13031(a)(6) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(6)) are collected;

(2) develop recommendations for maximizing the collection of such fees; and

(3) submit a written report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth such determination and recommendation and the bases therefor.

SEC. 115. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsection (b), this subtitle, and the amendments made by this subtitle, take effect October 1, 1990, but the amendment made by section 111(b)(1) applies with respect to railroad cars arriving in the United States on or after July 7, 1986.

(b) **EXCEPTIONS.**—The amendment made by section 111(d), and section 112, take effect on the date of the enactment of this Act.

Subtitle C—Miscellaneous Customs Provisions

SEC. 121. CUSTOMS FORFEITURE FUND.

Section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b) is amended as follows:

(1) Subsection (a)(1) is amended—

(A) by striking out “and” at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting “; and”; and

(C) by adding at the end thereof the following new subparagraph:

“(F) equitable sharing payments made to other Federal agencies, State and local law enforcement agencies, and foreign countries under the authority of section 616(c) of this Act or section 981 of title 18, United States Code.”.

(2) Subsection (a)(2) is amended—

(A) by inserting “(A)” after “(2)”; and

(B) by adding at the end thereof the following:

“(B) Any payment made under subparagraph (F) of paragraph (1) with respect to a seizure or forfeiture of property shall not exceed the value of the property at the time of disposition.”.

(3) Subsection (c) is amended by inserting “forfeited currency and” before “proceeds”.

(4) Subsection (e)(1) is amended—

(A) by striking out “and” after the semicolon at the end of subparagraph (A);

(B) by amending subparagraph (B)—

(i) by striking out clause (ii),

(ii) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively,

(iii) by striking out “and” after the semicolon in clause (iv) (as so redesignated); and

(iv) by striking out the period at the end thereof and inserting “; and”; and

(C) by adding at the end thereof the following new subparagraph:

“(C) a report containing, for the previous fiscal year—

“(i) a complete set of audited financial statements (including a balance sheet, income statement, and cash flow analysis) prepared in a manner consistent with the requirements of the Comptroller General, and

“(ii) an analysis of income and expenses showing the revenue received or lost—

“(I) by property category (general property, vehicles, vessels, aircraft, cash, and real property) and

“(II) by type of disposition (sales, remissions, cancellations, placed into official use, sharing with State and local agencies, and destructions).”.

(5) Subsection (f) is amended to read as follows:

“(f)(1) Subject to paragraph (2), there are authorized to be appropriated from the Fund not to exceed \$20,000,000 for each fiscal year to carry out the purposes set forth in subsections (a)(3) and (b) for such fiscal year.

"(2) Of the amount authorized to be appropriated under paragraph (1), not to exceed the following shall be available to carry out the purposes set forth in subsection (a)(3):

"(A) \$14,855,000 for fiscal year 1991.

"(B) \$15,598,000 for fiscal year 1992."

SEC. 122. INCREASE IN VALUE SUBJECT TO ADMINISTRATIVE FORFEITURE; PROCESSING OF MONEY SEIZED UNDER THE CUSTOMS LAWS.

Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended—

(1) by striking out "\$100,000" in subsection (a)(1) and inserting "\$500,000";

(2) by striking out "or" at the end of subsection (a)(2);

(3) by inserting "or" after the semicolon at the end of subsection (a)(3);

(4) by inserting after paragraph (3) of subsection (a) the following new paragraph:

"(4) such seized merchandise is any monetary instrument within the meaning of section 5312(a)(3) of title 31 of the United States Code;";

(5) by adding at the end thereof the following new subsection:

"(c) The Commissioner of Customs shall submit to the Congress, by no later than February 1 of each fiscal year, a report on the total dollar value of uncontested seizures of monetary instruments having a value of over \$100,000 which, or the proceeds of which, have not been deposited into the Customs Forfeiture Fund under section 613A within 120 days of seizure, as of the end of the previous fiscal year."; and

(6) by striking out "\$100,000" in the section heading and inserting "\$500,000".

SEC. 123. ANNUAL NATIONAL TRADE AND CUSTOMS LAW VIOLATION ESTIMATES AND ENFORCEMENT STRATEGY.

(a) **VIOLATION ESTIMATES.**—Not later than 30 days before the beginning of each fiscal year after fiscal year 1991, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the "Committees") a report that contains estimates of—

(1) the number and extent of violations of the trade, customs, and illegal drug control laws listed under subsection (b) that will likely occur during the fiscal year; and

(2) the relative incidence of the violations estimated under paragraph (1) among the various ports of entry and customs regions within the customs territory.

(b) **APPLICABLE STATUTORY PROVISIONS.**—The Commissioner of Customs, after consultation with the Committees—

(1) shall, within 60 days after the date of the enactment of this Act, prepare a list of those provisions of the trade, customs, and illegal drug control laws of the United States for which the United States Customs Service has enforcement responsibility and to which the reports required under subsection (a) will apply; and

(2) may from time-to-time amend the listing developed under paragraph (1).

(c) **ENFORCEMENT STRATEGY.**—Within 90 days after submitting a report under subsection (a) for any fiscal year, the Commissioner of Customs shall—

(1) develop a nationally uniform enforcement strategy for dealing during that year with the violations estimated in the report; and

(2) submit to the Committees a report setting forth the details of the strategy.

(d) **CONFIDENTIALITY.**—The contents of any report submitted to the Committees under subsection (a) or (c)(2) are confidential and disclosure of all or part of the contents is restricted to—

(1) officers and employees of the United States designated by the Commissioner of Customs;

(2) the chairman of each of the Committees; and

(3) those members of each of the Committees and staff persons of each of the Committees who are authorized by the chairman thereof to have access to the contents.

SEC. 124. REPORTS REGARDING EXPANSION OF CUSTOMS PRECLEARANCE OPERATIONS AND RECOVERY FOR DAMAGE RESULTING FROM CUSTOMS EXAMINATIONS.

(a) **CUSTOMS PRECLEARANCE.**—The Secretary of the Treasury, in consultation with the Secretary of State, shall assess the advisability of expanding the use of preclearance operations by the United States Customs Service at foreign airports. The Secretary of Treasury shall submit a report on the assessment to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the “Committees”) no later than February 1, 1991.

(b) **RECOVERY FOR CUSTOMS DAMAGE.**—

(1) The Secretary of the Treasury, in consultation with the Attorney General, shall determine and evaluate various means by which persons whose merchandise is damaged during customs examinations may seek compensation from, or take other recourse against, the United States Customs Service regarding the damage.

(2) No later than February 1, 1991, the Secretary of the Treasury shall submit to the Committees a report on the evaluation required under paragraph (1), together with any legislative recommendation that the Secretary considers appropriate.

(c) **MERCHANDISE DAMAGE STATISTICS.**—The Commissioner of Customs shall keep accurate statistics on the incidence, nature, and extent of damage to merchandise resulting from customs examinations and shall provide an annual summary of these statistics to the Committees.

Subtitle D—Miscellaneous Provisions

SEC. 131. TREATMENT OF CZECHOSLOVAKIA AND EAST GERMANY UNDER THE GENERALIZED SYSTEM OF PREFERENCES.

The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out “Czechoslovakia” and “Germany (East)”.

SEC. 132. TECHNICAL AMENDMENTS REGARDING NONDISCRIMINATORY TRADE TREATMENT.

(a) WAIVER AUTHORITY.—

(1) Paragraph (5) of section 402(d) of the Trade Act of 1974 (19 U.S.C. 2432(d)(5)) is amended—

(A) by striking out “the waiver authority granted by subsection (c) has been extended under paragraph (3) or (4) for any country for the 12-month period referred to in such paragraphs, and”,

(B) by striking out “such authority will” in the first sentence thereof and inserting in lieu thereof “the waiver authority granted under subsection (c) will”, and

(C) by striking out “, unless” in the next to the last sentence and all that follows through the end of such paragraph and inserting “, unless a joint resolution described in section 153(a) is enacted into law pursuant to the provisions of paragraph (2).”.

(2) Subsection (d) of section 402 of the Trade Act of 1974 (19 U.S.C. 2432(d)), as amended by paragraph (1), is amended—

(i) by striking out paragraphs (1), (2), (3), and (4),

(ii) by redesignating paragraph (5) as paragraph (1), and

(iii) by adding at the end thereof the following new paragraph:

“(2)(A) The requirements of this paragraph are met if the joint resolution is enacted under the procedures set forth in section 153, and—

“(i) the Congress adopts and transmits the joint resolution to the President before the end of the 60-day period beginning on the date the waiver authority would expire but for an extension under paragraph (1), and

“(ii) if the President vetoes the joint resolution, each House of Congress votes to override such veto on or before the later of the last day of the 60-day period referred to in clause (i) or the last day of the 15-day period (excluding any day described in section 154(b)) beginning on the date the Congress receives the veto message from the President.

“(B) If a joint resolution is enacted into law under the provisions of this paragraph, the waiver authority applicable to any country with respect to which the joint resolution disapproves of the extension of such authority shall cease to be effective as of the day after the 60-day period beginning on the date of the enactment of the joint resolution.

“(C) A joint resolution to which this subsection and section 153 apply may be introduced at any time on or after the date the President transmits to the Congress the document described in paragraph 1(B).”

(3) Subsection (a) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(a)) is amended to read as follows:

“(a) **CONTENTS OF RESOLUTION.**—For purposes of this section, the term ‘resolution’ means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: ‘That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on _____ with

respect to .', with the first blank space being filled with the appropriate date, and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the clause beginning with 'with respect to' being omitted if the extension of the authority is not approved with respect to any country."

(4) Subsection (b) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(b)) is amended—

(A) by striking out "and, in the case of a resolution related to section 402(d)(4), 20 calendar days shall be substituted for 30 days" in paragraph (2),

(B) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (3),

(C) by striking out "in the case of a resolution described in subsection (a)(2)" in paragraph (3),

(D) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (4), and

(E) by striking out "in the case of a resolution described in subsection (a)(2)" in paragraph (4).

(5) Subsection (c) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193) is amended by striking out "in subsection (a)(1)" and inserting in lieu thereof "in subsection (a)".

(6) Section 153 of the Trade Act of 1974 (19 U.S.C. 2193) is amended by adding at the end thereof the following new subsection:

"(d) PROCEDURES RELATING TO CONFERENCE REPORTS IN THE SENATE.—

"(1) Consideration in the Senate of the conference report on any joint resolution described in subsection (a), including consideration of all amendments in disagreement (and all amendments thereto), and consideration of all debatable motions and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

"(2) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment to any amendment in disagreement shall be received unless it is a germane amendment."

(b) BILATERAL COMMERCIAL AGREEMENTS.—

(1) Subsection (c) of section 405 of the Trade Act of 1974 (19 U.S.C. 2435(c)) is amended to read as follows:

"(c) An agreement referred to in subsection (a), and a proclamation referred to in section 404(a) implementing such agreement, shall take effect only if a joint resolution described in section 151(b)(3) that approves of the agreement referred to in subsection (a) is enacted into law."

(2) Section 151 of the Trade Act of 1974 (19 U.S.C. 2191(b)) is amended—

(A) by inserting “or resolution” after “revenue bill” in subsection (b)(2),

(B) by inserting “, or approval resolution,” in subsection (b)(2) after “implementing bill”,

(C) by striking out “concurrent” in subsection (b)(3) and inserting in lieu thereof “joint”,

(D) by striking out “revenue bill” each place it appears in subsection (e)(2) and inserting in lieu thereof “revenue bill or resolution”, and

(E) by striking out “such bill” each place it appears in subsection (e)(2) and inserting in lieu thereof “such bill or resolution”.

(3) Subsection (c) of section 407 of the Trade Act of 1974 (19 U.S.C. 2437(c)) is amended—

(A) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraph:

“(1) In the case of a document referred to in subsection (a), the proclamation set forth in the document may become effective and the agreement set forth in the document may enter into force and effect only if a joint resolution described in section 151(b)(3) that approves of the extension of nondiscriminatory treatment to the products of the country concerned is enacted into law.”, and

(B) by redesignating paragraph (3) as paragraph (2).

(c) COMPLIANCE REPORTS.—

(1) Paragraph (2) of section 407(c) of the Trade Act of 1974 (19 U.S.C. 2437(c)(2)), as redesignated by subsection (b)(3)(B) of this section, is amended—

(A) by striking out “either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 152)” and inserting in lieu thereof “a joint resolution described in section 152(a)(1)(B) is enacted into law that disapproves”,

(B) by striking out “the date of the adoption” and inserting in lieu thereof “the end of the 60-day period beginning with the date of the enactment”, and

(C) by adding at the end thereof the following new sentence: “If the President vetoes the joint resolution, the joint resolution shall be treated as enacted into law before the end of the 90-day period under this paragraph if both Houses of Congress vote to override such veto on or before the later of the last day of such 90-day period or the last day of the 15-day period (excluding any day described in section 154(b)) beginning on the date the Congress receives the veto message from the President.”.

(2) Subparagraph (B) of section 152(a)(1) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)(B)) is amended to read as follows:

“(B) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: “That the Congress does not approve
trans-
mitted to the Congress on . . .”, with the first

blank space being filled in accordance with paragraph (2), and the second blank space being filled with the appropriate date."

(3) Paragraph (2) of section 152(a) of the Trade Act of 1974 (19 U.S.C. 2192(a)(2)) is amended—

(A) by striking out "second" in the matter preceding subparagraph (A) and inserting in lieu thereof "first",

(B) by adding "and" at the end of subparagraph (A),

(C) by striking out "407(c)(3)" in subparagraph (C) and inserting in lieu thereof "407(c)(2)",

(D) by striking out subparagraph (B), and

(E) by redesignating subparagraph (C) as subparagraph (B).

(4) Paragraph (1) of section 152(c) of the Trade Act of 1974 (19 U.S.C. 2192(c)(1)) is amended by striking out "except" and all that follows thereafter and inserting the following: "except that a motion to discharge—

"(A) may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his intention to do so; and

"(B) is not in order after the Committee has reported a resolution with respect to the same matter."

(5) Subsection (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(f)) is amended to read as follows:

"(f) PROCEDURES IN THE SENATE.—

"(1) Except as otherwise provided in this section, the following procedures shall apply in the Senate to a resolution to which this section applies:

"(A)(i) Except as provided in clause (ii), a resolution that has passed the House of Representatives shall, when received in the Senate, be referred to the Committee on Finance for consideration in accordance with this section.

"(ii) If a resolution to which this section applies was introduced in the Senate before receipt of a resolution that has passed the House of Representatives, the resolution from the House of Representatives shall, when received in the Senate, be placed on the calendar. If this clause applies, the procedures in the Senate with respect to a resolution introduced in the Senate that contains the identical matter as the resolution that passed the House of Representatives shall be the same as if no resolution had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the resolution that passed the House of Representatives.

"(B) If the Senate passes a resolution before receiving from the House of Representatives a joint resolution that contains the identical matter, the joint resolution shall be held at the desk pending receipt of the joint resolution from the House of Representatives. Upon receipt of the joint resolution from the House of Representatives, such joint resolution shall be deemed to be read twice, considered, read the third time, and passed.

"(2) If the texts of joint resolutions described in section 152 or 153(a), whichever is applicable, concerning any matter are not identical—

"(A) the Senate shall vote passage on the resolution introduced in the Senate, and

"(B) the text of the joint resolution passed by the Senate shall, immediately upon its passage (or, if later, upon receipt of the joint resolution passed by the House), be substituted for the text of the joint resolution passed by the House of Representatives, and such resolution, as amended, shall be returned with a request for a conference between the two Houses.

"(3) Consideration in the Senate of any veto message with respect to a joint resolution described in subsection (a)(2)(B) or section 153(a), including consideration of all debatable motions and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees."

(6) Subsection (b) of section 154 of the Trade Act of 1974 (194 U.S.C. 2194(b)) is amended by striking out "407(c)(2) and 407(c)(3)" and inserting in lieu thereof "and 407(c)(2)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on the date of the enactment of this Act.

(2) EXTENSION OF WAIVER AUTHORITY.—

(A) The amendments made by subsections (a) and (c) (4) and (5) apply with respect to recommendations made under section 402(d) of the Trade Act of 1974 by the President after May 23, 1990.

(B) Solely for purposes of applying the applicable provisions of the Trade Act of 1974 with respect to the recommendations made by the President to the House of Representatives and the Senate under subsection (d) of section 402 of the Trade Act of 1974 after May 23, 1990, and on or before the date of the enactment of this Act—

(i) in paragraph (2)(A)(i) of subsection (d) of such section 402 (as amended by subsection (a)), the date on which the waiver authority granted under subsection (c) of such section 402 would expire but for an extension under paragraph (1) of such subsection (d) is the date of the enactment of this Act;

(ii) paragraph (2)(A)(ii) of subsection (d) of such section 402 (as amended by subsection (a)) shall be treated as reading as follows:

"(i) if the President vetoes the joint resolution, each House of Congress votes to override such veto on or before the last day of the 60-day period referred to in clause (i).";

(iii) if the waiver authority granted under such subsection (c) is extended after application of clauses (i) and (ii), the expiration date for such authority is July 3, 1991; and

(iv) only joint resolutions described in section 153(a) of the Trade Act of 1974 (as amended by subsection (a)) that are introduced in the House of Representatives or the Senate on or after the date of the enactment of this Act may be considered by either body.

SEC. 133. COMPETITIVENESS POLICY COUNCIL.

(a) **MEMBERSHIP OF COUNCIL.**—Section 5205 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4804) is amended—

(1) in subsection (b) by striking out “January 21, 1989” and inserting in lieu thereof “the date of the enactment of the Customs and Trade Act of 1990”;

(2) by striking out subsections (e) and (f) and inserting in lieu thereof the following new subsections:

“(e) **CONFLICT OF INTEREST.**—A member of the Council shall not serve as an agent for a foreign principal.

“(f) **EXPENSES.**—Each member of the Council, while engaged in duties as a member of the Council, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from the usual place of residence of such member, in accordance with subchapter I of chapter 57 of title 5, United States Code.”; and

(3) by striking out subsections (l) and (m).

(b) **EXECUTIVE DIRECTOR AND STAFF.**—Section 5206 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4805) is amended by adding the following new subsections:

“(c) **EXPERTS AND CONSULTANTS.**—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS-16 of the General Schedule.

“(d) **DETAILS.**—Upon request of the Council, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this subtitle.”.

(c) **POWERS OF THE COUNCIL.**—Section 5207 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4806) is amended—

(1) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) in subsection (c) (as redesignated under paragraph (1)) by striking out “60” and inserting in lieu thereof “120”.

(d) **ANNUAL REPORT.**—Section 5208(a) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4807(a)) is amended by striking out “prepare and” and inserting in lieu thereof “on March 1”.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Section 5209 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4808) is amended by striking out “1989 and 1990” and inserting in lieu thereof “1991 and 1992”.

SEC. 134. TECHNICAL AMENDMENTS RELATING TO THE UNITED STATES-CANADA FREE-TRADE AGREEMENT.

(a) **AMENDMENTS TO THE TARIFF ACT OF 1930.**—

(1) Section 313(n) of the Tariff Act of 1930 (19 U.S.C. 1313(n)) is amended—

(A) by inserting “, except an article” before “made from or substituted for”, and

(B) by striking "of 1988" the second place it appears and inserting a comma.

(2) Section 313(o) of the Tariff Act of 1930 (19 U.S.C. 1313(o)) is amended by adding at the end thereof the following new sentence: "This subsection shall apply to vessels delivered to Canadian account or owner, or to the Government of Canada, on and after January 1, 1994 (or, if later, the date proclaimed by the President under section 204(b)(2)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988)."

(3) Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended—

(A) in subsection (a)(5)—

(i) by striking subparagraph (A) and inserting:

"(A) the date of publication in the Federal Register of notice of any determination described in paragraph (1)(B) or any determination described in clause (i), (ii), or (iii) of paragraph (2)(B)", and

(ii) by striking out the period at the end of subparagraph (B) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(C) the date as of which—

"(i) a binational panel has dismissed the binational panel review for lack of jurisdiction, and

"(ii) any interested party seeking review under paragraph (1), (2), or (3) has provided timely notice under subsection (g)(3)(B),

except that if a request for an extraordinary challenge committee has been made with respect to the decision to dismiss, the date under this subparagraph shall not be earlier than the date on which such committee determines that such panel acted properly when it dismissed for lack of jurisdiction,"; and

(B) in subsection (g)(3)—

(i) by striking "or" at the end of subparagraph (A)(ii), by striking the period at the end of subparagraph (A)(iii) and inserting ", or", and by adding at the end of subparagraph (A) the following new clause:

"(iv) a determination which a binational panel has determined under paragraph (2)(A) is not reviewable by the binational panel.", and

(ii) by inserting "or (iv)" after "subparagraph (A)(i)" in subparagraph (B).

(4) Section 777(d) of the Tariff Act of 1930 (19 U.S.C. 1677f(d)), as added by section 403(c) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, is redesignated as subsection (f) and is further amended—

(A) in paragraph (1)(A)—

(i) by striking "(but not privileged material as defined by the rules of procedure referred to in article 1904(14) of the United States-Canada Agreement)", and

(ii) by adding at the end thereof the following new sentence: "If the administering authority or the Commission claims a privilege as to a document or portion of a document in the administrative record of the pro-

ceeding in question and a binational panel finds that in camera inspection or limited disclosure of that document or portion thereof is required by United States law, the administering authority or the Commission, as appropriate, may restrict access to such document or portion thereof to the authorized persons identified by the panel as requiring access and may require such persons to obtain access under a protective order described in paragraph (2).”;

(B) in paragraph (1)(B)—

(i) by inserting “, and persons under the direction and control,” after “employees” in clause (ii),

(ii) by striking “and” at the end of clause (ii),

(iii) by striking all after “in order to” in clause (iii) and inserting “make recommendations to the Trade Representative regarding the convening of extraordinary challenge committees under chapter 19 of the Agreement, and”; and

(iv) by adding at the end thereof the following new clause:

“(iv) any officer or employee of the Government of Canada designated by an authorized agency of Canada to whom disclosure is necessary in order to make decisions regarding the convening of extraordinary challenge committees under chapter 19 of the Agreement.”;

(C) in paragraph (3)—

(i) by striking “or” after “violate,” each place it appears, and

(ii) by inserting “or knowingly to receive information the receipt of which constitutes a violation of,” after “violation of,” each place it appears; and

(D) in paragraph (4), by striking out “or inducement of a violation,” and inserting “inducement of a violation or receipt of information with reason to know that such information was disclosed in violation.”.

(b) AMENDMENTS TO THE UNITED STATES-CANADA FREE-TRADE AGREEMENT IMPLEMENTATION ACT OF 1988.—

(1) Section 406(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by adding at the end thereof the following new paragraph:

“(4) If the Canadian Secretariat described in chapter 19 of the Agreement provides funds during any fiscal year for the purpose of paying, in accordance with Annex 1901.2 of the Agreement, the Canadian share of the expenses of binational panels, the United States Secretariat established under section 405(e)(1) may hereafter retain and use such funds for such purposes.”.

(2) Section 408(c) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by striking all after “persons” and inserting “who would otherwise be entitled under Canadian law to commence procedures for judicial review of a final antidumping or coun-

tervailing duty determination made by a competent investigating authority of Canada.”

(3) Section 409(b)(3)(A) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by striking “section 305” and inserting “section 308”.

(c) **AMENDMENT TO HARMONIZED TARIFF SCHEDULE.**—U.S. Note 1 to subchapter XIII of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by adding at the end thereof the following new paragraph:

“(c) For purposes of this subchapter, the shipment to Canada of an article entered into the United States under heading 9813.00.05 shall not constitute an exportation, unless the article is a drawback eligible good under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988. This paragraph shall apply to shipments on or after January 1, 1994 (or, if later, the date proclaimed by the President under section 204(b)(2)(B) of such Act).”

SEC. 135. TREATMENT OF CERTAIN INFORMATION UNDER ADMINISTRATIVE PROTECTIVE ORDERS.

(a) **IN GENERAL.**—Section 333 of the Tariff Act of 1930 (19 U.S.C. 1333) is amended by adding at the end thereof the following new subsection:

“(h) **ADMINISTRATIVE PROTECTIVE ORDERS.**—Any correspondence, private letters of reprimand, and other documents and files relating to violations or possible violations of administrative protective orders issued by the Commission in connection with investigations or other proceedings under this title shall be treated as information described in section 552(b)(3) of title 5, United States Code.”

(b) **COUNTERVAILING AND ANTIDUMPING DUTY INVESTIGATIONS.**—Section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) is amended—

(1) by adding the following sentences at the end of subsection (c)(1)(A): “Customer names obtained during any investigation which requires a determination under section 705(b) or 735(b) may not be disclosed by the administering authority under protective order until either an order is published under section 706(a) or 736(a) as a result of the investigation or the investigation is suspended or terminated. The Commission may delay disclosure of customer names under protective order during any such investigation until a reasonable time prior to any hearing provided under section 774.”; and

(2) by adding at the end thereof the following new subsection:

“(g) **INFORMATION RELATING TO VIOLATIONS OF PROTECTIVE ORDERS AND SANCTIONS.**—The administering authority and the Commission may withhold from disclosure any correspondence, private letters of reprimand, settlement agreements, and documents and files compiled in relation to investigations and actions involving a violation or possible violation of a protective order issued under subsection (c) or (d), and such information shall be treated as information described in section 552(b)(3) of title 5, United States Code.”

(c) **APPLICATION OF AMENDMENTS TO PRODUCTS OF CANADIAN ORIGIN.**—For purposes of section 404 of the United States-Canada Free-Trade Agreement Implementation Act of 1988, the amendments made by subsection (b) also apply with respect to investigations under title VII of the Tariff Act of 1930 involving products of Canadian origin.

SEC. 136. EXTENSION OF TIME FOR PREPARATION OF REPORT ON SUPPLEMENTAL WAGE ALLOWANCE DEMONSTRATION PROJECTS UNDER THE WORKER ADJUSTMENT ASSISTANCE PROGRAM.

Section 246 of the Trade Act of 1974 (19 U.S.C. 2318) is amended—

(1) by striking out “and carry out” in the matter preceding paragraph (1) of subsection (a); and

(2) by striking out “3 years” in subsection (d) and inserting “6 years”.

SEC. 137. DRUG PARAPHERNALIA.

(a) **STATISTICAL ANNOTATIONS.**—The Secretary of the Treasury, the Secretary of Commerce, and the United States International Trade Commission shall take actions under section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)) to implement the recommendations of the Commission regarding additional statistical annotations that were made in the report of the Commission on Investigation 332-277.

(b) **REPORT.**—By no later than the date that is 1 year after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the operational response of the United States Customs Service to the recommendations contained in the report of the United States Trade Commission described in subsection (a). The report submitted by the Commissioner of Customs under this subsection shall address the effectiveness of the United States Customs Service in monitoring and seizing drug paraphernalia, including crack bags, vials, and pipes.

SEC. 138. ECONOMIC SANCTIONS AGAINST PRODUCTS OF BURMA.

(a) **IN GENERAL.**—If, prior to October 1, 1990, the President does not certify to Congress that Burma has met all of the conditions listed in subsection (b), then the President—

(1) shall impose such economic sanctions upon Burma as the President determines to be appropriate, including any sanctions appropriate under the Narcotics Control Trade Act of 1986; and

(2) should confer with other industrialized democracies in order to reach cooperative agreements to impose sanctions against Burma.

(b) **CONDITIONS WHICH BURMA MUST MEET.**—The conditions referred to in subsection (a) are as follows:

(1) Burma meets the certification requirements listed in section 802(b) of the Narcotics Control Trade Act of 1986.

(2) The national governmental legal authority in Burma has been transferred to a civilian government.

(3) Martial law has been lifted in Burma.

(4) Prisoners held for political reasons in Burma have been released.

(c) **IMPOSITION OF SANCTIONS.**—In applying subsection (a)(1), the President shall give primary consideration to the imposition of sanc-

tions on those products which constitute major imports from Burma, including fish, tropical timber, and aquatic animals, unless the President determines that sanctions against such products would have a significant adverse effect on the economic interests of the United States.

(d) **REPORTS IF SANCTIONS NOT IMPOSED.**—If the President does not impose economic sanctions under subsection (a)(1), the President shall—

(1) report to the Congress his reasons for not imposing sanctions and the actions he intends to take to achieve the conditions listed in subsection (b)(1) through (4); and

(2) for as long as economic sanctions are not imposed during the 2-year period after the date on which the report is first made under paragraph (1), submit semiannual reports to the Congress regarding the reasons and actions referred in such paragraph.

SEC. 139. MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS.

(a) **TARIFF ACT OF 1930.**—The Tariff Act of 1930 is amended as follows:

(1) Section 555(b)(6) (19 U.S.C. 1555(b)(6)) is amended by striking out “subpart A of part 2 of schedule 8 of the Tariff schedules of the United States” and inserting “subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States”.

(2) Section 739(a)(1)(B)(v) (19 U.S.C. 1673h(a)(1)(B)(v)) is amended by striking out “Tariff Schedules of the United States” and inserting “Harmonized Tariff Schedule of the United States”.

(3) Section 771(20)(A) (19 U.S.C. 1677(20)(A)) is amended by striking out “schedule 8 of the Tariff Schedules of the United States” and inserting “chapter 98 of the Harmonized Tariff Schedule of the United States”.

(b) **OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988.**—Section 1102(c)(4) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902(c)(4)) is amended—

(1) by striking out “paragraph (3)(B)” and inserting “paragraph (3)(C)”; and

(2) by striking out “1103(f)” and inserting “1103(e)”.

(c) **COBRA OF 1985.**—Section 13031(b)(8)(D) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(8)(D)) (as redesignated by section 111(b)(2)(A) of this Act) is amended—

(1) by striking out “subparagraph 9802.00.60 of the Tariff Schedules of the United States” in clause (iii) and inserting “subheading 9802.00.60 of the Harmonized Tariff Schedule of the United States”;

(2) by striking out “subparagraph 9802.00.80 of Schedules” in clause (iv) and inserting “heading 9802.00.80 of such Schedule”; and

(3) by striking out “subparagraph 9802.00.60 or 807.00 of such Schedules” in the sentence following clause (iv) and inserting “subheading 9802.00.60 or heading 9802.00.80 of such Schedule”.

SEC. 140. INCREASE IN EXPENDITURES TO PROVIDE ASSISTANCE FOR UNITED STATES CITIZENS RETURNING FROM FOREIGN COUNTRIES.

Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended to read as follows:

"(d) The total amount of temporary assistance provided under this section shall not exceed \$1,000,000 during any fiscal year beginning on or after October 1, 1989."

SEC. 141. ADMINISTRATIVE PROVISION.

(a) **GENERAL RULE.**—The determination of whether temporary 1990 census services constitute "Federal service" for purposes of subchapter I of chapter 85 of title 5, United States Code, shall be made under the provisions of such subchapter without regard to any provision of law not contained in such subchapter.

(b) **TEMPORARY 1990 CENSUS SERVICES.**—For purposes of subsection (a), the term "temporary 1990 census services" means services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population (as determined under regulations determined by the Secretary of Commerce).

SEC. 142. NONDISCRIMINATORY TREATMENT FOR THE PRODUCTS OF EAST GERMANY.

Notwithstanding any other provision of law, the President may, by proclamation, lower the rate of duty under the Harmonized Tariff Schedule of the United States on products of the German Democratic Republic that are entered, or withdrawn from warehouse for consumption, in the custom territory of the United States—

(1) after September 30, 1990; and

(2) before the beginning date on which a unified Germany is treated as a country eligible for column 1 duty treatment under such Harmonized Schedule;

to any rate of duty that is not lower than the rate that would be imposed if the column 1 general rate of duty provided for in such Schedule applied to the product at the time of entry or withdrawal.

TITLE II —CARIBBEAN BASIN ECONOMIC RECOVERY

Subtitle A—Short Title and Findings

SEC. 201. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Expansion Act of 1990"

SEC. 202. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) a stable political and economic climate in the Caribbean region is necessary for the development of the countries in that region and for the security and economic interests of the United States;

(2) the Caribbean Basin Economic Recovery Act was enacted in 1983 to assist in the achievement of such a climate by stimulating the development of the export potential of the region; and

(3) the commitment of the United States to the successful development of the region, as evidenced by the enactment of the

Caribbean Basin Economic Recovery Act, should be reaffirmed, and further strengthened, by amending that Act to improve its operation.

Subtitle B—Amendments to the Caribbean Basin Economic Recovery Act and Related Provisions

PART 1—AMENDMENTS TO CARIBBEAN BASIN ECONOMIC RECOVERY ACT

SEC. 211. REPEAL OF TERMINATION DATE ON DUTY-FREE TREATMENT UNDER THE ACT.

Section 218 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2706(b)) is repealed.

SEC. 212. DUTY REDUCTION FOR CERTAIN LEATHER-RELATED PRODUCTS

(a) IN GENERAL.—Section 213 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703) is amended by adding at the end thereof the following new subsection:

“(h)(1) Subject to paragraph (2), the President shall proclaim reductions in the rates of duty on handbags, luggage, flat goods, work gloves, and leather wearing apparel that—

“(A) are the product of any beneficiary country; and

“(B) were not designated on August 5, 1983, as eligible articles for purposes of the generalized system of preferences under title V of the Trade Act of 1974.

“(2) The reduction required under paragraph (1) in the rate of duty on any article shall—

“(A) result in a rate that is equal to 80 percent of the rate of duty that applies to the article on December 31, 1991, except that, subject to the limitations in paragraph (3), the reduction may not exceed 2.5 percent ad valorem; and

“(B) be implemented in 5 equal annual stages with the first one-fifth of the aggregate reduction in the rate of duty being applied to entries, or withdrawals from warehouse for consumption, of the article on or after January 1, 1992.

“(3) The reduction required under this subsection with respect to the rate of duty on any article is in addition to any reduction in the rate of duty on that article that may be proclaimed by the President as being required or appropriate to carry out any trade agreement entered into under the Uruguay Round of trade negotiations; except that if the reduction so proclaimed—

“(A) is less than 1.5 percent ad valorem, the aggregate of such proclaimed reduction and the reduction under this subsection may not exceed 3.5 percent ad valorem, or

“(B) is 1.5 percent ad valorem or greater, the aggregate of such proclaimed reduction and the reduction under this subsection may not exceed the proclaimed reduction plus 1 percent ad valorem.”

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 213 is amended—

(1) by striking out “, handbags, luggage, flat goods, work gloves, and leather wearing apparel” in paragraph (2);

(2) by striking “or” at the end of paragraph (4);

(3) by striking out the period at the end of paragraph (5) and inserting “; or”; and

(4) by adding at the end thereof the following new paragraph:
“(6) articles to which reduced rates of duty apply under subsection (h).”.

SEC. 213. WORKER RIGHTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended—

(1) by striking out “and” after the semicolon at the end of subsection (b)(5);

(2) by striking out the period at the end of subsection (b)(6) and inserting “; and”;

(3) by adding at the end of subsection (b) the following new paragraph:

“(7) if such country has not or is not taking steps to afford internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974) to workers in the country (including any designated zone in that country).”;

(4) by amending the last sentence in subsection (b) by striking out “and (5)” and inserting “(5), and (7)”; and

(5) by amending subsection (c)(8) to read as follows:

“(8) whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights.”.

SEC. 214. REPORTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended by adding at the end thereof the following new subsection:

“(f) On or before October 1, 1993, and the close of each 3-year period thereafter, the President shall submit to the Congress a complete report regarding the operation of this title, including the results of a general review of beneficiary countries based on the considerations described in subsections (b) and (c).”.

SEC. 215. TREATMENT OF ARTICLES GROWN, PRODUCED, OR MANUFACTURED IN PUERTO RICO.

(a) **IN GENERAL.**—Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended by adding at the end thereof the following new paragraph:

“(5) The duty-free treatment provided under this chapter shall apply to an article (other than an article listed in subsection (b)) which is the growth, product, or manufacture of the Commonwealth of Puerto Rico if—

“(A) the article is imported directly from the beneficiary country into the customs territory of the United States,

“(B) the article was by any means advanced in value or improved in condition in a beneficiary country, and

“(C) if any materials are added to the article in a beneficiary country, such materials are a product of a beneficiary country or the United States.”.

(b) **EFFECTIVE DATES.**—

(1) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(2) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer after September 30, 1990, and before April 1, 1991, any entry, or withdrawal from warehouse—

(A) which was made after August 5, 1983, and before October 1, 1990, and with respect to which liquidation has not occurred before October 1, 1990, and

(B) with respect to which there would have been no duty, or a lesser duty, if the amendment made by subsection (a) applied,

shall be liquidated as though such amendment applied to such entry or withdrawal.

SEC. 216. APPLICATION OF ACT IN EASTERN CARIBBEAN AREA.

It is the sense of the Congress that there should be undertaken special efforts in order to improve the ability of the Organization of Eastern Caribbean States countries and Belize to benefit from the Caribbean Basin Economic Recovery Act.

PART 2—AMENDMENTS TO THE HARMONIZED TARIFF SCHEDULE AND OTHER PROVISIONS AFFECTING CBI BENEFICIARY COUNTRIES

SEC. 221. INCREASE IN DUTY-FREE TOURIST ALLOWANCES.

(a) DUTY-FREE ALLOWANCE FOR RETURNING RESIDENTS.—Subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting the following new note at the end of the notes to such subchapter:

“4. As used in subheadings 9804.00.70 and 9804.00.72, the term ‘beneficiary country’ means a country listed in general note 3(c)(v)(A).”;

(2) by striking out “subheading 9804.00.65 or 9804.00.70” and all that follows thereafter in the superior article description to subheadings 9804.00.65 and 9804.00.70 and inserting “subheadings 9804.00.65, 9804.00.70, and 9804.00.72 within 30 days preceding his arrival, and claims exemption under only one of such items on his arrival.”;

(3) by striking out “\$800” in subheading 9804.00.70 and inserting “\$1,200”;

(4) by inserting “or up to \$600 of which have been acquired in one or more beneficiary countries” before the parenthetical matter in subheading 9804.00.70; and

(5) by inserting after subheading 9804.00.70 the following new subheading with the article description for the new subheading having the same degree of indentation as subheading 9804.00.70:

“9804.00.72 Articles whether or not accompanying a person, not over \$600 in aggregate fair market value in the country of acquisition, including—

(a) but only in the case of an individual who has attained the age of 21, not more than 1 liter of alcoholic beverages or not more than 2 liters if at least one liter is the product of one or more beneficiary countries, and

(b) not more than 200 cigarettes, and not more than 100 cigars,

if such person arrives directly from a beneficiary country, not more than \$400 of which shall have been acquired elsewhere than in beneficiary countries (but this item does not permit the entry of articles not accompanying a person which were acquired elsewhere than in beneficiary countries). Free Free."

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) apply with respect to residents of the United States who depart from the United States on or after the 15th day after the date of the enactment of this Act.

SEC. 222. DUTY-FREE TREATMENT FOR ARTICLES ASSEMBLED IN BENEFICIARY COUNTRIES FROM COMPONENTS PRODUCED IN THE UNITED STATES.

(a) **IN GENERAL.**—U.S. Note 2 of subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking out “2. Any” and inserting “2. (a) Except as provided in paragraph (b), any”; and

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

“(b) No article (except a textile article, apparel article, or petroleum, or any product derived from petroleum, provided for in heading 2709 or 2710) may be treated as a foreign article, or as subject to duty, if—

“(i) the article is—

“(A) assembled or processed in whole of fabricated components that are a product of the United States, or

“(B) processed in whole of ingredients (other than water) that are a product of the United States,

in a beneficiary country; and

“(ii) neither the fabricated components, materials or ingredients, after exportation from the United States, nor the article itself, before importation into the United States, enters the commerce of any foreign country other than a beneficiary country.

As used in this paragraph, the term ‘beneficiary country’ means a country listed in general note 3(c)(v)(A).”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) apply with respect to goods assembled or processed abroad that are entered on or after October 1, 1990.

SEC. 223. RULES OF ORIGIN FOR PRODUCTS OF BENEFICIARY COUNTRIES.

(a) **ITC INVESTIGATION.**—

(1) The United States International Trade Commission shall immediately undertake, pursuant to section 332(g) of the Tariff Act of 1930, an investigation for the purpose of assessing whether revised rules of origin for products of countries designated as beneficiary countries under the Caribbean Basin Economic Recovery Act are appropriate. If the Commission makes an affirmative assessment, it shall develop recommended revised rules of origin.

(2) The Commission shall submit a report on the results of the investigation under paragraph (1), together with the text of recommended rules, if any, to the President and the Congress no later than 9 months after the date of the enactment of this Act.

(b) **LEGISLATIVE RECOMMENDATIONS.**—If the President considers that the implementation of revised rules of origin for products of

beneficiary countries would be appropriate, the President shall transmit to the Congress suggested legislation containing such rules of origin. In formulating such suggested legislation, the President shall—

- (1) take into account the report and recommended rules submitted under subsection (a); and
- (2) obtain the advice of—
 - (A) the appropriate advisory committees established under section 135 of the Trade Act of 1974,
 - (B) the governments of the beneficiary countries,
 - (C) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and
 - (D) other interested parties.

SEC. 224. CUMULATION INVOLVING BENEFICIARY COUNTRY PRODUCTS UNDER THE COUNTERVAILING AND ANTIDUMPING DUTY LAWS.

(a) **MATERIAL INJURY.**—Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iv)) is amended to read as follows:

“(iv) **CUMULATION.**—

“(I) **IN GENERAL.**—For purposes of clauses (i) and (ii) and subject to subclause (II), the Commission shall cumulatively assess the volume and effect of imports from two or more countries of like products subject to investigation if such imports compete with each other and with like products of the domestic industry in the United States market.

“(II) **CBI EXCEPTION.**—Solely for purposes of determining material injury, or the threat thereof, by reason of imports which are products of a country designated as a beneficiary country under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), the volume and effect of imports from such country may only be cumulatively assessed with imports of like products from one or more other countries designated as beneficiary countries.”

(b) **THREAT OF MATERIAL INJURY.**—Section 771(7)(F)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(F)(iv)) is amended by striking out “(C)(v),” and inserting “(C) (iv)(II) and (v),”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) apply with respect to investigations (including investigation regarding products of Canadian origin) initiated under section 702 or 732 of the Tariff Act of 1930 on or after the date of the enactment of this Act.

SEC. 225. ETHYL ALCOHOL.

Section 7(b) of the Steel Trade Liberalization Program Implementation Act (19 U.S.C. 2703 note) is amended by striking out “calendar years 1990 and 1991.” and inserting “calendar years after 1989.”

SEC. 226. CONFORMING AMENDMENT.

Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended to read as follows:

“(b)(1) The duty free treatment provided under section 501 shall apply to any eligible article which is the growth, product, or manufacture of a beneficiary developing country if—

“(A) that article is imported directly from a beneficiary developing country into the customs territory of the United States; and

“(B) the sum of (i) the cost or value of the materials produced in the beneficiary developing country or any 2 or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3), plus (ii) the direct costs of processing operations performed in such beneficiary developing country or such member countries is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

“(2) The Secretary of the Treasury, after consulting with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this subsection, including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary developing country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary developing country; but no article or material of a beneficiary developing country shall be eligible for such treatment by virtue of having merely undergone—

“(A) simple combining or packaging operations, or

“(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.”

SEC. 227. REQUIREMENT FOR INVESTMENT OF SECTION 936 FUNDS IN CARIBBEAN BASIN COUNTRIES.

(a) **GENERAL RULE.**—Paragraph (4) of section 936(d) of the Internal Revenue Code of 1986 (relating to investment in Caribbean Basin countries) is amended by adding at the end thereof the following new subparagraph:

“(d) **REQUIREMENT FOR INVESTMENT IN CARIBBEAN BASIN COUNTRIES.**—

“(i) **IN GENERAL.**—For each calendar year, the government of Puerto Rico shall take such steps as may be necessary to ensure that at least \$100,000,000 of qualified Caribbean Basin country investments are made during such calendar year.

“(ii) **QUALIFIED CARIBBEAN BASIN COUNTRY INVESTMENT.**—For purposes of clause (i), the term ‘qualified Caribbean Basin country investment’ means any investment if—

“(I) the income from such investment is treated as qualified possession source investment income by reason of subparagraph (A), and

“(II) such investment is not (directly or indirectly) a refinancing of a prior investment (whether or not such prior investment was a qualified Caribbean Basin country investment).”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to calendar years after 1989.

SUBTITLE C—SCHOLARSHIP ASSISTANCE AND TOURISM PROMOTION

SEC. 231. COOPERATIVE PUBLIC AND PRIVATE SECTOR PROGRAM FOR PROVIDING SCHOLARSHIPS TO STUDENTS FROM THE CARIBBEAN AND CENTRAL AMERICA.

(a) **STATEMENT OF PURPOSE.**—It is the purpose of this section to encourage the establishment of partnerships between the State governments, universities, community colleges, and businesses to support scholarships for talented socially and economically disadvantaged students from eligible countries in the Caribbean and Central America to study in the United States in order to—

(1) improve the diversity and quality of educational opportunities for such students;

(2) assist the development efforts of eligible countries by providing training and educational assistance to persons who can help address the social and economic needs of these countries;

(3) expand opportunities for cross-cultural studies and exchanges and improve the exchange of understanding and principles of democracy;

(4) promote positive and productive relationships between the United States and its neighbor countries in the Caribbean and Central American regions;

(5) give added visibility and focus to the “scholarship diplomacy” efforts of the United States Government by leveraging the monies available for this purpose through the development of partnerships among Federal, State, and local governments and the business and academic communities; and

(6) promote community involvement with the scholarship program as a tool for broadening and strengthening the “American experience” for foreign students.

(b) **ESTABLISHMENT OF SCHOLARSHIP PROGRAM.**—The Administrator of the Agency for International Development shall establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships to enable socially and economically disadvantaged students from eligible countries in the Caribbean and Central America to study in the United States.

(c) **GRANTS TO STATES.**—In carrying out this section, the Administrator may make grants to States to provide scholarship assistance for undergraduate degree programs and for training programs of one year or longer in study areas related to the critical development needs of the students’ respective countries.

(d) **AGREEMENT WITH STATES.**—The Administrator and each participating State shall agree on a program regarding the educational opportunities available within the State, the selection and assignment of scholarship recipients, and related issues. To the maximum extent practicable, each State shall be given flexibility in designing its program.

(e) **FEDERAL SHARE.**—The Federal share for each year for which a State receives payments under this section shall be not less than 50 percent.

(f) **NON-FEDERAL SHARE.**—*The non-Federal share of payments under this section may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books or supplies.*

(g) **FORGIVENESS OF SCHOLARSHIP ASSISTANCE.**—*The obligation of any recipient to reimburse any entity for any or all scholarship assistance provided under this section shall be forgiven upon the recipient's prompt return to his or her country of domicile for a period which is at least one year longer than the period spent studying in the United States with scholarship assistance.*

(h) **PRIVATE SECTOR PARTICIPATION.**—*To the maximum extent practicable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section. Wherever appropriate, each participating State shall encourage the private sector to offer internships or other opportunities consistent with the purposes of this section to students receiving scholarships under this section.*

(i) **FUNDING.**—*Any funds used in carrying out this section shall be derived from funds allocated for Latin American and Caribbean regional programs under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund).*

(j) **DEFINITIONS.**—*As used in this section—*

(1) *The term "eligible country" means any country—*

(A) *which is receiving assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund); and*

(B) *which is designated by the President as a beneficiary country pursuant to the Caribbean Basin Economic Recovery Act.*

(2) *The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.*

SEC. 232. PROMOTION OF TOURISM.

(a) **CONGRESSIONAL FINDING.**—*The Congress finds that the tourism industry must be recognized as a central element in the economic development and political stability of the Caribbean Basin region because of the potential that the industry has for increasing employment and foreign exchange earnings, establishing important linkages with other related sectors, and having a positive complementary effect on trade with the United States.*

(b) **FEDERAL AGENCY PRIORITY.**—*It is the sense of the Congress that increased tourism and related activities should be developed in the Caribbean Basin region as a central part of the Caribbean Basin Initiative program and, to that end, the appropriate agencies of the United States Government should assign a high priority to projects that promote the tourism industry in the Caribbean Basin.*

(c) *STUDY.*—The Secretary of Commerce shall complete the study begun in 1986 regarding tourism development strategies for the Caribbean Basin region. The study shall include—

(1) information on the mutual benefits received by the United States and the Caribbean Basin economies as a result of tourist activity in the area; and

(2) proposals for developing increased linkages between the tourism industry and local industries in the region such as the agrobusiness.

SEC. 233. PILOT PRECLEARANCE PROGRAM.

(a) *ESTABLISHMENT OF PROGRAM.*—Subject to subsection (b), the Commissioner of Customs shall carry out, during fiscal years 1991 and 1992, preclearance operations at a facility of the United States Customs Service in a country within the Caribbean Basin which the Commissioner of Customs considers appropriate for testing the extent to which the availability of preclearance operations can assist in the development of tourism.

(b) *RESTRICTIONS REGARDING PROGRAM.*—

(1) The Commissioner of Customs may not consider a country within the Caribbean Basin to be appropriate for the testing referred to in subsection (a) if preclearance operations are currently carried out by the United States Customs Service in that country.

(2) Preclearance operations may not be commenced in the country selected for testing under subsection (a) unless the Commissioner of Customs and the Commissioner of Immigration and Naturalization jointly certify that—

(A) there exists a bilateral agreement between the United States Government and the government of such country which protects the interests of the United States and affords diplomatic protection to United States employees working at the preclearance location;

(B) the facilities at the preclearance location conform to Federal Inspection Services standards and are suitable for the duties to be performed therein;

(C) there is adequate security around the structure used for the reception of international arrivals;

(D) the government of such country grants the United States Customs Service and the United States Immigration and Naturalization Service appropriate search, seizure, and arrest authority; and

(E) United States employees and their families will not be subject to fear of reprisal, acts of terrorism, and threats of intimidation.

(3) In determining the country in which to establish the operation described in paragraph (1), the Commissioner of Customs and the Commissioner of Immigration and Naturalization shall first determine the viability of establishing such operations in either Aruba or Jamaica. If the Commissioners determine, after full consultation with the governments of such countries, that it is not viable to establish pre-clearance operations in either Aruba or Jamaica, they shall so report to the Committee on Finance of the Senate and the Committee on

Ways and Means of the House of Representatives, including an explanation of how this determination was reached. Such report shall be submitted to those Committees within six months after the date of the enactment of this Act. Following the submission of such a report, the Commissioners shall take all necessary steps, consistent with the requirements of this section, to establish such operations in another country.

(c) *REPORT.*—As soon as practicable after September 30, 1992, the Commissioner of Customs shall submit to the Congress a report regarding the preclearance operations program carried out under subsection (a). The report shall include—

(1) *a summary of the preclearance operations, including the number of individuals processed, any administrative problems encountered, and cost of the operations;*

(2) *an evaluation of the extent to which the preclearance operations contributed to—*

(A) *the stimulation of the tourism industry of the country concerned, and*

(B) *expedited customs processing at United States ports of entry;*

(3) *the opinion of the Commissioner of Customs regarding the efficacy of extending preclearance operations to other countries within the Caribbean Basin that are developing tourism industries, and if the opinion is affirmative, the identity of those countries to which such operations should be extended and the estimated costs and results of such extensions; and*

(4) *such other matters that the Commissioner of Customs considers relevant.*

SUBTITLE D—MISCELLANEOUS PROVISIONS

SEC. 241. TRADE BENEFITS FOR NICARAGUA.

Notwithstanding any other provision of law, the President is authorized to designate Nicaragua as a beneficiary developing country for the purposes of title V of the Trade Act of 1974, as amended, and as a beneficiary country under the Caribbean Basin Economic Recovery Act, and any such designation may remain effective for the duration of the calendar year 1990.

SEC. 242. AGRICULTURAL INFRASTRUCTURE SUPPORT.

It is the sense of Congress that in order to facilitate trade with, and the economic development of, the countries designated as beneficiary countries under the Caribbean Basin Economic Recovery Act, the Secretary of Agriculture should, in consultation with the Agricultural Business Promotion Council, coordinate with the Agency for International Development the development of programs to encourage improvements in the transportation and cargo handling infrastructure in these countries for the purpose of improving agricultural trade between these countries and the United States. Such programs should focus on improving distribution of agricultural commodities and products in these countries, and the phytosanitary institutions, quarantine capabilities, and pesticide regulations of these countries regarding agricultural commodities and products.

SEC. 243. EXTENSION OF TRADE BENEFITS TO THE ANDEAN REGION.

(a) **FINDINGS.**—*The Congress finds that:*

(1) *United States antinarcotics policy places a high priority on assisting the nations of the Andean region of South America, the source of 100 percent of the world's supply of cocaine.*

(2) *The President and Congress have recognized that United States trade and economic policies play an important role in the overall United States antidrug strategy in the Andes.*

(3) *The extension of special trade preferences for articles from the Andean region would help revitalize the national economies of the Andes and further United States antinarcotics policy in the region.*

(b) **SENSE OF CONGRESS.**—*The Congress urges the President to—*

(1) *review the merits of extending the benefits provided under the Caribbean Basin Economic Recovery Act to the Andean region; and*

(2) *continue to explore additional mechanisms to expand trade opportunities for the Andean region, and report to Congress in a regular and timely fashion on the result of this review.*

TITLE III—TARIFF PROVISIONS**SEC. 301. REFERENCE.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

SUBTITLE A—TEMPORARY SUSPENSIONS AND REDUCTIONS IN DUTIES**PART 1—NEW DUTY SUSPENSIONS AND TEMPORARY REDUCTIONS****SEC. 311. CASTOR OIL AND ITS FRACTIONS.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.15.15 Castor oil and its fractions (provided for in subheading 1515.30.20 or 1515.30.40). Free No change No change On or before 12/31/92."

SEC. 312. CERTAIN JAMS, PASTES AND PUREES, AND FRUIT JELLIES.

(a) *Subchapter II of chapter 99 is amended—*

(1) *by adding at the end of the U.S. notes thereto the following:*

"10. The column 1 rate of duty for goods entered under heading 9902.20.07 is a rate that would have applied for such goods if they had been entered at the column 1 rate of duty under the former Tariff Schedules of the United States (19 U.S.C. 1202) on December 31, 1988, unless otherwise proclaimed by the President before December 31, 1992."

(2) *by inserting in numerical sequence the following new heading:*

"9902.20.07 Jams, pastes, and purees, and fruit jellies, the foregoing of peaches, apricots, raspberries, or cherries (provided for in subheading 2007.99).....	The rate prescribed in U.S. note 10 to this subchapter.	No change..... No change..... On or before 12/31/92".
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(b) If before December 31, 1992, the President determines that appropriate trade concessions, including the correction of errors and oversights in foreign tariff schedules, have been obtained, the President may proclaim such modifications to the column 1 rates of duty on jams, pastes, and purees, and fruit jellies falling under subheading 2007.99, as are necessary and appropriate to restore with respect to such goods the tariff treatment that applied under the former Tariff Schedules of the United States (19 U.S.C. 1202) December 31, 1988.

SEC. 313. MERCURIC OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.28.25 Mercuric oxide (provided for in subheading 2825.90.60).....	Free No change..... No change..... On or before 12/31/92".
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SEC. 314. 1,5-NAPHTHALENE DIISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.07 1,5-Naphthalene diisocyanate (provided for in subheading 2929.90.10).....	Free No change..... Free On or before 12/31/92".
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SEC. 315. 2,3,6-TRIMETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.08 2,3,6-Trimethylphenol (provided for in subheading 2907.29.30).....	Free No change..... No change..... On or before 12/31/92".
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SEC. 316. p-HYDROXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.09 p-Hydroxybenzaldehyde (provided for in subheading 2912.49.20).....	Free No change..... No change..... On or before 12/31/92".
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SEC. 317. DMBS AND HPBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.30.10	4,4-Isopropylidenedicyclohexanol (CAS No. 80-04-6) (provided for in subheading 2906.19.00).....	Free.....	No change.....	No change.....	On or before 12/31/92; and
"9902.30.83	Bis-O-(4-methylphenyl)methylene]-D- glucitol (CAS Nos. 54686-97-4 and 58956-31-3) (dimethylbenzylidene sorbitol) (provided for in subhead- ing 2932.90.41).....	Free.....	No change.....	No change.....	On or before 12/31/92".

SEC. 318. MBEP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.11	2-(1,1-Dimethylethyl)-4-ethylphenol (CAS No. 96-70-8) (provided for in subheading 2907.19.50).....	Free.....	No change.....	No change.....	On or before 12/31/92".
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SEC. 319. 6-t-BUTYL-2,4-XYLENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.12	6-t-Butyl-2,4-xyleneol (provided for in subheading 2907.19.50).....	Free.....	No change.....	No change.....	On or before 12/31/92".
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SEC. 320. 4,4'-METHYLENEBIS(2,6-DIMETHYLPHENYLCYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.13	4,4'-Methylenebis(2,6-dimethyl- phenylcyanate) (provided for in subheading 2907.29.50).....	Free.....	No change.....	No change.....	On or before 12/31/92".
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SEC. 321. NEVILLE-WINTER ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.14	1-Naphthol-4-sulfonic acid and its monosodium salt (CAS Nos. 84-87- 7 and 6099-57-6) (provided for in subheading 2908.20.10).....	Free.....	No change.....	No change.....	On or before 12/31/92".
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SEC. 322. 7-HYDROXY-1,3-NAPHTHALENEDISULFONIC ACID, DIPO-TASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.15	7-Hydroxy-1,3-naphthalenedisulfonic acid, dipotassium salt (CAS No. 842-18-2) (provided for in subhead- ing 2908.20.50).....	Free.....	No change.....	No change.....	On or before 12/31/92".
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SEC. 323. 7-ACETYL-1,1,3,4,4,6-HEXAMETHYLTETRAHYDRO-NAPHTHALENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.16 7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydro-naphthalene (provided for in subheading 2914.30.00)..... Free..... No change..... No change..... On or before 12/31/92".

SEC. 324. ANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.17 Anthraquinone (provided for in subheading 2914.61.00)..... Free..... No change..... No change..... On or before 12/31/92".

SEC. 325. 1,4-DIHYDROXYANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.18 1,4-Dihydroxy-anthraquinone (CAS No. 81-64-1) (provided for in subheading 2914.69.50)..... Free..... No change..... No change..... On or before 12/31/92".

SEC. 326. 2-ETHYLANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.19 2-Ethylantraquinone (provided for in subheading 2914.69.50)..... Free..... No change..... No change..... On or before 12/31/92".

SEC. 327. CHLORHEXANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.20 1-Chloro-5-hexanone (CAS No. 10226-30-9) (provided for in subheading 2914.70.50)..... Free..... No change..... No change..... On or before 12/31/92".

SEC. 328. 3-AMINOPROPANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"9902.30.21 3-Aminopropanol (CAS No. 156-87-6) (provided for in subheading 2922.19.50)..... Free..... No change..... No change..... On or before 12/31/92".

SEC. 329. NAPHTHALIC ACID ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.22 Naphthalic acid anhydride (provided for in subheading 2917.39.10)..... Free..... No change..... No change..... On or before 12/31/92".

SEC. 330. DIFLUNISAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.23 2,4'-Difluoro-4-hydroxy-3-biphenyl-carboxylic acid (Diflunisal) (provided for in subheading 2918.29.40). Free No change No change On or before 12/31/92".

SEC. 331. DIPHENOLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.24 4,4-Bis(4-hydroxyphenyl)-pentanoic acid (CAS No. 126-00-1) (provided for in subheading 2918.29.40)..... Free No change No change On or before 12/31/92".

SEC. 332.6-HYDROXY-2-NAPHTHOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.25 6-Hydroxy-2-naphthoic acid (CAS No. 16712-64-4) (provided for in subheading 2918.29.50) Free No change No change On or before 12/31/92".

SEC. 333. METHYL AND ETHYL PARATHION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.26 0,0-Diethyl-0-(4-nitrophenyl) phosphorothioate and 0,0-Dimethyl-0-(4-nitrophenyl) phosphorothioate (provided for in subheading 2920.10.20)..... Free No change No change On or before 12/31/92".

SEC. 334. N-METHYLANILINE AND M-CHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.30.27 N-Methylaniline (provided for in subheading 2921.42.20) Free No change No change On or before 12/31/92; and

9902.30.28 m-Chloroaniline (provided for in subheading 2921.42.50) Free No change No change On or before 12/31/92".

SEC. 335. 4,4'-METHYLENEBIS(3-CHLORO-2,6-DIETHYLANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.29 4,4'-Methylenebis(3-chloro-2,6-diethylaniline) (provided for in subheading 2921.42.30) Free No change No change On or before 12/31/92".

SEC. 336. 4,4'-METHYLENE-BIS(2,6-DIISOPROPYLANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.30 4,4'-Methylenebis-(2,6-disopropylaniline) (provided for in subheading 2921.42.50) Free No change No change On or before 12/31/92".

SEC. 337. 2-CHLORO-4-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.31 2-Chloro-4-nitroaniline (CAS No. 121-87-9) (provided for in subheading 2921.42.50) Free No change No change On or before 12/31/92".

SEC. 338. 4-CHLORO- α,α,α -TRIFLUORO-O-TOLUIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.32 4-Chloro- α,α,α -trifluoro-o-toluidine (CAS No. 445-03-4) (provided for in subheading 2921.43.10) Free No change No change On or before 12/31/92".

SEC. 339. TRIFLUOROMETHYLANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.33 3-(Trifluoromethyl)-aniline (CAS No. 98-16-8) (m-Aminobenzotrifluoride) (provided for in subheading 2921.43.50) Free No change No change On or before 12/31/92".

SEC. 340. 5-AMINO-2-NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.34 5-Amino-2-naphthalenesulfonic acid (CAS No. 119-79-9) (provided for in subheading 2921.45.10) Free No change No change On or before 12/31/92".

SEC. 341. 7-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.35 7-Amino-1,3-naphthalenedisulfonic acid, monopotassium salt (CAS No. 842-15-9) (provided for in subheading 2921.45.10) Free No change No change On or before 12/31/92".

SEC. 342. 4-AMINO-1-NAPHTHALENESULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.36 4-Amino-1-naphthalenesulfonic acid, sodium salt (CAS No. 130-13-2) (provided for in subheading 2921.45.20)..... Free No change..... No change..... On or before 12/31/92".

SEC. 343. 8-AMINO-2-NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.37 8-Amino-2-naphthalenesulfonic acid (CAS No. 119-28-8) (provided for in subheading 2921.45.20)..... Free No change..... No change..... On or before 12/31/92".

SEC. 344. MIXTURES OF 5- AND 8-AMINO-2-NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.38 Mixtures of 5- and 8-amino-2-naphthalenesulfonic acid (CAS No. 119-28-8) (provided for in subheading 2921.45.30)..... Free No change..... No change..... On or before 12/31/92".

SEC. 345. 1-NAPHTHYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.39 1-Naphthylamine (CAS No. 134-32-7) (provided for in subheading 2921.45.50)..... Free No change..... No change..... On or before 12/31/92".

SEC. 346. 6-AMINO-2-NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.40 6-Amino-2-naphthalenesulfonic acid (CAS No. 93-00-5) (provided for in subheading 2921.45.50)..... Free No change..... No change..... On or before 12/31/92".

SEC. 347. BROENNER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.41 2-Naphthylamine-6-sulfonic acid (CAS No. 93-00-5) (provided for in subheading 2921.45.50)..... Free No change..... No change..... On or before 12/31/92".

SEC. 348. D SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.42 2-Naphthylamine-1,5-disulfonic acid and its monosodium salt (CAS Nos. 117-62-4 and 19532-03-07) (provided for in subheading 2921.45.50)..... Free No change..... No change.... On or before 12/31/92".

SEC. 349. 2,4-DIAMINO BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.43 2,4-Diaminobenzenesulfonic acid (CAS No. 88-63-1) (provided for in subheading 2921.51.50)..... Free No change..... No change.... On or before 12/31/92".

SEC. 350. PARAMINE ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.44 1,4-Diaminobenzene-2-sulfonic acid (CAS No. 88-45-9) (provided for in subheading 2921.59.50)..... Free No change..... No change.... On or before 12/31/92".

SEC. 351. TAMOXIFEN CITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.45 Tamoxifen citrate (provided for in subheading 2922.19.10)..... Free No change..... No change.... On or before 12/31/92".

SEC. 352. K-ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.46 1-Amino-8-hydroxy-4,6-naphthalenedisulfonic acid, monosodium salt (CAS No. 85294-32-2) (provided for in subheading 2922.21.20)..... Free No change..... No change.... On or before 12/31/92".

SEC. 353. O-ANISIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.47 1-Amino-2-methoxybenzene (o-Anisidine) (CAS No. 90-04-0) (provided for in subheading 2922.22.10)..... Free No change..... No change.... On or before 12/31/92".

SEC. 354. 2-AMINO-4-CHLOROPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.48 2-Amino-4-chlorophenol (CAS No. 95-85-2) (provided for in subheading 2922.29.10)..... Free No change..... No change.... On or before 12/31/92".

SEC. 355. ORNITHINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.49 *L*-Ornithine, ethyl ester (*L*-2,5-Diaminopentanoic acid, ethyl ester) (CAS No. 84772-29-2) (provided for in subheading 2922.49.50)..... Free No change..... No change..... On or before 12/31/92".

SEC. 356. CLENTIAZIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.50 (+)-*cis*-(2*s*,3*s*)-3-(Acetoxy)-8-chloro-5-[2-(dimethylamino)ethyl]-2,3-dihydro-2-(4-methoxyphenyl)-1,5-benzothiazepin-4(5*H*)one maleate (provided for in subheading 2934.90.25)..... Free No change..... No change..... On or before 12/31/92".

SEC. 357. 7-ANILINO-4-HYDROXY-2-NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.51 7-Anilino-4-hydroxy-2-naphthalenesulfonic acid (CAS No. 119-40-4) (provided for in subheading 2922.29.50)..... Free No change..... No change..... On or before 12/31/92".

SEC. 358. 1,4-DIAMINO-2,3-DIHYDROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.52 1,4-Diamino-2,3-dihydroanthraquinone (CAS No. 81-63-0) (provided for in subheading 2922.30.30)..... Free No change..... No change..... On or before 12/31/92".

SEC. 359. TFA LYS PRO IN FREE BASE AND TOSYL SALT FORMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.53 Trifluoroacetyl-*L*-lysine-*L*-proline in free base and tosyl salt forms (provided for in subheadings 2933.90.50 and 2933.90.37, respectively)..... Free No change..... No change..... On or before 12/31/92".

SEC. 360. 4-FLUORO-3-PHENOXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.54 4-Fluoro-3-phenoxybenzaldehyde (provided for in subheading 2913.00.10)..... Free No change..... No change..... On or before 12/31/92".

SEC. 361. 1-AMINO-2-BROMO-4-HYDROXYANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.55 1-Amino-2-bromo-4-hydroxyanthraquinone (CAS No. 116-82-5) (provided for in subheading 2922.50.40)..... Free No change..... No change..... On or before 12/31/92".

SEC. 362. ADC-6.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.56 3-Amino-2-(1-hydroxyethyl)pentanedioic acid, 5-methyl ester (provided for in subheading 2922.50.50)..... Free No change..... No change..... On or before 12/31/92".

SEC. 363. L-CARNITINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.57 L-Carnitine (provided for in subheading 2923.90.00)..... Free No change..... No change..... On or before 12/31/92".

SEC. 364. QUIZALOFOP-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.58 2-[4-[(6-Chloro-2-quinoxalinyloxy)phenoxy]propionic acid, ethyl ester (Quizalofop-ethyl) (provided for in subheading 2933.90.20)..... Free No change..... No change..... On or before 12/31/92".

SEC. 365. ACETOACET-PARA-TOLUIDIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.59 Acetoacet-para-toluidide (provided for in subheading 2924.29.09)..... Free No change..... No change..... On or before 12/31/92".

SEC. 366. NAPHTHOL AS TYPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.60 3-Hydroxy-2-naphthanilide (CAS No. 92-77-3); 3-Hydroxy-2-naphtho-o-toluidide (CAS No. 135-61-5); 3-Hydroxy-2-naphtho-o-anisidide (CAS No. 135-62-6); 3-Hydroxy-2-naphtho-o-phenetidide (CAS No. 92-74-0); 3-Hydroxy-2-naphtho-4-chloro-2,5-dimethoxyanilide (CAS No. 4273-92-1); and N,N'-Bis(acetoacetyl-o-toluidine) (CAS No. 91-96-3) (provided for in subheading 2924.29.14)..... Free No change..... No change..... On or before 12/31/92".

SEC. 367. DILTIAZEM HYDROCHLORIDE, AND SUSTAINED RELEASE DILTIAZEM HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.61 Diltiazem hydrochloride (provided for in subheading 2934.90.25, 3003.90.00, or 3004.90.60)..... Free No change..... No change..... On or before 12/31/92".

SEC. 368. ANIS BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.62 3-Aminomethoxybenzanilide (provided for in subheading 2924.29.25)..... Free No change..... No change..... On or before 12/31/92".

SEC. 369. ACETOACETSULFANILIC ACID, POTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.63 Acetoacetsulfanilic acid, potassium salt (provided for in subheading 2924.29.44)..... Free No change..... No change..... On or before 12/31/92".

SEC. 370. IOHEXOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.64 N,N'-Bis(2,3-dihydroxypropyl)-5-(N-(2,3-dihydroxypropyl)-acetamido)-2,4,6-triiodoisophthalamide (Iohexol) (provided for in subheading 2924.29.44)..... Free No change..... No change..... On or before 9/30/91".

SEC. 371. IOPAMIDOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.65 Iopamidol (provided for in subheading 2924.29.44)..... Free No change..... No change..... On or before 9/30/91".

SEC. 372. IOXAGLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.66 *N*-(2-Hydroxyethyl)2,4,6-triiodo-5-[2(2,4,6-triiodo-3-(*N*-methylacetamido)-5-(methylcarbamoyl)benzamido)acetamido]-isophthalamic acid (ioxaglic acid) (provided for in subheading 2924.29.44)..... Free No change..... No change..... On or before 9/30/91".

SEC. 373.4-AMINOACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.67 4-Aminoscetanilide (CAS No. 122-80-5) (provided for in subheading 2924.29.45)..... Free No change..... No change..... On or before 12/31/92".

SEC. 374. D-CARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.68 2,2-Dimethylcyclo-propylcarboxamide (provided for in subheading 2924.29.50)..... Free No change..... No change..... On or before 12/31/92".

SEC. 375. 2,6-DICHLOROBENZONITRILE.

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

"9902.30.69 2,6-Dichlorobenzonitrile (provided for in subheading 2926.90.10)..... Free No change..... No change..... On or before 12/31/92".

(b) WITH INERTS.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.38.14 Mixtures of 2,6-dichlorobenzonitrile and inerts (provided for in subheading 3808.30.10)..... Free No change..... No change..... On or before 12/31/92".

SEC. 376. OCTADECYL ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.70 Octadecyl isocyanate (provided for in subheading 2929.10.40)..... Free No change..... No change..... On or before 12/31/92".

SEC. 377. 1,6-HEXAMETHYLENE DIISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.71 1,6-Hexamethylene diisocyanate (provided for in subheading 2929.10.50)..... 7.9% No change (E, IL) Free (CA). No change..... On or before 12/31/92".

SEC. 378. 1,1-ETHYLIDENE BIS(PHENYL-4-CYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.72 1,1-Ethylidenebis-(phenyl-4-cyanate) (provided for in subheading 2929.90.10)..... Free No change..... No change..... On or before 12/31/92".

SEC. 379. 2,2'-BIS(4-CYANATOPHENYL)-1,1,1,3,3,3-HEXAFLUOROPROPANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.73 2,2'-Bis(4-cyanatophenyl)-1,1,1,3,3,3-hexafluoropropane (CAS No. 32728-27-1) (provided for in subheading 2929.90.10)..... Free No change..... No change..... On or before 12/31/92".

SEC. 380. 4,4'-THIODIPHENYL CYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.74 4,4'-Thiodiphenyl cyanate (provided for in subheading 2930.90.20)..... Free No change..... No change..... On or before 12/31/92".

SEC. 381. 2-[(4-AMINOPHENYL)SULFONYL]ETHANOL, HYDROGEN SULFATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.75 2-[(4-Aminophenyl)-sulfonyl]ethanol, hydrogen sulfate ester (CAS No. 2494-89-5) (provided for in subheading 2930.90.20)..... Free No change..... No change..... On or before 12/31/92".

SEC. 382. DIMETHOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.76 0,0-Dimethyl-S-methylcarbamoylmethyl phosphorodithioate (provided for in subheading 2930.90.40)..... Free No change..... No change..... On or before 12/31/92".

SEC. 383. DIPHENYLDICHLOROSILANE AND PHENYLTRICHLOROSILANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.77 Diphenyldichlorosilane and phenyltrichlorosilane (provided for in subheading 2931.00.40)..... Free No change..... No change..... On or before 12/31/92".

SEC. 384. BENDIOCARB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.78 2,2-Dimethyl-1,3-benzodioxol-4-ylmethylcarbamate (Bendiocarb) (provided for in subheading 2932.90.10)..... Free No change..... No change..... On or before 12/31/92".

SEC. 385. RHODAMINE 2C BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.79 Rhodamine 2C base (CAS No. 41382-37-0) (provided for in subheading 2932.90.45)..... Free No change..... No change..... On or before 12/31/92".

SEC. 386. 2,5-DICHLORO-4-(3-METHYL-5-OXO-2-PYRAZOLIN-1-YL)-BENZENE-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.80 2,5-Dichloro-4-(3-methyl-5-oxo-2-pyrazolin-1-yl)benzenesulfonic acid (CAS No. 84-57-1) (provided for in subheading 2933.19.42)..... Free No change..... No change..... On or before 12/31/92".

SEC. 387. CIPROFLOXACIN HYDROCHLORIDE, CIPROFLOXACIN, AND NIMODIPINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.30.81 Nimodipine (provided for in subheading 2933.39.95)..... Free No change..... No change..... On or before 12/31/92

9902.30.82 Ciprofloxacin and its hydrochloride salt (provided for in subheading 2933.59.27)..... Free No change..... No change..... On or before 12/31/92".

SEC. 388. BPIP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.83 N,N'-Bis(2,2,6,6-tetramethyl-4-piperidinyl)-1,6-hexanediamine (CAS No. 612-55-7) (provided for in subheading 2933.39.47)..... Free No change..... No change..... On or before 12/31/92".

SEC. 389. FENOFIBRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.84 2-[4-(4-Chlorobenzoyl)phenoxy]-2-methylpropanoic acid, isopropyl ester (Fenofibrate) (provided for in subheading 3004.90.80) Free No change No change On or before 12/31/92".

SEC. 390. NORFLOXACIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.85 1-Ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl)-3-quinolinecarboxylic acid (Norfloxacin) (provided for in subheading 2933.59.27) Free No change No change On or before 12/31/92".

SEC. 391.6-METHYLURACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.86 6-Methyluracil (provided for in subheading 2933.59.50) Free No change No change On or before 12/31/92".

SEC. 392. 2,4-DIAMINO-6-PHENYL-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.87 2,4-Diamino-6-phenyl-1,3,5-triazine (provided for in subheading 2933.69.00) Free No change No change On or before 12/31/92".

SEC. 393. AMILORIDE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.88 N-Amidino-3,5-diamino-6-chloropyrazinecarboxamide, monohydrochloride dihydrate (Amiloride hydrochloride) (provided for in subheading 2933.90.36) Free No change No change On or before 12/31/92".

SEC. 394. TRIMETHYL BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.89 1,3,3-Trimethyl-2-methyleneindoline (CAS No. 118-12-7) (provided for in subheading 2933.90.39) Free No change No change On or before 12/31/92".

SEC. 395. ALA PRO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.90 L-Alanyl-L-proline (provided for in subheading 2933.90.50) Free No change No change On or before 12/31/92".

SEC. 396. THIOTHIAMINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.91 Thiothiamine hydrochloride (CAS No. 2443-50-7) (provided for in subheading 2934.10.10 or 2934.10.50)..... Free No change No change On or before 12/31/92".

SEC. 397. ETHYL 2-(2-AMINOTHIAZOL-4-YL)-2-HYDROXYIMINOACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.92 Ethyl 2-(2-aminothiazol-4-yl)-2-hydroxyiminoacetate (provided for in subheading 2934.10.50)..... Free No change No change On or before 12/31/92".

SEC. 398. ETHYL 2-(2-AMINOTHIAZOL-4-YL)-2-METHOXYIMINOACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.93 Ethyl 2-(2-aminothiazol-4-yl)-2-methoxyiminoacetate (provided for in subheading 2934.10.50)..... Free No change No change On or before 12/31/92".

SEC. 399. 7-NITRONAPHTH[1,2]-OXADIAZOLE-5-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.94 7-Nitronaphth[1,2]-oxadiazole-5-sulfonic acid (CAS No. 84-91-3) (provided for in subheading 2934.90.06)..... Free No change No change On or before 12/31/92".

SEC. 400. CEFTAZIDIME TERTIARY BUTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.95 (6R,7R)-7-[(Z)-2-(2-Aminothiazol-4-yl)-2-(2-tert-butoxycarbonyl)-prop-2-oxylimino]-acetamido]-3-(1-pyridinium-methyl)ceph-3-em-4-carboxylate (provided for in subheading 2934.90.25)..... Free No change No change On or before 12/31/92".

SEC. 401. CHEMICAL INTERMEDIATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.96 (6R,7R)-7-amino-3-chloro-8-oxa-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid, (4-nitrophenyl)-methyl ester (provided for in subheading 2934.90.40)..... Free No change No change On or before 12/31/92".

SEC. 402. SULFACHLOROPYRIDAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.97 Sulfachloropyridazine (provided for in subheading 2935.00.39)..... Free No change..... No change..... On or before 12/31/92".

SEC. 403. MIXED ORTHO/PARA-TOLUENESULFONAMIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.98 Mixed ortho/para-toluenesulfonamides (provided for in subheading 2935.00.47)..... Free No change..... No change..... On or before 12/31/92".

SEC. 404. HERBICIDE INTERMEDIATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.99 N-(2,6-Dichloro-3-methylphenyl)-5-amino-1,3,4-triazole-2-sulfonamide (provided for in subheading 2935.00.47)..... Free No change..... No change..... On or before 12/31/92".

SEC. 405. N-(4-(((2-AMINO-5-FORMYL-1,4,5,6,7,8-HEXAHYDRO-4-OXO-6-PTERIDINYL)METHYL)AMINO)BENZOYL)-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.00 N-(4-(((2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridiny)l-methyl)amino)benzoyl)-L-glutamic acid (provided for in subheading 2936.29.20)..... Free No change..... No change..... On or before 12/31/92".

SEC. 406. THEOBROMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.01 Theobromine (provided for in subheading 2939.90.10 or 2939.90.50)..... Free No change..... No change..... On or before 12/31/92".

SEC. 407. (6R-(6a,7B(Z)))-7-(((2-AMINO-4-THIAZOLYL)((CARBOXYMETHOXY)IMINO)(ACETYL)AMINO)-3-ETHENYL-8-OXO-5-THIA-1-AZABICYCLO(4.2.0)OCT-2-ENE-2-CARBOXYLIC ACID (CEFIXIME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.02 (6R-(6a,7B(Z)))-7-(((2-Amino-4-thiazolyl((carboxy-methoxy)imino)acetyl)amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0)oct-2-ene-2-carboxylic acid (Cefixime) (provided for in subheading 2941.90.50)..... Free No change..... No change..... On or before 12/31/92".

SEC. 408. TEICOPLANIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.03 Teicoplanin (provided for in subheading 3003.20.00 or 3004.20.00)..... Free No change..... No change..... On or before 12/31/92".

SEC. 409. CARFENTANIL CITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.04 Carfentanil citrate (provided for in subheading 3004.90.60)..... Free No change..... No change..... On or before 12/31/92".

SEC. 410. CALCIUM ACETYLSALICYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.05 Calcium acetylsalicylate, in bulk or put up in measured doses or in forms or packings for retail sale (provided for in subheadings 2918.22.50 and 3004.90.60)..... Free No change..... No change..... On or before 12/31/92".

SEC. 411A. SUCRALFATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"9902.31.06 Sucralfate (provided for in subheading 2940.00.00)..... Free No change..... No change..... On or before 12/31/92".

SEC. 411B. 1-[1-((4-CHLORO-2-(TRIFLUOROMETHYL)PHENYL) IMINO)-2-PROPOXYETHYL]-1-H-IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.07 1-[1-(4-Chloro-2-(trifluoromethyl)phenyl)imino]-2-propoxyethyl]-1-H-imidazole (provided for in subheading 2953.29.30)..... Free No change..... No change..... On or before 12/31/92".

SEC. 411C. COPPER ACETATE MONOHYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.08 Cupric acetate monohydrate (provided for in subheading 2915.29.00)..... Free No change..... No change..... On or before 12/31/92".

SEC. 411D. 0,0-DIMETHYL-S-[(4-OXO-1,2,3-BENZOTRIAZIN-3-(4H)-YL)METHYL]PHOSPHORODITHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.09 *O,O*-Dimethyl-S-(4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methylphosphorodithioate (provided for in subheading 2933.90.18... Free No change..... No change..... On or before 12/31/92".

SEC. 412. *p*-TOLUALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.10 *p*-Tolualdehyde (provided for in subheading 2912.29.50) Free No change..... No change..... On or before 12/31/92".

SEC. 413. CERTAIN ACID BLACK POWER AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.06 Acid black 210 powder and presscake (CAS No. 112484-44-3) (provided for in subheading 3204.12.40) Free No change..... No change..... On or before 12/31/92".

SEC. 414. PIGMENT RED 178.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.07 Pigment red 178 (CAS No. 3049-71-6) (provided for in subheading 3204.17.10) Free No change..... No change..... On or before 12/31/92".

SEC. 415. PIGMENT RED 149 DRY AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.08 Pigment red 149 dry and pigment red 149 presscake (CAS No. 4948-15-6) (provided for in subheading 3204.17.50) Free No change..... No change..... On or before 12/31/92".

SEC. 416. SOLVENT YELLOW 43.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.09 Solvent yellow 43 (CAS No. 19125-99-6) (provided for in subheading 3204.19.15) Free No change..... No change..... On or before 12/31/92".

SEC. 417. SOLVENT YELLOW 44

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.10 Solvent yellow 44 (CAS No. 2478-20-8) (provided for in subheading 3204.19.19) Free No change..... No change..... On or before 12/31/92".

SEC. 418. MODELING PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.34.07 Modeling pastes (provided for in heading 3407.00.20) Free No change No change On or before 12/31/92".

SEC. 419. METAL OXIDE VARISTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.33 Metal oxide varistors (provided for in subheading 8533.40.00, 8541.10.00 or 8541.50.00) Free No change No change On or before 12/31/92".

SEC. 420. CHEMICAL LIGHT ACTIVATOR BLENDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.38.25 Mixtures of dimethyl phthalate, t-butanol, hydrogen peroxide, and sodium salicylate (provided for in subheading 3823.90.29) Free No change No change On or before 12/31/92".

SEC. 421. POLYMIN P AND POLYMIN P HYDROCHLORIDE, AND POLYMIN SNA 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.39.08 Polymyn SNA 60 (CAS No. 28825-79-8) (provided for in subheading 3911.90.30) Free No change No change On or before 12/31/92, and

"9902.39.10 Polymyn P and polymyn P hydrochloride (provided for in subheading 3911.90.50) Free No change No change On or before 12/31/92".

SEC. 422. HYDROCARBON NOVOLAC CYANATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.11 Hydrocarbon novolac cyanate ester (provided for in subheading 3911.90.30) Free No change No change On or before 12/31/92".

SEC. 423. THEATRICAL, BALLET, AND OPERATIC SCENERY, PROPERTIES, AND SETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.44.22 Theatrical, ballet, and operatic scenery and properties, including sets (provided for in subheading 4421.90.90, 5907.00.10, 5907.00.90, 9701.10.00, 9706.00.00, or 9813.00.65) Free No change No change On or before 12/31/92".

SEC. 424. WICKER PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.46.02 Wicker products (provided for in sub-heading 4602.10.11, 4602.10.13, 4602.10.19, 4602.10.40, or 4602.10.50)..... Free No change..... No change..... On or before 12/31/92".

SEC. 425. CERTAIN PLASTIC WEB SHEETING.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following new note:

"11. For purposes of heading 9902.56.03, the term 'non-woven fiber sheet' means sheet comprising a highly uniform and random array of polyester fibers 1.5 to 3.0 denier, thermally bonded and calendered into a smooth surface web having—

"(a) a thickness of 3.7 to 4.0 mils;

"(b) a basis weight of 2.5 oz. per sq. yd.;

"(c) a machine tensile strength of 30 lb. per sq. in. or greater;

"(d) a low cross-direction tensile (approximately $\frac{1}{3}$ of MD tensile strength); and

"(e) a Frazier air permeability of 1.0 to 1.5 cfm per sq. ft."; and

(2) by inserting in numerical sequence the following new heading:

"9902.56.03 Nonwoven fiber sheet (provided for in subheading 5603.00.90)..... Free No change..... No change..... On or before 12/31/92".

SEC. 426. PROTECTIVE SPORTS APPAREL.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following:

"12. (a) For the purposes of subheading 9902.62.01—

"(1) The term 'sports clothing' refers to:

"(A) ice hockey pants, provided for in subheadings 6113.00, 6114.30, 6210.40, 6210.50, 6211.33 or 6211.43; and

"(B) other articles of sports wearing apparel which because of their padding, fabric, construction, or other special features are specially designed to protect against injury (e.g., from blows, falls, road burns or fire).

"(2) The term 'sports clothing' does not include protective equipment for sports or games such as fencing masks and breast plates, shoulder pads, leg guards, chest protectors, elbow and knee pads, cricket pads and shin guards.

"(b) The column 1-general rate of duty for articles entered under heading 9902.62.01 is a rate equal to the column 1 rate of duty that would have applied to such articles under the Tariff Schedules of the United States on December 31, 1988."; and

(2) by inserting in numerical sequence the following new heading:

"9902.62.01 Sports clothing, however provided for in chapters 61 and 62.....	The rate of duty prescribed in U.S. note 12 to this subchapter.	No change.....	No change.....	On or before 12/31/92".
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SEC. 427. ISOINDOLENINE RED PIGMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.30 Isoindolenine red pigment (CAS No. 71552-60-8) (provided for in subheading 3204.17.30).....	Free	No change.....	No change.....	On or before 12/31/92".
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SEC. 428. GRIPPING NARROW FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.58.06 Fastener fabric tapes of man-made fibers (provided for in subheading 5806.10.20).....	7%.....	No change.....	No change.....	On or before 12/31/92".
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SEC. 429. IN-LINE ROLLER SKATE BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.64.02 Skating boots for use in the manufacture of in-line roller skates (provided for in subheading 6402.19.10).....	Free	No change.....	No change.....	On or before 12/31/92".
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SEC. 430. SELF-FOLDING COLLAPSIBLE UMBRELLAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.66.01 Self-folding telescopic shaft collapsible umbrellas chiefly used for protection against rain (provided for in subheading 6601.91.00).....	Free	No change.....	No change.....	On or before 12/31/92".
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SEC. 431. GLASS BULBS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.11 Monochrome glass envelopes with both (1) gray, tinted, skirted faceplates, and (2) either a video display diagonal of not more than 35.6 centimeters or a transmission level of 37 percent or less (provided for in subheading 7011.20.00).....	Free	No change.....	No change.....	On or before 12/31/92".
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SEC. 432. DRINKING GLASSES WITH SPECIAL EFFECTS IN THE GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.70.14 Drinking glasses decorated with metal flecking, glass pictorial scenes, or glass thread-like or ribbon-like effects, any of the foregoing embedded or introduced into the body of the glassware prior to its solidification; millefiori glassware (all of the foregoing provided for in subheading 7013.29.10 or 7013.29.20).....	6.6%.....	No change.....	No change.....	On or before 12/31/92
"9902.70.15 Drinking glasses colored prior to solidification, and characterized by random distribution of numerous bubbles, seeds, or stones, throughout the mass of the glass (provided for in subheading 7013.29.10 or 7013.29.20).....	20%.....	No change.....	No change.....	On or before 12/31/92".

SEC. 433. CERTAIN GLASS FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.19 Fiberglass rubber reinforcing cord or yarn, made from electrically non-conductive continuous fiberglass filaments 9 microns in diameter or 10 microns in diameter and impregnated with resorcinol formaldehyde latex treatment for adhesion to polymeric compounds (provided for in subheading 7019.10.10, 7019.10.20, or 7019.10.60).....	Free.....	No change.....	No change.....	On or before 12/31/92".
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SEC. 434. ARTICLES OF SEMIPRECIOUS STONES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.71.16 Graded semiprecious stones (except rock crystal) strung temporarily for convenience of transport (provided for in subheading 7116.20.20).....	2.1%.....	No change.....	No change.....	On or before 12/31/92".
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SEC. 435. LUGGAGE FRAMES OF ALUMINUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.76.16 Luggage frames of aluminum (provided for in subheading 7616.90.00)..	Free.....	No change.....	No change.....	On or before 12/31/92".
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SEC. 436. MOLTEN-SALT-COOLED ACRYLIC ACID REACTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.19 Molten-salt-cooled acrylic acid reactors and their associated parts, accessories and equipment (provided for in subheadings 8419.89.50, 8419.90.30 or 8419.90.90), when imported as an entirety.....	Free.....	No change.....	No change.....	On or before 12/31/92".
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SEC. 437. CERTAIN PAPER PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.48.18 Toilet paper, of cellulose webbing or webs of cellulose fibers, in rolls of a width exceeding 15cm (provided for in subheading 4818.10.00).....	3.5%.....	No change.....	No change.....	On or before 12/31/92.
"9902.48.19 Handkerchiefs, cleansing or facial tissues or towels, all the foregoing of cellulose webbing or webs of cellulose fibers, in rolls of a width exceeding 15cm (provided for in subheading 4818.20.00).....	3.5%.....	No change.....	No change.....	On or before 12/31/92".

SEC. 438. IMPACT LINE PRINTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.65 Impact line printers using band drive mechanisms and which are capable of printing speeds of not less than 1,300 lines per minute (provided for in subheading 8471.92.65).....	No change.....	No change.....	3.75%.....	On or before 12/31/92".
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SEC. 439. MACHINES USED IN THE MANUFACTURE OF BICYCLE PARTS; CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.84.79 Wheelbuilding, wheeltruing, rim punching, tire fitting and similar machines suitable for use in the manufacture of wheels for bicycles (provided for in subheading 8479.89.90).....	Free.....	No change.....	No change.....	On or before 12/31/92; and
"9902.87.15 Bicycle handlebar stems wholly of aluminum alloy (including their hardware of any material), valued over \$2.15 each (provided for in subheading 8714.99.90).....	Free.....	No change.....	No change.....	On or before 12/31/92
"9902.87.16 Bicycle handlebar stem rotor assemblies (provided for in subheading 8714.99.90).....	Free.....	No change.....	No change.....	On or before 12/31/92".

SEC. 440. MOTOR VEHICLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.83 Motor vehicle parts, provided for in subheading 7014.00.20 or heading 8483.....	No change.....	Free (B) No change (A,C,E,IL).	No change.....	On or before the date proclaimed by the President providing such duty free entry under such subheading or heading".
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SEC. 441. PARTS OF GENERATORS FOR USE ON AIRCRAFT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.03 Parts of generators suitable for use on aircraft (provided for in subheading 8503.00.60)..... Free No change No change On or before 12/31/92".

SEC. 442. MAGNETIC VIDEO TAPE RECORDINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.24 Video tape recordings of a width exceeding 6.5mm but not exceeding 16mm, in cassettes of United States origin as certified by the importers, and valued at not over \$7.00 per prerecorded cassette unit (provided for in subheading 8524.23.10)..... Free No change No change On or before 12/31/92".

SEC. 443. CERTAIN INFANT NURSERY MONITORS AND INTERCOMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.85.25 Infant nursery intercommunication systems, each consisting in the same package of a pair of transceivers operating on frequencies from 49.82 to 49.90 MHz and an electrical adapter (provided for in subheading 8504.40.00 or 8525.20.20)..... Free No change No change On or before 12/31/92".

"9902.85.26 Infant nursery monitor systems, each consisting in the same package of a radio transmitter, an electrical adapter, and a radio receiver (provided for in subheading 8504.40.00, 8525.10.60, 8527.39.00, or 8527.90.80)..... Free No change No change On or before 12/31/92".

SEC. 444. INSULATED WINDING WIRE CABLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.44 Self-contained fluid filled submarine cable of 345 kilovolts (provided for in subheading 8544.60.40)..... Free No change No change On or before 12/31/92".

SEC. 445. CERTAIN PISTON ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.07 Internal combustion piston-type engines, of a cylinder capacity exceeding 50 cc but not exceeding 1,000 cc (provided for in heading 8407.32.20 or 8407.33.20), to be installed in vehicles specially designed for traveling on snow, golf carts, non-amphibious all-terrain vehicles, and burden carriers, (provided for in subheading 8703.10.00, 8703.21.00 or 8704.31.00)..... Free No change..... No change..... On or before 12/31/92".

SEC. 446. TIMING APPARATUS WITH OPTO-ELECTRONIC DISPLAY ONLY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.91.06 Apparatus for measuring, recording or otherwise indicating intervals of time, with clock or watch movements, battery or AC powered and with opto-electronic display only (provided for in subheading 9106.90.80)..... 3.9% on the apparatus + 5.3% on the battery. No change..... No change..... On or before 12/31/92".

SEC. 447. CERTAIN FURNITURE AND SEATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.94.01 Furniture seats and parts thereof, the foregoing of cane, osier, bamboo or other similar materials, including rattan (provided for in subheading 9401.50.00, 9401.90.25, 9403.80.30, or 9403.90.25)..... Free No change..... No change..... On or before 12/31/92".

SEC. 448. CHRISTMAS ORNAMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.95.05 Christmas ornaments other than ornaments of glass or wood (provided for in subheading 9505.10.25)..... Free No change..... No change..... On or before 12/31/92".

SEC. 449. 3-DIMENSIONAL CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.90.06 Cameras incorporating 4 fixed lenses which together are capable of producing a 3-dimensional effect (provided for in subheading 9006.53.00).. Free No change..... No change..... On or before 12/31/92".

SEC. 450A. FROZEN CARROTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.07.10 Carrots, frozen (provided for in sub-heading 0710.80.70)..... 2.2¢/kg..... No change..... No change..... On or before 12/31/92".

SEC. 450B. CERTAIN VENEER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.44.21 Manmade or recomposed wood veneer not exceeding 6 mm in thickness, sliced from a block composed of wood veneer sheets produced from logs and flitches (provided for in subheading 4421.90.90)..... Free..... No change..... No change..... On or before 12/31/92".

SEC. 450C. PERSONAL EFFECTS AND EQUIPMENT OF PARTICIPANTS AND OFFICIALS INVOLVED IN THE 1990 GOODWILL GAMES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.98.00 Personal effects of aliens who are participants in or officials of the 1990 Goodwill Games, or who are accredited members of delegations thereto, or who are members of the immediate families of any of the foregoing persons, or who are their servants; equipment for use in connection with such games, and other related articles as prescribed by the Secretary of the Treasury..... Free..... No change..... Free..... On or before 9/30/90".

SEC. 450D. PERSONAL EFFECTS AND EQUIPMENT FOR WORLD UNIVERSITY GAMES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.98.03 Personal effects of aliens who are participants in, or officials of, the 1993 World University Games, who are accredited members of delegations thereto, who are members of the immediate families of any of the foregoing persons, or who are their servants; equipment for use in connection with such games, and such other related articles as may be prescribed by the Secretary of the Treasury..... Free..... No change..... Free..... On or before 9/30/93".

SEC. 450E. KARATE PANTS AND BELTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.62.04 Karate pants and karate belts (provided for in subheading 6203.42.40, 6203.43.40, 6204.62.40, 6204.63.35, or 6217.10.00)..... 8%..... No change..... No change..... On or before 12/31/92".

SEC. 450F. METALLURGICAL FLUORSPAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.25.29 Fluorspar containing by weight 97 percent or less of calcium fluoride (provided for in subheading

2529.21.00)..... Free No change..... No change..... On or before 12/31/92".

PART 2—EXISTING TEMPORARY DUTY SUSPENSIONS

SEC. 461. EXTENSION OF CERTAIN EXISTING SUSPENSIONS OF DUTY.

(a) *EXTENSIONS UNTIL JANUARY 1, 1993.*—Each of the following subheadings or headings is amended by striking out the date in the effective period column and inserting "12/31/92":

(1) Subheadings 9902.05.10 and 9902.05.11 (relating to crude feathers and down).

(2) Heading 9902.08.07 (relating to fresh cantaloupes).

(3) Heading 9902.09.04 (relating to mixtures of hot red peppers and salt).

(4) Heading 9902.29.04 (relating to *p*-toluene-sulfonyl chloride).

(5) Heading 9902.29.05 (relating to certain menthol feedstocks).

(6) Heading 9902.29.06 (relating to dicofol).

(7) Heading 9902.29.11 (relating to triethylene glycol dichloride).

(8) Heading 9902.29.13 (relating to 2,6-dichlorobenzaldehyde).

(9) Heading 9902.29.14 (relating to dinocap).

(10) Heading 9902.29.21 (relating to *m*-hydroxybenzoic acid).

(11) Heading 9902.29.22 (relating to *d*-6-methoxy α methyl-2-naphthaleneacetic acid and its sodium salt).

(12) Heading 9902.29.24 (relating to 3-amino-3-methyl-1-butyne).

(13) Heading 9902.29.30 (relating to 8-amino-1-naphthalenesulfonic acid and its salts).

(14) Heading 9902.29.31 (relating to 5-amino-2 (*p*-aminoanilino) benzenesulfonic acid).

(15) Heading 9902.29.33 (relating to 1-amino-8-hydroxy-3,6-naphthalenedisulfonic acid; and 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (*H* acid, monosodium salt)).

(16) Heading 9902.29.43 (relating to 1-amino-2,4-dibromoanthraquinone).

(17) Heading 9902.29.44 (relating to bromamine acid).

(18) Heading 9902.29.51 (relating to *N*-(7-hydroxy-1-naphthyl)acetamide).

(19) Heading 9902.29.57 (relating to *N,N*-bis(2-cyanoethyl)aniline).

(20) Heading 9902.29.60 (relating to triallate).

(21) Heading 9902.29.64 (relating to 6-(3-methyl-5-oxo-1-pyrazolyl)-1,3-naphthalenedisulfonic acid (amino-*J*-pyrazolone) (CAS No. 7277-87-4); and 3-methyl-1-phenyl-5-pyrazolone (methylphenylpyrazolone)).

(22) Heading 9902.29.66 (relating to *m*-sulfaminopyrazolone (*m*-sulfamidophenylmethylpyrazolone)).

(23) Heading 9902.29.76 (relating to 2-*n*-octyl-4-isothiazolin-3-one, and mixtures of 2-*n*-octyl-4-isothiazolin-3-one and application adjuvants).

(24) Heading 9902.29.79 (relating to 2-amino-*N*-ethylbenzenesulfonamide).

(25) Heading 9902.32.04 (relating to methylene blue).

(26) Heading 9902.38.06 (relating to mixtures of dinocap with application adjuvants).

(27) Heading 9902.38.07 (relating to mixtures of mancozeb and dinocap).

(28) Heading 9902.38.08 (relating to mixtures of maneb, zineb, mancozeb, and metiram).

(29) Heading 9902.38.10 (relating to mixtures of 5-chloro-2-methyl-4-isothiazolin-3-one, 2-methyl-4-isothiazolin-3-one, magnesium chloride and stabilizers, whether or not containing application adjuvants).

(30) Heading 9902.38.11 (relating to mixtures of dicofol and application adjuvants).

(31) Heading 9902.39.14 (relating to cholestyramine resin USP).

(32) Headings 9902.40.11, 9902.73.12, 9902.73.15, 9902.85.12, and 9902.87.14 (relating to certain bicycle parts).

(33) Heading 9902.51.01 (relating to certain wools).

(34) Heading 9902.84.42 (relating to certain narrow weaving machines).

(35) Heading 9902.84.45 (relating to certain wool carding and spinning machinery).

(36) Heading 9902.84.48 (relating to certain knitting machines designed for sweater strip or garment length knitting).

(37) Heading 9902.84.50 (relating to certain lace braiding machines).

(38) Heading 9902.29.10 (relating to 6-hydroxy-2-naphthalenesulfonic acid and its sodium, potassium, and ammonium salts).

(39) Heading 9902.29.23 (relating to triphenyl phosphate).

(40) Heading 9902.29.28 (relating to α,α,α -trifluoro-*o*-toluidine).

(41) Heading 9902.29.35 (relating to 6-amino-4-hydroxy-2-naphthalenesulfonic acid (γ acid)).

(42) Heading 9902.29.38 (relating to 3,3'-dimethoxybenzidine (*o*-dianisidine) and its dihydrochloride).

(43) Heading 9902.29.40 (relating to 2-amino-5-nitrophenol).

(44) Heading 9902.29.47 (relating to 4-methoxyaniline-2-sulfonic acid).

(45) Heading 9902.29.49 (relating to benzethonium chloride).

(46) Heading 9902.29.59 (relating to 2,2-bis(4-cyanatophenyl)propane).

(47) Heading 9902.29.62 (relating to paraldehyde).

(48) Heading 9902.29.63 (relating to aminomethylphenylpyrazole).

(49) Heading 9902.29.67 (relating to 3-methyl-1-(*p*-tolyl)-2-pyrazolin-5-one (*p*-tolyl methyl pyrazolone)).

(50) Heading 9902.29.69 (relating to 3-methyl-5-pyrazolone).

(51) Heading 9902.29.71 (relating to barbituric acid).

(52) Heading 9902.30.04 (relating to nicotine resin complex).

(53) Heading 9902.36.06 (relating to metaldehyde).

(54) Heading 9902.84.44 (relating to machines designed for heat-set, stretch texturing of continuous man-made fibers).

(55) Heading 9902.84.51 (relating to knitting needles).

(56) Heading 9902.29.27 (relating to tetraamino biphenyl).

(57) Heading 9902.29.88 (relating to cyclosporine).

(58) Heading 9902.26.14 (relating to synthetic rutile).

(59) Heading 9902.57.01 (relating to needlecraft display models, primarily hand stitched, of completed mass-produced kits).

(60) Heading 9902.29.52 (relating to 2,5-dimethoxyacetanilide).

(61) Heading 9902.29.61 (relating to 3-(4'-aminobenzamido)-phenyl- β -hydroxyethylsulfone).

(62) Heading 9902.29.25 (relating to 4-chloro-2-nitroaniline).

(63) Heading 9902.29.07 (relating to 2-[(3-nitrophenyl)-sulfonyl]ethanol).

(64) Heading 9902.29.42 (relating to 4-chloro-2,5-dimethoxyaniline).

(65) Heading 9902.29.45 (relating to 3,4-diaminophenetole, dihydrogen sulfate).

(66) Heading 9902.29.86 (relating to 2,4-dichloro-5-sulfamoylbenzoic acid).

(67) Heading 9902.25.04 (relating to graphite).

(68) Headings 9902.29.01 and 9902.37.07 (relating to photographic color couplers and coupler intermediates).

(69) Heading 9902.95.01 (relating to stuffed dolls and doll skins).

(b) EXTENSION UNTIL DATE OTHER THAN JANUARY 1, 1993.—Heading 9902.61.00 (relating to certain knitwear fabricated in Guam) is amended by striking out “10/31/92” and inserting “10/31/96”

SEC. 462. EXTENSION OF, AND OTHER MODIFICATIONS TO, CERTAIN EXISTING SUSPENSIONS OF DUTY.

(a) CORNED BEEF IN AIRTIGHT CONTAINERS.—Heading 9902.16.02 is amended—

(1) by striking out “3%” and inserting “Free”; and

(2) by striking out “12/31/89” and inserting “12/31/92”.

(b) SURGICAL GOWNS AND DRAPES.—Heading 9902.62.10 is amended to read as follows:

“9902.62.10 Spunlaced or bonded fiber fabric disposable gowns of manmade fibers intended for use during surgical procedures (provided for in subheading 6210.10.40) and spunlaced or bonded fiber fabric disposable surgical drapes of manmade fibers (provided for in subheading 6307.90.70).....

5.6%.....	No change.....	26.5%.....	On or before
	(E*, IL).....		12/31/92,
	3.3% (CA).		except that in
			the case of
			goods
			originating in
			the territory
			of Canada,
			the effective
			period is on
			or before 12/
			31/98”.

(c) CERTAIN JEWELRY.—Heading 9902.71.13 is amended—

(1) by amending the article description to read as follows: “Toy jewelry provided for in subheading 7117.19.10, 7117.19.50, 7117.90.40 (except parts) or 7117.90.50 (except parts) valued not over 5¢ piece; and articles (except parts) provided for in heading 9502, 9503, 9504 or subheading 9505.90 (except balloons, mar-

bles, dice, and diecast vehicles), valued not over 5¢ per unit"; and

(2) by striking out "12/31/90" and inserting "12/31/92".

(d) **ELECTROSTATIC COPYING MACHINES.**—Heading 9902.90.90 is amended—

(1) by inserting "and accessories," after "Parts,";

(2) by inserting "and parts and accessories and accessory and auxiliary machines which are intended for attachment to an electrostatic photocopier and which do not operate independently of such photocopier (provided for in subheading 8472.90.80)" after "(provided for in subheading 9009.90.00)", and

(3) by striking out "12/31/90" and inserting "12/31/92".

(e) **CERTAIN HOSIERY KNITTING MACHINES.**—Heading 9902.84.47 is amended—

(1) by striking out "12/31/90" and inserting in lieu thereof "12/31/92",

(2) by striking out "single cylinder fine gauge and all double cylinder" and inserting in lieu thereof "and parts thereof", and

(3) by striking out "or 8447.20.60" and inserting in lieu thereof "8447.20.60, or 8448.59.10".

(f) **JACQUARD CARDS.**—

(1) **EXISTING SUSPENSION.**—Heading 9902.48.23 is amended—

(A) by striking out "4823.90.85" in the article description and inserting in lieu thereof "3926.90.90, 4823.30.00, 4823.90.85", and

(B) by striking out "12/31/90" and inserting "12/31/92".

(2) **CARDS TO BE USED AS JACQUARD CARDS.**—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.27 Cards, not punched, suitable for use as, or in making, jacquard cards (provided for in subheading 3926.90.90, 4823.30.00, or 4823.90.85).....

Free No change No change On or before 12/31/92".

(g) **KITCHENWARE OF GLASS-CERAMICS.**—Heading 9902.70.13 is amended—

(1) by striking out the article description and inserting: "Kitchenware of glass-ceramics, with handles measuring less than 5.1 cm in length, if any, nonglazed, black in color, greater than 75 percent by volume crystalline, of lithium aluminosilicate, having a linear coefficient of expansion not exceeding 10×10^{-7} per Kelvin within a temperature range of 0°C to 300°C, transparent, haze-free, exhibiting transmittances of infrared radiations in excess of 75 percent at a wavelength of 2.5 microns when measured on a sample 3 mm in thickness, and containing β -quartz solid solution as the predominant crystal phase (provided for in subheading 7013.10.10)", and

(2) by striking "12/31/90" and inserting "12/31/92".

(h) **UMBRELLA FRAMES AND PARTS.**—Heading 9902.66.03 is amended—

(1) by inserting "umbrella handles and knobs (provided for in subheading 6603.10.00), and umbrella tips and caps (provid-

ed for in subheading 6603.90.00" after "(provided for in subheading 6603.20.30)", and

(2) by striking out "12/31/90" and inserting "12/31/92".

(i) TERFENADONE.—Heading 9902.29.74 is amended—

(1) by striking out "2933.90.37" and inserting "2933.39.47", and

(2) by striking out "12/31/90" and inserting "12/31/92".

(j) TOY FIGURES.—

(1) Heading 9902.95.02 is amended—

(A) by striking out "toy figures of animate objects (except dolls)" and inserting "toys representing animals or nonhuman creatures,"; and

(B) by striking out "12/31/90" and inserting "12/31/92".

(2) Heading 9902.95.03 is repealed.

(3) Heading 9902.95.04 is amended—

(A) by striking out "toyfigures of animate or inanimate objects" and inserting "toys representing animals or nonhuman creatures,"; and

(B) by striking out "12/31/90" and inserting "12/31/92".

(4) U.S. note 6 of subchapter II of chapter 99 is amended to read as follows:

"6. For purposes of heading 9902.95.02, the term 'filled' includes toy figures which are not completely filled or are filled with materials such as plastic beads or crushed nutshells but which otherwise possess the characteristics of toy figures classifiable as 'stuffed'."

SEC. 463. TERMINATION OF EXISTING SUSPENSION OF DUTY ON C-AMINES.

Heading 9902.29.29 is repealed.

Subtitle B—Other Tariff and Miscellaneous Provisions

PART 1—TARIFF CLASSIFICATION AND OTHER TECHNICAL AMENDMENTS

SEC. 471. CERTAIN EDIBLE MOLASSES.

Additional U.S. notes 2, 3, and 4 of chapter 17 are amended by striking out "1702.90.40," each place it appears therein.

SEC. 472. CERTAIN WOVEN FABRICS AND GAUZE.

(a) WOVEN FABRICS OF CARDED WOOL OR CARDED FINE ANIMAL HAIR.—Heading 5111 of chapter 51 is amended—

(1) by striking subheadings 5111.11.10 and 5111.11.60 and inserting the following new subheadings with the article description for subheading 5111.11.20 and the superior heading for subheadings 5111.11.30 and 5111.11.70 each having the same degree of indentation as the article description in subheading 5111.19.10:

"5111.11.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m ²	7%.....	2.1% (IL).....	68.5%";
			5.6% (CA).....	
"5111.11.30	Other:			
	Hand-woven, with a loom width of less than 76 cm..	17.6¢/kg + ...	5.3¢/kg +	\$1.10/kg +
		12.5%.....	3.8% (IL)	60%
			14¢/kg +	
			10% (CA)	
5111.11.70	Other.....	36.1%.....	9.9% (IL)	68.5%";
			28.8% (CA)....	

(2) by inserting after subheading 5111.20.05 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.20.05:

"5111.20.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m ²	7%	2.1% (IL)..... 68.5%"; 5.6% (CA).....
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(3) by inserting after subheading 5111.30.05 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.30.05:

"5111.30.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m ²	7%	2.1% (IL)..... 68.5%"; 5.6% (CA).....
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and

(4) by striking out subheading 5111.90.60 and inserting the following new subheadings with the superior heading for subheadings 5111.90.40, 5111.90.50 and 5111.90.70 having the same degree of indentation as the article description for subheading 5111.90.30:

"5111.90.40	Other: Tapestry fabrics and upholstery fabrics of a weight exceeding 300 g/m ²	7%	2.1% (IL)..... 68.5% 5.6% (CA).....
"5111.90.50	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m ²	7%	2.1% (IL)..... 68.5% 5.6% (CA).....
5111.90.70	Other	33%	9.9% (IL)..... 68.5%; 26.4% (CA).....

(b) WOVEN FABRICS OF COMBED WOOL OR OF COMBED FINE ANIMAL HAIR.—Heading 5112 of chapter 51 is amended by striking out subheadings 5112.11.00 through 5112.90.60, inclusive, and inserting the following with the article descriptions for subheadings 5112.11 and 5112.19 having the same degree of indentation as the article description in subheading 5111.90.30, with the article descriptions for subheadings 5112.20, 5112.30, and 5112.90 each having the same degree of indentation as the article description in subheading 5111.90 and with the superior heading of subheadings 5112.90.40, 5112.90.50, and 5112.90.60 having the same degree of indentation as subheading 5111.90.30:

"5112.11	Of a weight not exceeding 200g/m ²		
5112.11.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m ²	7%	2.1% (IL)..... 68.5% 5.6% (CA).....
5112.11.20	Other	36.1%	9.9% (IL)..... 68.5% 28.8% (CA).....
5112.19	Other:		
5112.19.10	Tapestry fabrics and upholstery fabrics of a weight exceeding 300 g/m ²	7%	2.1% (IL)..... 68.5% 5.6% (CA).....
5112.19.60	Other	36.1%	9.9% (IL)..... 68.5% 28.8% (CA).....
5112.20	Other, mixed mainly or solely with man-made filaments:		

5112.20.10	Tapestry fabrics and upholstery fabrics of a weight exceeding 300 g/m ²	7%	2.1% (IL)..... 5.6% (CA).....	68.5%
5112.20.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m ²	7%	2.1% (IL)..... 5.6% (CA).....	68.5%
5112.20.30	Other	48.5¢/ kg + 38%.	14.4¢/ kg + 11.4% (IL). 38.8¢/ kg + 30.4% (CA).	48.5¢/ kg + 68.5%
5112.30	Other, mixed mainly or solely with man-made staple fibers:			
5112.30.10	Tapestry fabrics and upholstery fabrics of a weight exceeding 300 g/m ²	7%	2.1% (IL)..... 5.6% (CA).....	68.5%
5112.30.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m ²	7%	2.1% (IL)..... 5.6% (CA).....	68.5%
5112.30.30	Other	48.5¢/ kg + 38%	14.4¢/ kg + 11.4% (IL). 38.8¢/ kg + 30.4% (CA).....	48.5¢/ kg + 68.5%
5112.90	Other:			
5112.90.30	Containing 30 percent or more by weight of silk or silk waste, valued over \$33/kg.....	7.8%	2.3% (IL)..... 6.3% (CA).....	80%
	Other:			
5112.90.40	Tapestry fabrics and upholstery fabrics of a weight exceeding 300 g/m ²	7%	2.1% (IL)..... 5.6% (CA).....	68.5%
5112.90.50	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m ²	7%	2.1% (IL)..... 5.6% (CA).....	68.5%
5112.90.60	Other	33%	2.6% (IL)..... 26.4% (CA).....	68.5% ;

(c) GAUZE.—Chapter 58 is amended by striking out subheading 5803.90.10 and inserting the following with the superior heading to subheadings 5803.90.11 and 5803.90.12 having the same degree of indentation as the article description for subheading 5803.90.20:

	Of wool or fine animal hair:			
"5803.90.11	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m ²	7%	2.1% (IL)..... 5.6% (CA).....	68.5% ;
5803.90.12	Other	33%	9.9% (IL)..... 26.4% (CA).....	68.5% ;

SEC. 473. CLASSIFICATION OF CERTAIN ARTICLES IN WHOLE OR PART OF FABRICS COATED, COVERED, OR LAMINATED WITH OPAQUE RUBBER OR PLASTICS.

Chapter 42 is amended—

(1) by striking out "Additional U.S. Note" and inserting "Additional U.S. Notes"; and

(2) by inserting after additional U.S. note 1 the following:

"2. For purposes of classifying articles under subheadings 4202.12, 4202.22, 4202.32, and 4202.92, articles of textile fabric impregnated, coated, covered or laminated with plastics (whether compact or cellular) shall be regarded as having an outer surface of textile material or of plastic sheeting, depending upon whether and the extent to which the textile constituent or the plastic constituent makes up the exterior surface of the article."

SEC. 474. GLOVES, MITTENS, AND MITTS.

(a) ICE AND FIELD HOCKEY GLOVES.—

(1) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description

having the same degree of indentation as the article description for subheading 6116.10.10:

"6116.10.05 Ice hockey gloves and field hockey gloves..... Free..... 25%".

(2) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.92.10:

"6116.92.05 Ice hockey gloves and field hockey gloves..... Free..... 45%".

(3) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.93.10:

"6116.93.05 Ice hockey gloves and field hockey gloves..... Free..... 45%".

(4) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.99.30:

"6116.99.20 Ice hockey gloves and field hockey gloves..... Free..... 45%".

(5) Chapter 62 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6216.00.10:

"6216.00.05 Ice hockey gloves and field hockey gloves..... Free..... 25%".

(6) Chapter 62 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6216.00.34:

"6216.00.33 Ice hockey gloves and field hockey gloves..... Free..... 45%".

(7) Chapter 62 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6216.00.44:

"6216.00.43 Ice hockey gloves and field hockey gloves..... Free..... 45%".

(b) OTHER SPORTS GLOVES.—The article descriptions in subheadings 6116.10.50, 6216.00.23, 6216.00.29 and 6216.00.47 are each amended to read as follows: "Other gloves, mittens, and mitts, specially designed for use in sports".

SEC. 475. CHIPPER KNIFE STEEL.

Subchapter XV of chapter 72 is amended by striking out subheadings 7226.91.10 and 7226.91.30 and inserting the following with the article description for subheading 7226.91.05 having the same degree of indentation as that of subheading 7226.91.50:

7226.91.05	Of chipper knife steel.....	Free.....	34%
7226.91.15	Of a width of 300mm or more.....	9.6%.....	Free (E. IL)... 29%
			7.6% (CA).....
	Other:		
7226.91.25	Of a width of less than 300mm.....	11.6%.....	Free (E. IL)... 34%".
			9.2% (CA).....

SEC. 476. ELIMINATION OF INVERTED TARIFF ON CANTILEVER BRAKES AND BRAKE PARTS FOR BICYCLES.

The following provisions are amended as follows:

(1) Subheading 8714.94.20 is amended by striking out "Caliper brakes" and inserting "Caliper and cantilever bicycle brakes and parts thereof".

(2) Heading 9902.73.12 is amended by inserting "and cantilever bicycle" immediately after "caliper".

(3) Heading 9902.87.14 is amended by inserting "and cantilever bicycle brakes," immediately after "Caliper".

SEC. 477. BICYCLES HAVING 26-INCH WHEELS.

Chapter 87 is amended—

(1) by striking out "65 cm" in subheadings 8712.00.10 and 8712.00.20 and inserting "63.5 cm"; and

(2) by striking out "4 cm" in subheading 8712.00.20 and inserting "4.13 cm".

SEC. 478. PROCESSING OF CERTAIN BLENDED SYRUPS.

(a) *IN GENERAL.*—U.S. note 2 to subchapter IV of chapter 99 is amended by adding at the end thereof the following:

"(e) Blended syrups of heading 9904.50.20, if entered from a foreign trade zone by a foreign trade zone user whose facilities were in operation on June 1, 1990, to the extent that the annual quantity entered into the customs territory from such zone does not contain an amount of sugar of nondomestic origin greater than that authorized by the Foreign Trade Zones Board for processing in such zone during calendar year 1985." @

(b) *EFFECTIVE DATE.*—The amendment made by this section applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1988.

SEC. 479A. ARTICLES EXPORTED AND RETURNED.

The U.S. notes to subchapter II of chapter 98 are amended by adding at the end thereof the following new note:

"6. Notwithstanding the partial exemption from ordinary customs duties on the value of the metal product exported from the United States provided under subheading 9802.00.60, articles imported under subheading 9802.00.60 are subject to all other duties, and any other restrictions or limitations, imposed pursuant to title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), or chapter 1 of title II or chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2251 et seq., 19 U.S.C. 2411 et seq.)."

SEC. 479B. BROOMS.

(a) *IN GENERAL.*—Chapter 96 is amended—

(1) by inserting "wholly or in part" after "Whiskbrooms," in the superior article description for subheading 9603.10.10; and

(2) by inserting "wholly or in part" after "Other brooms," in the superior article description for subheading 9603.10.40.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to articles entered or withdrawn from warehouse for consumption on or after the date that is 15 days after the date of enactment of this Act.

SEC. 479C. FOLIAGE-TYPE ARTIFICIAL FLOWERS.

Subheading 6702.90.40 is amended by striking out “Artificial flowers, of” in the article description and inserting in lieu thereof “Of”.

PART 2—MISCELLANEOUS PROVISIONS

SEC. 481. RENEWAL OF EXISTING CUSTOMS EXEMPTION APPLICABLE TO BICYCLE PARTS IN FOREIGN TRADE ZONES.

Section 3(b) of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c(b)), is amended by striking out “before January 1, 1991” and inserting in lieu thereof “on or before December 31, 1992”.

SEC. 482. RAIL CARS FOR THE STATE OF FLORIDA.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall admit free of duty each bilevel rail passenger car that was—

(1) entered after March 14, 1988, and before January 1, 1989, and classified under item 690.15 of the Tariff Schedules of the United States (19 U.S.C. 1202); and

(2) designed for, and is for the use of, the Department of Transportation of the State of Florida.

If the liquidation of the entry of any such rail car has become final before the date of the enactment of this Act, the entry shall, notwithstanding any other provision of law, be reliquidated in accordance with the provisions of this Act and the appropriate refund of duty made.

SEC. 483. RELIQUIDATION OF CERTAIN ENTRIES.

(a) **CERTAIN ANTIDUMPING DUTIES.**—(1) Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to paragraph (2), the entries listed in paragraph (3) shall be reliquidated, without liability of the importer of record for antidumping duties, and if any such duty has been paid, either through liquidation or compromise under section 617 of the Tariff Act of 1930 (19 U.S.C. 1617), refund thereof shall be made within 90 days after reliquidation.

(2) Reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the appropriate customs officer within 180 days after the date of the enactment of this Act that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) The entries referred to in paragraph (1) are as follows:

Entry number	Date of entry
74-222089.....	May 7, 1974.
74-225275.....	June 17, 1974.
76-237223.....	July 9, 1976.
76-247178.....	October 1, 1976.

Entry number	Date of entry
79-251251.....	September 11, 1979.
80-223851.....	October 9, 1979.
80-224447.....	November 27, 1979.
80-224448.....	November 27, 1979.
80-225842.....	April 29, 1980.
80-225843.....	April 29, 1980.
80-225844.....	April 29, 1980.
80-225845.....	April 29, 1980.
80-226742.....	August 13, 1980.
80-226743.....	August 18, 1980.

(b) **DIGITAL PROCESSING UNITS.**—(1) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act, any entry of a processing unit that—

(A) was entered under item 676.15 or 676.54 of the Tariff Schedules of the United States;

(B) would not, if classified under item 675.15, have been subject to temporary duties under item 945.83 or 945.84 of the Appendix to such Schedules; and

(C) was made after January 16, 1986, and before July 2, 1987; shall be liquidated or reliquidated as free of duty and the Secretary of the Treasury shall refund and duties paid with respect to such entry.

(2) For purposes of this subsection, the term “processing unit” means a digital processing unit for an automated data processing machine, unboxed, consisting of a printed circuit (single or multiple) with one or more electronic integrated circuits or other semiconductor devices mounted directly thereon.

(c) **CERTAIN OTHER ENTRIES.**—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act—

(1) any entry of 1-(3-sulfopropylpyridinium hydroxide (provided for in item 406.39 of the Tariff Schedules of the United States (19 U.S.C. 1202)) that occurred after September 30, 1988, and before January 1, 1989, shall be reliquidated as free of duty; and

(2) any entry of brussels sprouts (provided for in item 903.29 of such Schedules (19 U.S.C. 1202)) that occurred after December 31, 1987, and before November 11, 1988, shall be liquidated at the rate of 12.5 percent ad valorem.

SEC. 484 PROTEST RELATING TO CERTAIN ENTRIES.

For purposes of section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), and notwithstanding any other provision of law, Protest Numbered 1801-000027 shall be deemed to have been filed with the appropriate customs officer within 90 days of the liquidation of entries 81-103533-2 and 81-103789-3.

SEC. 484A. SUBSTITUTION OF CRUDE PETROLEUM OR PETROLEUM DERIVATIVES.

(a) *IN GENERAL.*—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end thereof the following new subsection:

“(p) **SUBSTITUTION OF CRUDE PETROLEUM OR PETROLEUM DERIVATIVES.**—

“(1) Notwithstanding any other provision of this section, in the case of articles, described in headings 2707 through 2715, 2901 and 2902, or 3901 through 3914 (limited to liquids, pastes, powders, granules, and flakes) of the Harmonized Tariff Schedule of the United States, that—

“(A) are—

“(i) manufactured or produced under subsection (a) or (b) from crude petroleum or petroleum derivatives, or
“(ii) imported duty-paid, and

“(B) are stored in common storage with other articles of the same kind and quality that are otherwise manufactured or produced.

drawback shall be paid on the articles withdrawn for export from such common storage (regardless of the source or origination of the articles withdrawn), if the requirements described in paragraph (2) are met.

“(2) The requirements of this paragraph are met if—

“(A) inventory records kept on a calendar month basis (not on a daily or transaction-by-transaction basis) demonstrate sufficient quantities of imported duty-paid articles or articles manufactured or produced under subsection (a) or (b) in the common storage against which such withdrawal is designated;

“(B) such inventory records reflect deliveries to and withdrawals from such common storage that assure that the drawback paid does not exceed the amount of drawback that would be payable under this section had all of the articles withdrawn from common storage been imported duty-paid or manufactured or produced under subsection (a) or (b);

“(C) certificates of delivery or certificates of manufacture and delivery, establishing the drawback eligibility of the imported duty-paid articles or articles manufactured or produced under subsection (a) or (b), when required, are filed with the drawback entry; and

“(D) the inventory records of the operator of such common storage are, upon reasonable notice, available to the Customs Service.

“(3) For purposes of this subsection—

“(A) The term ‘common storage’ includes all articles of the same kind and quality stored at a single facility regardless of the number of bins, tanks, or other containers used.

“(B) The term ‘same kind and quality’ means articles that are commercially interchangeable or that are referred to under the same eight-digit classification of the Harmonized Tariff Schedule of the United States.

“(C) The term ‘single facility’ means all storage units under the control and recordkeeping of a single operator adjacent to a manufacturing plant, refinery, warehouse complex, terminal area, airport, bunkering facility, or similar facility.”.

(b) **TECHNICAL CORRECTION.**—Subsection (b) of section 309 of the Tariff Act of 1930 (19 U.S.C. 1309) is amended by inserting “imported articles,” after “foreign-trade zone,”.

(c) **EFFECTIVE DATE.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the amendments made by this section shall apply to—

- (1) claims filed or liquidated on or after January 1, 1988, and
- (2) claims that are unliquidated, under protest, or in litigation on the date of enactment of this Act.

SEC. 484b. AGGLOMERATE MARBLE FLOOR TILES.

Chapter 68 is amended by striking out subheading 6810.19.10 and inserting the following new subheadings with the article descriptions for such subheadings having the same degree of indentation as the article description for subheading 6804.22.60:

“6810.19.12	Floor and wall tiles: Agglom- erate marble tile.....	4.9%.....	Free (A, E, IL) 4.2% (CA) (CA).	40%
6810.19.14	Other.....	21%.....	Free (A, E, IL) 12.6% (CA).	55%”

SEC. 484C. PARTS OF IONIZATION SMOKE DETECTORS.

Chapter 90 is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description in subheading 9022.90.60:

“9022.90.70	Of smoke detectors, ionization type.....	2.7%.....	Free (A, B, E, IL) 2.1% (CA).....	35%”
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SEC. 484D. NUCLEAR MAGNETIC SPECTROMETER.

The Secretary of the Treasury shall admit free of duty a Phillips Medical Systems 4 tesla nuclear magnetic resonance (NMR) spectrometer for the use of the University of Alabama at Birmingham. If the liquidation of the entry of the spectrometer becomes final before the date of the enactment of this Act, the Secretary of the Treasury, notwithstanding any other provisions of law, shall—

- (1) within 15 days after such date, reliquidate the entry in accordance with the provisions of this Act, and
- (2) at the time of such reliquidation, make the appropriate refund of any duty paid with respect to the entry.

SEC. 484E. FOREIGN REPAIR OF VESSELS.

(a) **IN GENERAL.**—Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end thereof the following new subsection:

“(h) The duty imposed by subsection (a) of this section shall not apply to—

“(1) the cost of any equipment, or any part of equipment, purchased for, or the repair parts or materials to be used, or the expense of repairs made in a foreign country with respect to, LASH (Lighter Aboard Ship) barges documented under the laws of the United States and utilized as cargo containers, or

“(2) the cost of spare repair parts or materials (other than nets or nettings) which the owner or master of the vessel certifies are intended for use aboard a cargo vessel, documented under the laws of the United States and engaged in the foreign or coasting trade, for installation or use on such vessel, as needed, in the United States, at sea, or in a foreign country, but only if duty is paid under appropriate commodity classifications of the Harmonized Tariff Schedule of the United States upon first entry into the United States of each such spare part purchased in, or imported from, a foreign country.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to—

(1) any entry made before the date of enactment of this Act that is not liquidated on the date of enactment of this Act, and

(2) any entry made—

(A) on or after the date of enactment of this Act, and

(B) on or before December 31, 1992.

SEC. 484F. CERTAIN DISTILLED SPIRITS IN FOREIGN TRADE ZONES.

Subsection (c) of section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 48 Stat. 999, chapter 590; 19 U.S.C. 81c(c)) is amended—

(1) by striking out “domestic” before “denatured distilled spirits”;

(2) by inserting “which have been withdrawn free of tax from a distilled spirits plant (within the meaning of section 5002(a)(1) of the Internal Revenue Code of 1986)” after “distilled spirits”;

(3) by striking out “Notwithstanding” and inserting in lieu thereof “(1) Notwithstanding”, and

(4) by adding at the end thereof the following new paragraph:

“(2) Notwithstanding the provisions of the fifth proviso of subsection (a), distilled spirits which have been removed from a distilled spirits plant (as defined in section 5002(a)(1) of the Internal Revenue Code of 1986) upon payment or determination of tax may be used in the manufacture or production of medicines, medicinal preparation, food products, flavors, or flavoring extracts, which are unfit for beverage purposes, in a zone. Such products will be eligible for drawback under the internal revenue laws under the same conditions applicable to similar manufacturing or production operations occurring in customs territory.”.

SEC. 484G. ETHYL TERTIARY-BUTYL ETHER.

(a) **IN GENERAL.**—Subchapter I of chapter 99 is amended by inserting in numerical sequence the following new heading:

<p>“9901.00.52 Ethyl tertiary-butyl ether (provided for in sub- heading 2909.10.10) and any mixture con- taining ethyl tertiary- butyl ether.....</p>	<p>6.66¢/liter.....</p>	<p>No change (A, E, IL). 5.29¢/liter (CA).</p>	<p>6.66¢/liter.....</p>	<p>The earlier of 12/31/92, or the date on which Treasury regulation § 140-1 is withdrawn or declared invalid.”</p>
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(b) **STAGED RATE REDUCTION.**—Any staged reduction of a rate of duty set forth in heading 9901.00.50 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the date of enactment of this Act and would otherwise take effect after the date of enactment of this Act shall also apply to the corresponding rates of duty set forth in subheading 9901.00.52 of such Schedule.

(c) **EFFECTIVE DATE.**—The Amendment made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

SEC. 484H. CANADIAN LOTTERY MATERIAL.

(a) **IN GENERAL.**—Section 553 of the Tariff Act of 1930 (19 U.S.C. 1553) is amended—

(1) by striking out “Any merchandise” and inserting “(a) Any merchandise”; and

(2) by adding at the end thereof the following new section:

“(b) Notwithstanding subsect (a), the entry for transportation in bond through the United States of any lottery ticket, printed paper that may be used as a lottery ticket, or any advertisement of any lottery, that is printed in Canada, shall be permitted without appraisal or the payment of duties under such regulations as the Secretary of the treasury may prescribe, except that such regulations shall not permit the transportation of lottery materials in the personal baggage of a traveler.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

SEC. 484I. CERTAIN FORGINGS.

Notwithstanding sections 304 and 514 of the Tariff Act of 1930 or any other provision of law, the Secretary of the Treasury, within 180 days after the date of the enactment of this Act, shall, upon request filed with the appropriate customs officer, reliquidate entries numbered 85414397-7, 85414495-0, 85414647-9, 85414649-5, 85414983-2, 85414995-5, 85415031-3, 85415122-8, 85415244-7, 85415496-6, 85415619-7, 85415683-8, and 85415828-9, filed at the Port of Portland, Oregon, and, upon such reliquidation, shall refund the additional marking duties that were collected upon such entries pursuant to such section 304.

SEC. 484J. CERTAIN EXTRACORPOREAL SHOCK WAVE LITHOTRIPTER.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon request filed with the appropriate customs officer within 180 days after the date of enactment of this Act, entry numbered 86-707943-6, dated November 10,

1985, shall be reliquidated as duty-free and any duties paid with respect to such entry shall be refunded.

SEC. 484K. CERTAIN METHANOL ENTRIES.

Notwithstanding section 514 or 520 of the Tariff Act of 1930 or any other provision of law, the Secretary of the Treasury shall—

(1) reliquidate as free of duty—

(A) Entry No. 85322102-3, dated June 21, 1985, and

(B) Entry No. 85603168-9, dated September 20, 1985,

made at New York, New York, that consists of methanol, and

(2) refund any duties paid with respect to such entries,

if the appropriate certification of actual use for such entries is submitted to the appropriate customs officer by no later than the date that is 180 days after the date of enactment of this Act.

SEC. 484L. CERTAIN FROZEN VEGETABLES.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon request filed with the appropriate customs officer within 180 days after the date of enactment of this Act, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as free of duty any entry, or withdrawal from warehouse for consumption, made after December 31, 1989, and before May 1, 1990, of—

(A) cut and frozen green beans (provided for in subheading 0710.22.40 of the Harmonized Tariff Schedule of the United States), or

(B) frozen and off the cob whole kernel sweet corn (provided for in subheading 0710.40.00 of such Schedule),

that is the product of a foreign country to which nondiscriminatory (most-favored-nation) tariff treatment applies, and

(2) refund any duties paid with respect to such entry or withdrawal.

SEC. 484M. CERTAIN FILMS AND RECORDINGS.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon request filed with the appropriate customs officer within 180 days of the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any article described in items 960.50 through 960.70 of the Appendix to the Tariff Schedules of the United States (as in effect on August 11, 1985) which was made after August 11, 1985, and before January 1, 1987, shall be liquidated or reliquidated as though such entry or withdrawal had been made on August 11, 1985 and the Secretary of the Treasury shall make the appropriate refund of any duties paid with respect to such entry or withdrawal.

SEC. 485. EFFECTIVE DATES.

(a) **IN GENERAL.**—Except as otherwise provided in this title, the amendments made by this title shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(b) **RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.**—

(1) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the

appropriate customs officer after September 30, 1990, and before April 1, 1991, any entry—

(A) which was made after the applicable date and before October 1, 1990, and

(B) with respect to which there would have been no duty, or a lesser duty, if any amendment made by section 311, 312, 377, 419, 423, 426, 428, 432, 434, 436, 438, 440, 441, 442, 445, 446, 450A, 461(a)(36), 462(d), 472, 474, 475, 477, 479C, 484B, or 484C applied to such entry,

shall be liquidated or reliquidated as though such amendment applied to such entry.

(2) For purposes of this title—

(A) The term “applicable date” means—

(i) if such amendment is made by section 442, December 31, 1987,

(ii) if such amendment is made by section 438, October 1, 1988,

(iii) if such amendment is made by section 311, 312, 377, 419, 426, 428, 432, 434, 440, 441, 445, 446, 450A, 462(d), 472, 474, 475, 477, 479C, 484B, or 484C, December 31, 1988.

(iv) if such amendment is made by section 436, July 1, 1989,

(v) if such amendment is made by section 461(a)(36), December 31, 1989, and

(vi) if such amendment is made by section 423, January 31, 1990.

(B) The term “entry” includes any withdrawal from warehouse.

(C) The term “entered” means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(c) **CORNED BEEF.**—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer after September 30, 1990, and before April 1, 1991, any entry of corned beef in airtight containers—

(1) described in subheading 9902.16.02,

(2) to which the column 1 general rate of duty in effect on December 31, 1989 would have applied if entry had been made on such date, and

(3) that was entered after December 31, 1989, and before October 1, 1990.

shall be liquidated or reliquidated at the column 1 general rate of duty in subheading 9902.16.02 in effect on December 31, 1989, and the Secretary of the Treasury shall refund any duties paid with respect to such entry in excess of such column 1 general rate.

(d) **STAGED RATE REDUCTIONS FOR CERTAIN GOODS.**—

(1) Any staged reductions of a special rate of duty set forth in subheading 5111.19.10 of the Harmonized Tariff Schedule of the United States that were proclaimed by the President before October 1, 1990, and are scheduled to take effect on or after October 1, 1990, also apply to the corresponding special rates of duty set forth in subheadings 5111.11.20, 5111.20.10, 5111.30.10,

5111.90.40, 5111.90.50, 5112.11.10, 5112.20.10, 5112.20.20, 5112.30.10, 5112.30.20, 5112.90.40, 5112.90.50, and 5803.90.11 (relating to certain woven fabrics and gauze) of such Schedule (as added by section 472).

(2) Any staged rate reduction proclaimed by the President before October 1, 1990, that—

(A) would take effect on or after October 1, 1990; and

(B) would, but for any amendment made by section 472 (relating to certain woven fabrics) or 475 (relating to chipper knife steel), apply to a special rate of duty set forth in any subheading of the Harmonized Tariff Schedule of the United States that is listed in Column A;

applies to the corresponding special rate of duty set forth in the subheading of such Schedule that is listed in column B opposite such column A subheading:

Column A	Column B
5111.11.10.....	5111.11.30
5111.11.60.....	5111.11.70
5111.90.60.....	5111.90.70
5112.11.00.....	5112.11.20
5112.20.00.....	5112.20.30
5112.30.00.....	5112.30.30
5803.90.10.....	5803.90.12
7226.91.10.....	7226.91.15
7226.91.30.....	7336.92.25

(3) The amendments made by section 472 shall not affect any staged reductions of a rate of duty set forth in subheadings 5112.19.10, 5112.19.60, 5112.90.30, 5112.90.60 of the Harmonized Tariff Schedule of the United States that were proclaimed by the President before October 1, 1990, and are scheduled to take effect on or after October 1, 1990.

(4)(A) Any staged reductions of a special rate of duty set forth in subheading 6810.19.10 of the Harmonized Tariff Schedule of the United States that were proclaimed by the President before October 1, 1990, and are scheduled to take effect on or after October 1, 1990, shall apply to the corresponding special rate of duty in subheading 6810.19.14.

(B) Any staged reductions of a special rate of duty set forth in subheading 3926.90.90 of the Harmonized Tariff Schedule of the United States that were proclaimed by the President before October 1, 1990, and are scheduled to take effect on or after October 1, 1990, shall apply to the corresponding special rate of duty in subheading 6810.19.12.

(5) Any staged reductions of a special rate of duty set forth in subheading 9022.29.40 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before October 1, 1990, and are scheduled to take effect on or after October 1, 1990, also apply to the corresponding special rate of duty set forth in subheading 9022.90.70.

TITLE IV—EXPORTS OF UNPROCESSED TIMBER

SEC. 487. SHORT TITLE.

This title may be cited as the "Forest Resources Conservation and Shortage Relief Act of 1990".

SEC. 488. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—*The Congress makes the following findings:*

(1) *Timber is essential to the United States.*

(2) *Forests, forest resources, and the forest environment are exhaustible natural resources that require efficient and effective conservation efforts.*

(3) *In the interest of conserving those resources, the United States has set aside millions of acres of otherwise harvestable timberlands in the western United States, representing well over 100,000,000,000 board feet of otherwise harvestable timber.*

(4) *In recent years, administrative, statutory, or judicial action has been taken to set aside an increased amount of otherwise harvestable timberlands for conservation purposes.*

(5) *In the next few months and years, additional amounts of otherwise harvestable timberlands may be set aside for conservation purposes, pursuant to the Endangered Species Act of 1973, the National Forest Management Act of 1976, or other expected statutory, administrative, and judicial actions.*

(6) *There is evidence of a shortfall in the supply of unprocessed timber in the western United States.*

(7) *There is reason to believe that any shortfall which may already exist may worsen unless action is taken.*

(8) *In conjunction with the broad conservation actions expected in the next few months and years, conservation action is necessary with respect to exports of unprocessed timber.*

(b) **PURPOSES.**—*The purposes of this title are—*

(1) *to promote the conservation of forest resources in conjunction with State and Federal resources management plans, and other actions or decisions, affecting the use of forest resources;*

(2) *to take action essential for the acquisition and distribution of forest resources or products in short supply in the western United States;*

(3) *to take action necessary, to meet the goals of Article XI 2.(a) of the General Agreement on Tariffs and Trade, to ensure sufficient supplies of certain forest resources or products which are essential to the United States;*

(4) *to continue and refine the existing Federal policy of restricting the export of unprocessed timber harvested from Federal lands in the western United States; and*

(5) *to effect measures aimed at meeting these objectives in conformity with the obligations of the United States under the General Agreement on Tariffs and Trade.*

SEC. 489. RESTRICTIONS ON EXPORTS OF UNPROCESSED TIMBER ORIGINATING FROM FEDERAL LANDS.

(a) **PROHIBITION ON EXPORT OF UNPROCESSED TIMBER ORIGINATING FROM FEDERAL LANDS.**—*No person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange, or otherwise convey such timber to any other person for the purpose of exporting such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States.*

(b) SURPLUSES.—

(1) **DETERMINATIONS BY SECRETARY CONCERNED.**—The prohibition contained in subsection (a) shall not apply to specific quantities of grades and species of unprocessed timber originating from Federal lands which the Secretary concerned determines to be surplus to domestic manufacturing needs.

(2) **PROCEDURES.**—Any determination under paragraph (1) shall be made in regulations issued in accordance with section 553 of title 5, United States Code. Any such determination shall be reviewed at least once in every 3-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

SEC. 490. LIMITATIONS ON THE SUBSTITUTION OF UNPROCESSED FEDERAL TIMBER FOR UNPROCESSED TIMBER EXPORTED FROM PRIVATE LANDS.

(a) **DIRECT SUBSTITUTION.**—(1) Except as provided in subsection (c), no person may purchase directly from any department or agency of the United States unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States if—

(A) such unprocessed timber is to be used in substitution for exported unprocessed timber originating from private lands; or

(B) such person has, during the preceding 24-month period, exported unprocessed timber originating from private lands.

(2) Notwithstanding paragraph (1)—

(A) Federal timber purchased pursuant to a contract entered into between the purchaser and the Secretary concerned before the date on which regulations to carry out this subsection are issued under section 495 shall be governed by the regulations of the Secretary concerned in effect before such date that restrict the substitution of unprocessed timber originating from Federal lands for exported timber originating from private lands;

(B) in the 1-year period beginning on the effective date of this title, any person who operates under a Cooperative Sustained Yield Unit Agreement, and who has an historic export quota shall be limited to entering into contracts under such a quota to a volume equal to not more than 66 percent of the person's historic export quota used during fiscal year 1989;

(C) a person referred to in subparagraph (B) shall reduce the person's remaining substitution volume by an equal amount each year thereafter such that no volume is substituted under such a quota in fiscal year 1995 or thereafter; and

(D) the 24-month period referred to in paragraph (1)(B) shall not apply to any person who—

(i) before the enactment of this Act, has, under an historic export quota approved by the Secretary concerned, purchased unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States in substitution for exported unprocessed timber originating from private lands;

(ii) certifies to the Secretary concerned, within 3 months after the date of the enactment of this Act, that the person will, within 6 months after such date of enactment, cease

exporting unprocessed timber originating from private lands; and

(iii) ceases exports in accordance with such certification.

(b) **INDIRECT SUBSTITUTION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no person may, beginning 21 days after the date of the enactment of this Act, purchase from any other person unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States if such person would be prohibited from purchasing such timber directly from a department or agency of the United States. Acquisitions of western red cedar which are domestically processed into finished products to be sold into domestic or international markets are exempt from the prohibition contained in this paragraph.

(2) **EXCEPTIONS.**—(A) The Secretary of Agriculture shall, as soon as practicable but not later than 9 months after the date of the enactment of this Act, establish, by rule, a limited amount of unprocessed timber originating from Federal lands described in subparagraph (B) which may be purchased by a person otherwise covered by the prohibition contained in paragraph (1). Such limit shall equal—

(i) the amount of such timber acquired by such person, based on the higher of the applicant's actual timber purchasing receipts or the appropriate Federal agency's records, during fiscal years 1988, 1989, and 1990, divided by 3, or

(ii) 15 million board feet,

whichever is less, except that such limit shall not exceed such person's proportionate share, with respect to all persons covered under this paragraph, of 50 million board feet.

(B) The Federal lands referred to in subparagraph (A) are Federal lands administered by the United States Forest Service Region 6 that are located north of the Columbia River from its mouth and east to its first intersection with the 119th meridian, and from that point north of the 46th parallel and east.

(C) Any person may sell, trade, or otherwise exchange with any other person the rights obtained under subparagraph (A), except that such rights may not be sold, traded, or otherwise exchanged to persons already in possession of such rights obtained under subparagraph (A).

(D) Federal timber purchased from Federal lands described in subparagraph (B) pursuant to a contract entered into between the purchaser and the Secretary of Agriculture before the date on which regulations to carry out this subsection are issued under section 495 shall be governed by the regulations of the Secretary of Agriculture in effect before such date that restrict the substitution of unprocessed timber originating from Federal lands for exported timber originating from private lands.

(c) **APPROVAL OF SOURCING AREAS.**—

(1) **IN GENERAL.**—The prohibitions contained in subsections (a) and (b) shall not apply with respect to the acquisition of unprocessed timber originating from Federal lands within a sourcing area west of the 100th meridian in the contiguous 48 States approved by the Secretary concerned under this subsection by a person who—

(A) in the previous 24 months, has not exported unprocessed timber originating from private lands within the sourcing area; and

(B) during the period in which such approval is in effect, does not export unprocessed timber originating from private lands within the sourcing area.

The Secretary concerned may waive the 24-month requirement set forth in subparagraph (A) for any person who, within 3 months after the date of the enactment of this Act, certifies that, within 6 months after such date, such person will, for a period of not less than 3 years, cease exporting unprocessed timber originating from private lands within the sourcing area.

(2) **REQUIREMENTS FOR APPLICATION.**—The Secretaries concerned shall, not later than 3 months after the date of the enactment of this Act, prescribe procedures to be used by a person applying for approval of a sourcing area under paragraph (1). Such procedures shall require, at a minimum, the applicant to provide—

(A) information regarding the location of private lands from which such person has, within the previous year, harvested or otherwise acquired unprocessed timber which has been exported from the United States; and

(B) information regarding the location of each timber manufacturing facility owned or operated by such person within the proposed sourcing area boundaries at which the applicant proposes to process timber originating from Federal lands.

The prohibition contained in subsection (a) shall not apply to a person before the date which is 1 month after the procedures referred to in this paragraph are prescribed. With respect to any person who submits an application in accordance with such procedures by the end of the time period set forth in the preceding sentence, the prohibition contained in subsection (a) shall not apply to such person before the date on which the Secretary concerned approves or disapproves such application.

(3) **GRANT OF APPROVAL.**—For each applicant, the Secretary concerned shall, on the record and after an opportunity for a hearing, not later than 4 months after receipt of the application for a sourcing area, either approve or disapprove the application. The Secretary concerned may approve such application only if the Secretary determines that the area that is the subject of the application, in which the timber manufacturing facilities at which the applicant desires to process timber originating from Federal lands are located, is geographically and economically separate from any geographic area from which that person harvests for export any unprocessed timber originating from private lands. In making a determination referred to in this paragraph, the Secretary concerned shall consider equally the timber purchasing patterns, on private and Federal lands, of the applicant as well as other persons in the same local vicinity as the applicant, and the relative similarity of such purchasing patterns.

(4) **DENIAL OF APPLICATION.**—(A) Subject to subparagraph (B), and notwithstanding any other provision of law, in the 9-month

period after receiving disapproval of an application submitted pursuant to this subsection, the applicant may purchase unprocessed timber originating from Federal lands in the area which is the subject of the application in an amount not to exceed 75 percent of the annual average of such person's purchases of unprocessed timber originating from Federal lands in the same area during the 5 full fiscal years immediately prior to submission of the application. In the subsequent 6-month period, such person may purchase not more than 25 percent of such annual average, after which time the prohibitions contained in subsection (a) shall fully apply.

(B) If a person referred to in subparagraph (A) certifies to the Secretary concerned, within 90 days after receiving disapproval of such application, that such person shall, within 15 months after such disapproval, cease the export of unprocessed timber originating from private lands from the geographic area determined by the Secretary for which the application would have been approved, such person may continue to purchase unprocessed timber originating from Federal lands in the area which is the subject of the application, without being subject to the restrictions of subparagraph (A), except that such purchases during that 15-month period may not exceed 125 percent of the annual average of such person's purchases of unprocessed timber originating from Federal lands in the same area during the 5 full fiscal years immediately prior to submission of the application which was denied.

(C) Any person to whom subparagraph (B) applies may not, during the 15-month period after the person's application for sourcing area boundaries is denied, export unprocessed timber originating from private lands in the geographic area determined by the Secretary concerned for which the application would have been approved in amounts that exceed 125 percent of the annual average of such person's exports of unprocessed timber from such private lands during the 5 full fiscal years immediately prior to submission of the application.

(5) REVIEW OF DETERMINATIONS.—Determinations made under paragraph (3) shall be reviewed, in accordance with the procedures prescribed in this title, not less often than every 5 years.

SEC. 491. RESTRICTIONS ON EXPORTS OF UNPROCESSED TIMBER FROM STATE AND OTHER PUBLIC LANDS.

(a) ORDER TO PROHIBIT THE EXPORT OF UNPROCESSED TIMBER ORIGINATING FROM STATE OR OTHER PUBLIC LANDS.—Except as provided in subsection (e), the Secretary of Commerce shall issue orders to prohibit the export from the United States of unprocessed timber originating from public lands, in the amounts specified in subsection (b).

(b) SCHEDULE FOR DETERMINATION TO PROHIBIT THE EXPORT OF UNPROCESSED TIMBER ORIGINATING FROM STATE OR OTHER PUBLIC LANDS.—

(1) STATES WITH ANNUAL SALES OF 400,000,000 BOARD FEET OR LESS.—With respect to States with annual sales volumes of 400,000,000 board feet or less, the Secretary of Commerce shall

issue an order referred to in subsection (a) to prohibit the export of unprocessed timber originating from public lands not later than 21 days after the date of the enactment of this Act.

(2) STATES WITH ANNUAL SALES OF GREATER THAN 400,000,000 BOARD FEET.—With respect to any State with an annual sales volume greater than 400,000,000 board feet, the following shall apply:

(A) The Secretary of Commerce shall issue an order referred to in subsection (a) not later than 21 days after the date of the enactment of this Act. Such order shall cover a period beginning 120 days after the issuance of such an order, or January 1, 1991, whichever is earlier, and shall extend to December 31, 1991. Such order shall prohibit the export of 75 percent of the annual sales volume in such State of unprocessed timber from public lands.

(B) For the period beginning on January 1, 1992, and ending on December 31, 1993, the Secretary of Commerce shall, after notice and an opportunity for a hearing, issue an order referred to in subsection (a) not later than September 30, 1991. Such order shall prohibit the export of at least 75 percent of such State's annual sales volume for this 2-year period.

(C) For the period beginning on January 1, 1994, and ending on December 31, 1995, the Secretary of Commerce shall, after notice and an opportunity for a hearing, issue an order referred to in subsection (a) not later than September 30, 1993. Such order shall prohibit the export of at least 75 percent of such State's annual sales volume for this 2-year period.

(D) For all periods on or after January 1, 1996, the Secretary of Commerce shall issue an order referred to in subsection (a) not later than September 30, 1995. Such order shall prohibit the export of the lesser of 400,000,000 board feet or the total annual sales volume.

(3) REPORT TO CONGRESS.—Not later than June 1, 1995, the Secretary of Commerce, in conjunction with the Secretaries of Agriculture and Interior, shall issue a report to the Congress on the effects of the reallocation, as a result of the enactment of this title, of public lands timber resources to the domestic timber processing sector, the ability of the domestic timber processing sector to meet domestic demand for forest products, the volume of transshipment of timber originating from public lands across State borders, the effectiveness of rules issued and administered by States pursuant to this title, and trends in growth and productivity in the domestic timber processing sector.

(c) BASIS FOR INCREASE IN VOLUME PROHIBITED FROM EXPORT.—The Secretary of Commerce may increase the amount of unprocessed timber to be prohibited from export above the minimum amount specified in subsection (b)(2) (B) and (C), based on a determination that the purposes of this title have not been adequately met and that such an increase would further the purposes of this title. In making this determination, the Secretary shall consider—

(1) actions or decisions taken, for the purpose of conserving or protecting exhaustible natural resources in the United States, which have affected the use or availability of forest products;

(2) whether the volume of timber from public lands that is under contract has increased or decreased by an amount greater than 20 percent within the previous 12 months; and

(3) the probable effects of unprocessed timber exports on the ability of timber mills to acquire unprocessed timber.

(d) ADMINISTRATIVE PROVISIONS.—

(1) DELAY OF SECRETARY'S ORDER.—In the event that any order of the Secretary of Commerce under subsection (a) or its implementation is delayed for any reason, the prohibitions on exports under subsection (b) to which such order would apply shall apply in the absence of such order.

(2) ADMINISTRATION BY STATES.—Each State shall determine the species, grade, and geographic origin of unprocessed timber to be prohibited from export under subsection (b) and shall administer such prohibitions consistent with the intent of this title and ensure that the species, grades, and geographic origin of unprocessed timber prohibited from export is representative of the species, grades, and geographic origin of timber comprising such State's total timber sales program. The State is authorized to cooperate with Federal and State agencies with appropriate jurisdiction to further the intent of this title.

(3) STATE REGULATIONS.—(A) Except for States with annual sales of 400,000,000 board feet or less upon the date of the enactment of this Act, the Governor of each State to which this title applies, or such other State official as the Governor may designate, shall, within 120 days after the date of the enactment of this Act, issue regulations to carry out the purposes of this section, the promulgation of which shall be consistent with section 553 of title 5, United States Code. Such regulations in each State shall remain in effect until such time as the legislature of that State enacts such requirements as it deems appropriate to carry out this section. Before issuing such regulations, the Governor shall enter into formal consultation, concerning such regulations, with appropriate State officials and with a State Board of Natural Resources where such a board exists. When formulating regulations under this paragraph, the Governor shall take into account the intent of this title to effect a net increase in domestic processing of timber harvested from public lands consistent with all orders issued by the Secretary of Commerce under subsection (a).

(B) The Governor of each State with annual sales of 400,000,000 board feet or less upon the date of the enactment of this Act, or such other State official as the Governor may designate, shall, within 120 days after the date of enactment of this Act, issue regulations to carry out the purposes of this section. Until such regulations are issued in a State, the prohibitions contained in subsections (a) and (b) of section 490 shall apply to unprocessed timber originating from public lands in that State to the same extent as such prohibitions apply to unprocessed timber originating from Federal lands, except that the provisions of subsection (c) of such section shall not apply.

(4) **PRIOR CONTRACTS.**—Nothing in this section shall apply to any contract for the purchase of unprocessed timber from public lands entered into before the effective date of a Secretary's order issued under subsection (a).

(5) **WESTERN RED CEDAR.**—Nothing in this section shall be construed to supersede the provisions of section 7(i) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)).

(e) **PRESIDENTIAL AUTHORITY.**—The President is authorized, after suitable notice and a public comment period of not less than 120 days, to suspend the provisions of this section if a panel of experts has reported to the Contracting Parties to the General Agreement on Tariffs and Trade, or a ruling issued under the formal dispute settlement proceeding provided under any other trade agreement finds, that the provisions of this section are in violation of, or inconsistent with, United States obligations under that trade agreement.

(f) **REMOVAL OR MODIFICATIONS OF STATE RESTRICTIONS.**—Based upon a determination that it is in the national economic interest, the President may remove or modify any prohibition on exports from public lands in a State if that State petitions the President to remove or modify such prohibition.

(g) **EFFECT OF PRIOR FEDERAL LAW.**—No provision of Federal law which imposes requirements with respect to the generation of revenue from State timberlands and was enacted before the enactment of this Act shall be construed to invalidate, supersede, or otherwise affect any action of a State or political subdivision of a State pursuant to this title.

(h) **SURPLUS TIMBER.**—The prohibitions on exports contained in orders of the Secretary of Commerce issued under subsection (a) shall not apply to specific quantities of grades and species of unprocessed timber originating from public lands which the Secretary concerned determines by rule to be surplus to the needs of timber manufacturing facilities in the United States. Any such determination may, by rule, be withdrawn by the Secretary concerned if the Secretary determines that the affected timber is no longer surplus to the needs of timber manufacturing facilities in the United States.

(i) **SUSPENSION OF PROHIBITIONS.**—Notwithstanding any other provision of this section, beginning on January 1, 1998, and annually thereafter, if the President finds, upon review of the purposes and implementation of this title, that the prohibitions on exports required by subsection (a) no longer promote the purposes of this title, then the President may suspend such prohibitions, except that such suspension shall not take effect until 90 days after the President notifies the Congress of such finding.

(j) **EXISTING AUTHORITY NOT AFFECTED.**—Nothing in this title shall be construed to limit the authority of the President or the United States Trade Representative to take action authorized by law to respond appropriately to any measures taken by a foreign government in connection with this title.

SEC. 492. MONITORING AND ENFORCEMENT.

(a) **MONITORING AND REPORTS.**—In accordance with regulations issued under this section—

(1) each person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands west of the

100th meridian in the contiguous 48 States shall report the receipt and disposition of such timber to the Secretary concerned, in such form as such Secretary may by rule prescribe; except that nothing in this paragraph shall be construed to hold any person responsible for the reporting of the disposition of any such timber held by subsequent persons; and

(2) each person who transfers to another person unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States shall, before completing such transfer—

(A) provide to such other person a written notice, in such form as the Secretary concerned may prescribe, which shall identify the Federal origin of such timber;

(B) receive from such other person a written acknowledgment of such notice and a written agreement that such other person will comply with the requirements of this title, in such form as the Secretary concerned may prescribe; and

(C) provide to the Secretary concerned copies of all notices, acknowledgments, and agreements referred to in subparagraphs (A) and (B).

(b) **REPORT TO CONGRESS.**—Using the information gathered under subsection (a), the Secretaries of Agriculture and Interior shall, not later than June 1, 1995, submit to the Congress a report on the disposition of unprocessed timber harvested from Federal lands west of the 100th meridian in the contiguous 48 States, and recommendations concerning the practice of indirect substitution of such timber for exported timber harvested from private lands. Specifically, such report shall—

(1) analyze the effects of indirect substitution on market efficiency;

(2) analyze the effects of indirect substitution on domestic log supply;

(3) offer any recommendations that the Secretaries consider necessary for specific statutory or regulatory changes regarding indirect substitution;

(4) provide summaries of the data collected;

(5) analyze the effects of the provisions of section 490(b)(2)(C); and

(6) provide such other information as the Secretaries consider appropriate.

(c) **CIVIL PENALTIES FOR VIOLATION.**—

(1) **EXPORTS.**—If the Secretary concerned finds, on the record and after an opportunity for a hearing, that a person, with willful disregard for the prohibition contained in this title against exporting Federal timber, exported or caused to be exported unprocessed timber originating from Federal lands in violation of this title, such Secretary may assess against such person a civil penalty of not more than \$500,000 of each violation, or 3 times the gross value of the unprocessed timber involved in the violation, whichever amount is greater.

(2) **OTHER VIOLATIONS.**—If the Secretary concerned finds, on the record and after an opportunity for a hearing, that a person has violated any provision of this title or any regulation issued under this title relating to lands which they administer (not-

withstanding that such violation may not have caused the export of unprocessed Federal timber in violation of this title), such Secretary may—

(A) assess against such person a civil penalty of not more than \$75,000 for each violation if the Secretary determines that the person committed such violation in disregard of such provision or regulation;

(B) assess against such person a civil penalty of not more than \$50,000 for each violation if the Secretary determines that the person should have known that the action constituted a violation; or

(C) assess against such person a civil penalty of not more than \$500,000 if the Secretary determines that the person committed such violation willfully.

(3) PENALTIES NOT EXCLUSIVE; JUDICIAL REVIEW.—A penalty assessed under this subsection shall not be exclusive of any other penalty provided by law and shall be subject to review in an appropriate United States district court.

(d) ADMINISTRATIVE REMEDIES.—

(1) DEBARMENT.—The head of the appropriate Federal department or agency under this title may debar any person who violates this title, or any regulation or contract issued under this title, from entering into any contract for the purchase of unprocessed timber from Federal lands for a period of not more than 5 years. Such person shall also be precluded from taking delivery of Federal timber purchased by another party for the period of debarment.

(2) CANCELLATION OF CONTRACTS.—The head of the appropriate Federal department or agency under this title may cancel any contract entered into with a person found to have violated this title or regulations issued under this title.

(e) EXCEPTION.—Subsections (c) and (d) do not apply to violations of section 498.

SEC. 493. DEFINITIONS.

For purposes of this title:

(1) The term “acquire” means to come into possession of, whether directly or indirectly, through a sale, trade, exchange, or other transaction, and the term “acquisition” means the act of acquiring.

(2) The term “Federal lands” means lands that are owned by the United States, but does not include any lands the title to which is—

(A) held in trust by the United States for the benefit of any Indian tribe or individual,

(B) held by any Indian Tribe or individual subject to a restriction by the United States against alienation, or

(C) held by any Native Corporation as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(3) The term “person” means any individual, partnership, corporation, association, or other legal entity and includes any subsidiary, subcontractor, or parent company, and business affiliates where 1 affiliate controls or has the power to control the

other or when both are controlled directly or indirectly by a third person.

(4) The term "private lands" means lands held or owned by a person. Such term does not include Federal lands or public lands, or any lands the title to which is—

(A) held in trust by the United States for the benefit of any Indian tribe or individual,

(B) held by any Indian tribe or individual subject to a restriction by the United States against alienation, or

(C) held by any Native Corporation as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(5) The term "public lands" means lands west of the 100th meridian in the contiguous 48 States, that are held or owned by a State or political subdivision thereof, or any other public agency. Such term does not include any lands the title to which is:

(A) held by the United States;

(B) held in trust by the United States for the benefit of any Indian tribe or individual,

(C) held by any Indian tribe or individual subject to a restriction by the United States against alienation, or

(D) held by any Native Corporation as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(6) The term "Secretary concerned" means—

(A) the Secretary of Agriculture, with respect to Federal lands administered by that Secretary; and

(B) the Secretary of the Interior with respect to Federal lands administered by that Secretary;

(7)(A) The term "unprocessed timber" means trees or portions of trees or other roundwood not processed to standards and specifications suitable for end product use.

(B) The term "unprocessed timber" does not include timber processed into any one of the following:

(i) Lumber or construction timbers, except Western Red Cedar, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export R or N list grades, sawn on 4 sides, not intended for remanufacture.

(ii) Lumber, construction timbers, or cants for remanufacture, except Western Red Cedar, meeting current American Lumber Standards Grade or Pacific Lumber Inspection Bureau Export R or N list clear grades, sawn on 4 sides, not to exceed 12 inches in thickness.

(iii) Lumber, construction timbers, or cants for remanufacture, except Western Red Cedar, that do not meet the grades referred to in clause (ii) and are sawn on 4 sides, with wane less than $\frac{1}{4}$ of any face, not exceeding $8\frac{3}{4}$ inches in thickness.

(iv) Chips, pulp, or pulp products.

(v) Veneer or plywood.

(vi) Poles, posts, or piling cut or treated with preservatives for use as such.

(vii) *Shakes or shingles.*

(viii) *Aspen or other pulpwood bolts, not exceeding 100 inches in length, exported for processing into pulp.*

(ix) *Pulp logs or cull logs processed at domestic pulp mills, domestic chip plants, or other domestic operations for the purpose of conversion of the logs into chips.*

(8) *The acquisition of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States to be used in "substitution" for exported unprocessed timber originating from private lands means acquiring unprocessed timber from such Federal lands and engaging in exporting, or selling for export, unprocessed timber originating from private lands within the same geographic and economic area.*

SEC. 494. EFFECTIVE DATE.

Except as otherwise provided in this title, the provisions of this title take effect on the date of the enactment of this Act.

SEC. 495. REGULATIONS AND REVIEW.

(a) **REGULATIONS.**—*The Secretaries of Agriculture and Interior shall, in consultation, each prescribe new coordinated and consistent regulations to implement this title on lands which they administer. The Secretary of Commerce shall promulgate such rules and guidelines as may be necessary to carry out this title. Except as otherwise provided in this title, regulations and guidelines under this subsection shall be issued not later than 9 months after the date of the enactment of this Act.*

(b) **REVIEW.**—*The Secretaries of Agriculture and Interior shall, in consultation, review the definition of unprocessed timber under section 493(7) for purposes of this title and, not later than 18 months after the date of the enactment of this Act, submit to the Congress any recommendations they have with respect to such definition. Specifically, the Secretaries shall report on the effects of maintaining 2 size standards under section 493(B)(ii) and (iii).*

SEC. 496. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 497. SAVINGS CLAUSE.

Nothing in this title, or regulations issued under this title, shall be construed to abrogate or affect any timber sale contract entered into before the effective date of this title.

SEC. 498. EASTERN HARDWOODS STUDY.

(a) **STUDY.**—*The Secretary of Commerce, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study of the export from the United States, during the 2-year period beginning on January 1, 1991, of unprocessed hardwood timber harvested from Federal lands or public lands east of the 100th meridian. In order to carry out the provisions of this section—*

(1) *the Secretary of Commerce shall require each person exporting such timber from the United States to declare, in addition to the information normally required in the Shipper's Export Declarations, the State in which the timber was grown and harvested; and*

(2) the secretary of Agriculture and the Secretary of the Interior shall ensure that all hardwood saw timber harvested from Federal lands east of the 100th meridian is marked in such a manner as to make it readily identifiable at all times before its manufacture, and shall take such steps as each Secretary considers appropriate to ensure that such markings are not altered or destroyed before manufacturing.

(b) **REPORT TO CONGRESS.**—Not later than April 1, 1993, the Secretary of Commerce shall submit to the Committees on Agriculture, Interior and Insular Affairs, and Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the volume and value of unprocessed timber grown and harvested from Federal lands or public lands east of the 100th meridian that is exported from the United States during the 2-year period beginning on January 1, 1991, the country to which such timber is exported, and the State in which such timber was grown and harvested.

SEC. 499. AUTHORITY OF EXPORT ADMINISTRATION ACT OF 1979.

Nothing in this title shall be construed to—

(1) prejudice the outcome of pending or prospective petitions filed under, or

(2) warrant the exercise of the authority contained in,

section 7 of the Export Administration Act of 1979 with respect to the export of unprocessed timber.

And the House agree to the same.

From the Committee on Ways and Means, for consideration of the House amendment to the Senate amendment, and the Senate amendment, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
ED JENKINS,
TOM DOWNEY,
DONALD J. PEASE,
MARTY RUSSO,
FRANK J. GUARINI,
BILL ARCHER,
GUY VANDER JAGT,
PHIL CRANE,
BILL FRENZEL,

As additional conferees, solely for consideration of title II of the House amendment to the Senate amendment, and for title II of the Senate amendment, and modifications committed to conference:

J.J. PICKLE,
RICHARD T. SCHULZE,

From the Committee on Agriculture, for consideration of title VI and VII of the Senate amendment, and modifications committed to conference:

E DE LA GARZA,
HAROLD L. VOLKMER,
GEORGE E. BROWN, Jr.,

JIM OLIN,
 RICHARD STALLINGS,
 SID MORRISON,
 ROBERT F. SMITH,
 WALLY HERGER,

From the Committee on Interior and Insular Affairs, for consideration of title VI and VII of the Senate amendment, and modifications committed to conference:

MO UDALL,
 BRUCE F. VENTO,
 PAT WILLIAMS,
 PETER DEFazio,
 J. McDERMOTT,
 DON YOUNG,
 LARRY E. CRAIG,
 DENNY SMITH,

From the Committee on Foreign Affairs, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference:

DANTE B. FASCELL,
 HOWARD WOLPE,
 SAM GEJDENSON,
 PETER H. KOSTMAYER,
 EDWARD F. FEIGHAN,
 WM. BROOMFIELD,
 TOBY ROTH,
 JOHN MILLER,

Managers on the Part of the House.

LLOYD BENTSEN,
 DANIEL PATRICK MOYNIHAN,
 BOB PACKWOOD,
 BOB DOLE,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 1594) to make miscellaneous and technical changes to various trade laws, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House amendment struck out all of the Senate amendment after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the House amendment and the Senate amendment. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

H.R. 1594, AS AMENDED

Short title and table of contents (section 1 of House bill; section 1 of conference agreement)

Present Law

No provision.

House Bill

This Act may be cited as the "Customs and Trade Act of 1990."

Senate Amendment

No provision.

Conference Agreement

The Senate recedes.

TITLE I—TRADE AGENCY AUTHORIZATIONS, CUSTOMS USER FEES, AND OTHER PROVISIONS

SUBTITLE A—TRADE AGENCY AUTHORIZATIONS FOR FISCAL YEARS 1991 AND 1992

United States International Trade Commission (section 101 of House bill; section 3002 of Senate amendment; section 101 of conference agreement)

Present Law

Section 2 of Public Law 101-207, which was enacted subsequent to the appropriation Act, authorized appropriations of \$39,943,000 for FY 1990 to the U.S. International Trade Commission (ITC). The FY 1990 appropriation to the ITC (Public Law 101-162, enacted November 21, 1989) is \$38,477,000 (\$39,000,000 less Gramm/Rudman sequestration).

House Bill

Section 101 amends section 330(e)(2) of the Tariff Act of 1930 to provide an authorization of appropriations of \$41,170,000 for FY 1991 and \$44,052,000 for FY 1992. Of the amounts authorized, not more than \$2,500 may be used for reception and entertainment expenses, subject to the approval of the Chairman.

Senate Amendment

Section 3002 provides an authorization of appropriations of \$42,430,000 for FY 1991 and \$46,673,000 for FY 1992. Identical provision regarding reception and entertainment expenses.

Conference Agreement

The Senate recedes.

United States Customs Service (section 102 of House bill; section 3003 of Senate amendment; section 102 of conference agreement)

Present Law

The FY 1990 Customs authorization (Public Law 101-207), enacted subsequent to the Treasury Department appropriation, authorized \$1,075,290,000 for salaries and expenses and \$128,128,000 for operations and maintenance of the Air Interdiction Program. For noncommercial operations, the Act authorized \$440,504,000; for commercial operations, \$615,247,000 was authorized.

The FY 1990 Treasury Appropriation Act (Public Law 101-136) appropriated \$1,059,634,000 for Customs salaries and expenses and \$196,728,000 for Air Interdiction. The FY 1990 Department of Transportation Appropriation Act (Public Law 101-164) provided supplemental emergency drug funding to Customs in the amount of \$18 million for salaries and expenses, thereby bringing the total appropriated amount to \$1,077,600,000. For Air Interdiction, the Act provided an additional \$35.8 million, for a total appropriated level of \$232.5 million for operations and maintenance.

Due to sequestration absorptions and transfers, the total budget authority available for the current fiscal year for salaries and ex-

penses is \$1,065,090,000 and 16,663 FTE positions. For Air Interdiction operations and maintenance, the adjusted total is \$230,528,000.

House Bill

Section 102 amends section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 to authorize appropriations for FY 1991 for salaries and expenses incurred in noncommercial (enforcement) operations in an amount not to exceed \$510,551,000. Section 102(b) also authorizes an appropriation from the Customs User Fee Account for Customs commercial operations in an amount not less than \$672,397,000 for FY 1991. For operations and maintenance of the Air Interdiction Program, subsection (b) authorizes \$143,047,000.

For FY 1992, section 102 authorizes the following amounts for salaries and expenses: a maximum of \$536,079,000 for noncommercial operations and a minimum of \$706,017,000 for commercial operations. For Air Interdiction operations and maintenance in FY 1992, \$150,199,000 is authorized.

Senate Amendment

Section 3003 provides an authorization of appropriations for salaries and expenses incurred in noncommercial operations of \$521,882,000 in FY 1991.

The authorization of appropriations from the Customs User Fee account for Customs commercial operations is \$671,645,000 for FY 1991. For operations and maintenance of the Air Interdiction Program, the section authorizes \$143,047,000, the same as the House bill.

For FY 1992, section 3003 authorizes the following amounts for salaries and expenses: \$547,958,000 for noncommercial operations and \$705,569,000 for commercial operations. For Air Interdiction operations and maintenance in FY 1992, \$163,047,000 is authorized.

Conference Agreement

The conferees agree to merge the House and Senate provisions in the following manner: provide a statutory funding floor for commercial operations and a ceiling on noncommercial (enforcement) operations; authorize appropriations of no more than \$516,217,000 in fiscal year 1991 and no more than \$542,019,000 in fiscal year 1992 for salaries and expenses incurred in noncommercial operations; authorize appropriations of no less than \$672,021,000 in fiscal year 1991 and no less than \$705,793,000 for fiscal year 1992 for salaries and expenses incurred in commercial operations. The authorized appropriations for commercial operations are from the User Fee Account, except that for salaries and expenses incurred in processing merchandise exempt from the user fee, amounts are appropriated from the general fund. For operations and maintenance of the Air Interdiction program, House and Senate provisions for the fiscal year 1991 authorization of appropriations are identical at \$143,047,000. For fiscal year 1992 the Senate recedes to the House authorization of \$150,199,000.

Office of the United States Trade Representative (section 103 of House bill; section 3001 of Senate amendment; section 103 of conference agreement)

Present Law

Section 141(g)(1) of the Trade Act of 1974 authorizes an annual appropriation to the Office of the U.S. Trade Representative (USTR). Public Law 101-207, enacted subsequent to the appropriation Act, authorizes total appropriations to the USTR for FY 1990 of \$19,651,000. An additional \$1,492,000 was authorized separately as an amendment to section 406(b)(1) of the United States-Canada Free-Trade Agreement (FTA) Implementation Act of 1988 to fund the U.S. share of expenses for Chapter 19 binational review panels under the FTA. The combined authorization for USTR for FY 1990 was \$21,143,000.

The total appropriation to the USTR for FY 1990 (Public Law 101-162) is \$17,778,000 (\$18,000,000 less Gramm/Rudman sequestration), of which a maximum \$89,000 is available for official reception and representation expenses and \$1,000,000 shall remain available until expended. The total appropriation includes \$1,000,000 to cover estimated expenses of Chapter 19 panels under the U.S.-Canada FTA.

House Bill

Section 103 amends section 141(g)(1) of the Trade Act of 1974 to provide a two-year authorization of appropriations to the USTR totaling \$23,250,000 for FY 1991 and \$21,077,000 for FY 1992. Of these amounts, not to exceed \$98,000 is available in each of the two fiscal years for entertainment and representation expenses and \$1,000,000 in each year shall remain available until expended. The total authorization for each of fiscal years 1991 and 1992 includes \$2,050,000 to cover the U.S. share of estimated expenses of Chapter 19 binational review panels under the U.S.-Canada FTA.

Senate Amendment

Section 3001 authorizes the same total appropriation to USTR as the House bill. However, it amends the 1974 Trade Act and the U.S.-Canada FTA Implementation Act to divide the authorization as follows: FY 1991—\$21,200,000 for USTR functions and \$2,050,000 for U.S.-Canada FTA expenses; and FY 1992—\$19,027,000 for USTR functions and \$2,050,000 for U.S.-Canada FTA expenses.

Conference Agreement

The Senate recedes on the inclusion of the total authorization levels in section 141(g) of the Trade Act of 1974, with an amendment to specify under section 141(g) that the total amounts authorized for each of fiscal years 1991 and 1992 include not to exceed \$2,050,000 that may be used to pay the U.S. share of expenses for Chapter 19 binational reviews under the U.S.-Canada FTA.

The House recedes on amending section 406(b) of the U.S.-Canada Free Trade Agreement Implementation Act, with an amendment to authorize USTR to transfer to any administering department or agency such sums as may be necessary from appro-

priations authorized under section 141(g) of the Trade Act to pay for Chapter 19 binational review expenses.

SUBTITLE B—CUSTOMS USER FEES

Customs user fees (section 111 of House bill; section 4002 of Senate amendment; section 111 of conference agreement)

Present Law

Section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, as amended in 1986 and 1987, requires the Secretary of the Treasury to collect a customs user fee from the importer of record to cover the costs of processing dutiable or duty-free merchandise formally entered or withdrawn from warehouse for consumption. For entries on or after October 1, 1987, the fee is the lesser of 0.17 percent ad valorem, or an ad valorem rate the Secretary estimates will provide an amount of revenue during the fiscal year equal to the total authorization of appropriations for conducting Customs Service commercial operations reduced by any excess of the total amount authorized over the total amount actually appropriated, except that if appropriations are not authorized for the fiscal year, the fee shall be 0.17 percent ad valorem. The current fee level is 0.17 percent ad valorem.

Exempted from application of the fee are products of Caribbean Basin Initiative beneficiary countries, of U.S. insular possessions, and entries under chapter 98 of the Harmonized Tariff Schedule (except for foreign value included in products assembled abroad from U.S. components or materials or in U.S. articles returned after repair or alteration abroad). Until the enactment of the Harmonized Tariff System in the 1988 Trade Act, products of least developed developing countries were also exempt, at which time they were inadvertently made subject to such fees. In addition, in compliance with the U.S.-Canada Free-Trade Agreement, such fees on goods of Canadian origin are to be phased out and eliminated by January 1, 1994.

Receipts from the fees are deposited into a dedicated "Customs User Fee Account" within the general fund of the Treasury, with one sub-account consisting of the receipts from the merchandise processing fee and a second sub-account consisting of the receipts from the vehicle and passenger fees. Subject to authorization and appropriations, all funds in the Account are available to pay the costs incurred by the Customs Service in conducting commercial operations and are treated as receipts offsetting expenditures of salaries and expenses for these purposes, except for that portion of the fees that is required for the direct reimbursement of appropriations for costs incurred by the Customs Service in providing inspectional overtime and preclearance services.

House Bill

Section 111 revises user fee authority for processing merchandise entries as a one-year interim measure pending a six-month study by the General Accounting Office (GAO) of the costs of Customs commercial operations. For fiscal year 1990, the user fee on any formal merchandise entry is 0.17 percent ad valorem or \$575,

whichever is less. These levels could be adjusted as under current law to reflect actual amounts appropriated for commercial operations. No fee is applicable to informal entries.

Costs of air passenger processing, export controls, and international affairs activities are not included in calculating the interim fee for commercial services to individual importers.

There is no change in the exemptions from fee application (except for the potential exemption of Israel the restoration of the exemption for least developed developing countries (LDDC's)), but the costs of processing such entries are funded from general revenues rather than from receipts in the Customs User Fee Account collected on other entries.

Senate Amendment

Section 4002 revises user fee authority for processing merchandise entries during FY 1991, although there is no provision for the GAO study. For FY 1991, the user fee on formal entries is the lesser of 0.17 percent ad valorem or \$550 on automated entries (\$553 on manual entries). Such entries are subject to a minimum fee of \$20 on automated entries (\$23 on manual entries). These levels are not subject to adjustment. No fee is applicable to informal entries. Articles excluded from the calculation of the fee and the exemptions from fee application are identical in substance to the House provision (except for no potential exemption of Israel and the restoration of the exemption for the LDDC's).

Conference Agreement

The conference agreement replaces the current fee with a new fee structure that is intended to bring the United States into conformance with the General Agreement on Tariffs and Trade (GATT). The conferees have spent considerable time and effort ensuring that this new fee structure conforms to the international obligations of the United States under that agreement.

The fee is being amended in response to a GATT panel ruling that the current fee structure is not consistent with GATT Article VIII. The findings and recommendations of that panel were adopted by the GATT Contracting Parties, including the United States, in February 1988.

In making its determination, the GATT panel recognized that the application of a customs user fee is, in principle, permitted under the GATT. However, the panel ruled that certain aspects of the U.S. merchandise processing fee were inconsistent with the United States' GATT obligations. In particular, the panel ruled that the across-the-board ad valorem nature of the U.S. fee schedule did not meet Article VIII's requirement that such charges, if not import duties or domestic taxes, must be limited in amount to the approximate cost of the services rendered. In addition, the panel ruled that the fee had been set at a level that offset the cost of Customs operations not directly related to merchandise import processing and the cost of the processing of imports excluded from the fee. The panel also noted that, in some years, revenues collected exceeded the total cost of the commercial Customs Service operations.

The new fee schedule is structured to respond to this ruling and to bring the U.S. into conformity with its GATT obligations. As required by the relevant provisions of Articles II and VIII of the GATT, the new fee schedule limits the fees charged to the approximate cost of the services rendered. It also limits the fee to Customs operations related to merchandise processing and to the processing of imports covered by the fee. Fee revenues also are established so as to approximate the cost of the commercial Customs services. As a result, the new fee schedule represents the type of fee permitted under GATT Article VIII. It does not represent an indirect protection to domestic products nor does it represent a taxation of imports for domestic purposes.

For each formal entry, the new fee schedule imposes an ad valorem fee of 0.17 percent, subject to a maximum fee of \$400 and a minimum fee of \$21. All entries would be subject to an additional \$3 surcharge if filed manually. Specific provisions prevent entry consolidation.

The maximum and minimum fee levels ensure that imports of very high or very low value items, which might not differ substantially in the cost of import processing, do not pay unduly different import fees. The maximum and minimum levels eliminate the excess collections on high value entries associated with the current across-the-board ad valorem fee. As a result, it also avoids the subsidization of low-value entries.

Other features of this fee have been introduced to ensure that the fee more accurately reflects actual processing costs. The \$3 surcharge reflects the greater expense to the Customs Service in processing entries manually rather than through automated methods. Similarly, the prevention of consolidation helps prevent the avoidance of fee payment, which can lead to less accurate assessments of processing costs. As a result, the formal fee schedule as closely as feasible approximates the cost of processing individual transactions. It reflects the intent of the conferees to make the fee structure as equitable and predictable as possible, and sufficiently easy to administer that the fee does not become, in itself, a barrier to trade.

The conference agreement also establishes fees on informal entries, which are not covered under the current merchandise processing fee. The agreement establishes a flat fee schedule with three categories: 1) \$2 for automated, non-Customs-prepared informal entries; 2) \$5 for manual, non-Customs-prepared informal entries; and 3) \$8 for Customs-prepared informal entries. In lieu of these informal fees, air courier facilities and other reimbursable facilities would be subject to a reimbursement for Customs' processing costs to be collected at a rate of twice the assessment currently applied at courier hubs. Also, the courier industry's current 80 percent offset would be eliminated.

This expansion of the current fee to cover informal entries reflects the recognition of the conferees that all entries cost money to process. However, it also takes into account that in general informal entries are the least time-consuming and least costly category of entries processed by Customs. It attempts to reflect as closely as possible and practicable the differences in costs to process entries that are not custom-prepared, and to ensure that prior reimburse-

ments are taken into account. It also retains the \$3 differential, contained in the formal fee structure, between the charges imposed on manual versus automated entries. The conferees believe that the informal fee schedule as closely as feasible approximates the cost of processing individual transactions.

The conference agreement also includes several other features that are intended to meet U.S. obligations under the GATT. The conference agreement explicitly states that those operations identified by the GATT panel as inappropriate (e.g., activities associated with passenger processing, export controls and international affairs) are not funded out of the merchandise processing fee. The agreement also specifies that fees may in no case be used to offset the cost of processing imports excluded from the fee. Similarly, application of the fee to Canadian trade will continue to be phased out (in accordance with the U.S.-Canada Free-Trade Agreement), and the USTR may negotiate similar treatment for Israel, but in neither case can merchandise processing fees be charged to offset the relevant costs. These changes further help ensure that revenues collected from the merchandise processing fee will not exceed the anticipated cost of covered commercial services.

With respect to entries at ports along the northern border of the U.S. prior to the full implementation of Customs' cargo selectivity system, the conference agreement provides that the applicable fees shall be imposed at the automated rate. The conference agreement also restores the fee exemption for LDDC's.

Treatment of railroad cars (section 4002(e) of Senate amendment; section 111(b)(1)(B) of conference agreement)

Present Law

Current practice of the Customs Service currently is to impose the COBRA fee on each railroad car arriving at a port of entry in the United States. Exempted from that fee are railroad cars which are "in transit" (e.g., those that are parts of trains that originated in the United States, crossed over into Canada, and returned to the United States).

Customs recently announced its intention to collect the fee on all cars in a train, whether or not cargo has been loaded or unloaded, if any car is added or dropped off the train, if a locomotive is switched out, or if the train is redesignated for purposes of railroad operations.

House Bill

No provision.

Senate Amendment

Section 4002(e) provides that the COBRA fee shall not be imposed on the arrival of any railroad car, when the journey of the car originates and terminates in the same country and if no passengers board or disembark from the train and no cargo is loaded or unloaded from the car while the car is outside the country of origination or destination.

Conference Agreement

The House recedes, with an amendment to apply the provision retroactively to July 7, 1986.

Agricultural products processed and packed in foreign trade zones (section 4002(a)(2)(D) of Senate amendment; section 111(b)(2)(D)(v) of conference agreement)

Present Law

As a result of a 1988 Customs ruling, the practice of the Customs Service is to assess the merchandise processing fee against the entire value of articles packed in non-reusable containers, whether of foreign or domestic origin, which are formally entered into U.S. Customs territory from a foreign trade zone.

House Bill

No provision.

Senate Amendment

Section 4002(a)(2)(D) provides that, in the case of agricultural products of the United States that are processed and packed in a foreign trade zone, the user fee should be applied solely to the value of material used to make the container for the merchandise, if it is subject to entry and the container is of a kind normally used for packing such merchandise.

Conference Agreement

The House recedes.

Disposition of surplus fees (section 4002(b) of Senate amendment; section 111(c) of conference agreement)

Present Law

Section 13031(a) of the COBRA establishes a schedule of flat-rate user fees (the "COBRA fees") on various conveyances and air passengers arriving from abroad and on dutiable mail and customs broker permits. The fees are paid into a dedicated account and used to pay the costs of Customs' overtime inspectional services and preclearance operations.

Under present law, any surplus from the fee (i.e., the amount beyond the funds needed to pay the costs of services and preclearance operations) is deposited in a user fee fund.

House Bill

No provision.

Senate Amendment

Section 4002(b) authorizes the Commissioner of Customs to use any surplus from the fee to hire full- and part-time personnel, buy equipment, or satisfy other direct expenses necessary to provide service directly to the payers of the fee. The amendment also provides that \$30 million of such surplus shall be reserved to maintain staffing levels equal to those existing in the prior year in the event

Customs collections are reduced due to an economic downturn or other causes.

Conference Agreement

The House recedes, with an amendment to require administrative apportionment of any additional spending on full and part-time personnel and equipment beyond the direct costs of Customs' overtime inspectional services and preclearance operations.

This overall provision is intended to address the ongoing problem where Customs has delayed or not approved landing rights for new or expanded international flights already approved by the Transportation and State Departments. The conferees intend that the additional funds authorized for increased full and part time staff and equipment be used to alleviate this problem, so that the lack of Customs staffing resources is no longer a factor in approving new or expanding international service.

The provision requiring administrative apportionment reflects the view of the conferees that there should be sufficient controls over budget and accounting processes of the Customs Service. The intent of the apportionment requirement is to ensure that there are adequate administrative controls and scrutiny over the newly authorized spending activities.

Enforcement authority (section 112 of House bill; section 111(d) of conference agreement)

Present Law

No provision.

House Bill

Section 112 applies all administrative and enforcement provisions of customs laws and regulations (except those relating to drawback and except to the extent otherwise provided in regulations) to any customs user fee imposed under section 13031(a) (i.e., fees on passengers, vehicles, or merchandise) and to persons liable for such fees, as if the fee is a customs duty. Any penalty expressed in terms of a relationship to the amount of the duty will be treated as not less than the amount bearing a similar relationship to the amount of user fee assessed. Any customs user fee would also be treated like a customs duty for purposes of determining the jurisdiction of any U.S. court or agency. This enforcement authority would apply to both the existing and interim fees with respect to merchandise.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes.

Extension of customs user fee program (section 115 of House bill; section 4002(c) of Senate amendment; section 111(e) of conference agreement)

Present Law

The authority under section 13031(a) of the COBRA to impose customs user fees for the processing of either passengers and vehicles or merchandise terminates on September 30, 1990.

House Bill

Section 115 amends section 13031(j)(3) of the COBRA to extend the passenger and vehicle fees for one year until September 30, 1991. The amended merchandise processing fee expires on September 30, 1990.

Senate Amendment

Section 4002(c) extends the amended merchandise processing fees for one year through FY 1991, and extends the passenger and vehicle fees for 15 years through FY 2005.

Conference Agreement

The House recedes, with an amendment to extend both the merchandise processing fee and the passenger and vehicle fees for one year, through FY 1991.

Entries under temporary monthly entry programs (section 4002(d) of Senate amendment; section 111(f) of conference agreement)

Present Law

The Customs Service operates a monthly entry program under which importers of certain entries are permitted to file entry summaries on a monthly basis as opposed to the normal 10-day basis. The program was established for the purpose of improving entry processing.

House Bill

No provision.

Senate Amendment

Section 4002(d) provides that for entries under monthly entry programs established by Customs prior to July 1, 1989, for the purpose of improving entry processing, the user fee is to be applied on the aggregate value (up to the fee cap) of each day's importations at each port of entry by each importer from the same exporter. These fees are to be paid with each monthly consumption entry, with interest accruing in accordance with section 6621 of the Internal Revenue Code of 1986.

Conference Agreement

The House recedes.

Exemption of Israeli products from user fees (section 113 of House bill; section 112 of conference agreement)

Present Law

Products of Israel are subject to the customs user fee.

House Bill

Section 113 exempts products of Israel from the existing and interim commercial processing fee if the U.S. Trade Representative determines that the Government of Israel has provided reciprocal concessions in exchange for the exemption. The exemption would apply to any product of Israel entered, or withdrawn from warehouse for consumption, on or after the 15th day after the determination is published in the Federal Register, but not before October 1, 1989.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes, with an amendment to make October 1, 1990, the earliest effective date for implementation of any changes with respect to the user fee applicable to products of Israel.

Customs Service administration (section 114 of House bill; section 113 of conference agreement)

Present Law

No provision.

House Bill

Section 114 requires the Comptroller General of the United States to report, within 180 days after the effective date of this section, to the House Committee on Ways and Means and the Senate Committee on Finance on the costs incurred by the Customs Service in conducting commercial operations and on appropriate fees to be charged to service beneficiaries.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes, with an amendment to require the Customs Service to provide to the Committees more complete information on merchandise processing costs and how the merchandise processing fee is calculated. The amendment requires changes to Customs' cost accounting systems, new labor distribution surveys, annual fee re-calculations and a detailed explanation of the cost base and methodology used to compute the fee.

GAO report on entries by mail (section 114 of conference agreement)

The conference agreement includes a provision directing the General Accounting Office (GAO) to study and report to the House Committee on Ways and Means and the Senate Committee on Finance on the extent to which fees are being collected on entries by mail. The GAO report is due eight (8) months after date of enactment of this Act. This provision results from the conferees' concern over reports that the Postal Service may not be collecting all charges, including duties, on mail imports, thereby placing at a disadvantage one segment of the importing community.

Effective date (section 116 of House bill; section 4002(f) of Senate amendment; section 115 of conference agreement)

Present Law

No provision.

House Bill

All provisions on customs user fees take effect on October 1, 1989, except section 113 (Israel exemption) takes effect on date of enactment.

Senate Amendment

All provisions on customs user fees take effect on October 1, 1990.

Conference Agreement

The House recedes, with an amendment to make section 111(b)(1)(B) (relating to railroad cars) and section 111(d) (relating to enforcement authority) effective on date of enactment of the Act. All other provisions would take effect on October 1, 1990.

SUBTITLE C—MISCELLANEOUS CUSTOMS PROVISIONS

Customs forfeiture fund (section 121 of House bill; section 121 of conference agreement)

Present Law

The Anti-Drug Abuse Act of 1988 (19 U.S.C. 1613b(e)) requires an annual report to Congress by the Commissioner of Customs on the financial and management status of the Customs Forfeiture Fund.

Section 616(c) of the Tariff Act of 1930 authorizes Customs to share forfeited seized property with State and local law enforcement agencies, the Civil Air Patrol, and, under certain conditions, foreign governments, which participated in Customs law enforcement activities. However, sharing of forfeited seized cash or the proceeds of sales of forfeited seized property from the Fund is not specifically authorized (19 U.S.C. 1613b).

The 1988 Drug Act also authorized an appropriation of up to \$20 million from the Customs Forfeiture Fund for each fiscal year to carry out the discretionary purposes of the Fund. A permanent authorization for nondiscretionary costs of processing forfeiture was

included. At the end of each fiscal year, any unobligated amount above \$15 million will be deposited into the general fund.

House Bill

Section 121 requires the Customs Forfeiture Fund Annual Report to include a complete set of audited financial statements for the previous fiscal year consistent with the requirements of the Comptroller General.

Section 121 also requires Customs to deposit all forfeited cash into the Fund, and provides the necessary authority for associated asset sharing payments involving forfeited cash and the proceeds of sales of forfeited seized property to be made from the Fund.

Section 121 authorizes \$20 million for discretionary purposes of the Fund, of which \$14,855,000 for FY 1991 and \$15,598,000 for FY 1992 are available to the Customs Service.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes.

Increase in value subject to administrative forfeiture; processing of money seized under the customs laws (section 122 of House bill; section 122 of conference agreement)

Present Law

Section 607(a) of the Tariff Act of 1930 requires that seized conveyances, merchandise, or baggage over \$100,000 in value must be forfeited under a judicial process, rather than through an administrative process within the applicable law enforcement agency. This provision applies to forfeiture proceedings of the U.S. Customs Service, as well as the Drug Enforcement Administration, the Immigration and Naturalization Service, and the Federal Bureau of Investigation. There is no value limit on conveyances that contain illegal drugs. The provision does not apply to real property cases.

Section 607(a) also requires that all cash seizure cases over \$100,000 in value must be forfeited under a judicial process, rather than through an administrative process within the Customs Service.

House Bill

Section 122 increases from \$100,000 to \$500,000 the value of seized conveyances, merchandise, or baggage subject to summary (administrative) forfeiture proceedings in uncontested cases. Section 122 also removes the \$100,000 limit on administrative forfeiture proceedings in uncontested cash seizure cases. The Customs Service is required to report to Congress annually on delays in processing uncontested cash cases over 120 days.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

Annual national trade and customs law violation estimates and enforcement strategy (section 123 of House bill; section 123 of conference agreement)

Present Law

No provision.

House Bill

Section 123(a) requires the Customs Service to submit annually to the House Committee on Ways and Means and Senate Committee on Finance a report estimating, for the coming fiscal year and each fiscal year thereafter, the likelihood of violations of trade, customs, and illegal drug laws enforced by Customs, and the relative threat of these violations among Customs ports and regions. The Commissioner of Customs is directed to compile a list of applicable statutes in consultation with the Committees. Under section 123(c), the Commissioner is directed to develop and submit to the Committees a nationally uniform enforcement strategy based on the threat assessment. The required reports are confidential and restricted to designated employees of Customs and the Committees.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

Reports regarding expansion of customs preclearance operations and recovery for damage resulting from customs examinations (section 124 of House bill; section 124 of conference agreement)

Present Law

There are no reporting requirements regarding Customs foreign preclearance operations or recourse to importers for damaged imported merchandise under present law. Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) does provide statutory authority for customs inspections and preclearance operations in foreign countries.

The Federal Tort Claims Act, 28 U.S.C. 1346(b), provides that the United States shall be liable for injury or loss of property caused by negligent or wrongful acts or omissions of any employee. However, 28 U.S.C. 2680(c), exempts any claims against the United States which arise from "the detention of any goods or merchandise by an officer of customs." This provision has been interpreted by the Supreme Court to exempt not only damage caused by the detention of goods, but also any damage caused by Customs officers during the period of detention. The Small Claims Act, 31 U.S.C. 3723, authorizes agencies to make discretionary settlements of \$1,000 or less for loss of privately owned property damaged through the negligence of an employee of the United States.

House Bill

Section 124(a) requires the Secretary of the Treasury, in consultation with the Secretary of State, to study the feasibility of expanding U.S. Customs preclearance operations to additional foreign airports and report to the House Committee on Ways and Means and Senate Committee on Finance by February 1, 1991.

Section 124(b) requires the Secretary of the Treasury, in consultation with the Attorney General, to develop legal proposals to compensate importers for damages to merchandise damaged during customs inspection. A report with legislative recommendations must be submitted to the Committees by February 1, 1991. Section 124 also requires the Commissioner of Customs to annually provide merchandise damage statistics to the Committees.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

SUBTITLE D—MISCELLANEOUS PROVISIONS

Treatment of Czechoslovakia and East Germany under the Generalized System of Preferences (section 125 of House bill; section 131 of conference agreement)

Present Law

Title V of the Trade Act of 1974 authorizes the President to designate developing countries as beneficiaries of preferential duty-free treatment on eligible articles under the Generalized System of Preferences (GSP) program, subject to certain specific statutory criteria. Section 502(b) prohibits the President from designating a specific list of countries as GSP beneficiaries. Czechoslovakia and East Germany are the only East European countries remaining on this statutory exclusion list.

House Bill

Section 125 amends section 502(b) of the Trade Act of 1974 to remove Czechoslovakia and East Germany from the statutory exclusion list. Section 125 does not amend any of the criteria under present law that the President must determine are met or take into account before designating either country as a GSP beneficiary.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

Technical amendments regarding nondiscriminatory trade treatment (section 127 of House bill; section 4001 of Senate amendment; section 132 of conference agreement)

Present Law

Title IV of the Trade Act of 1974—the so-called Jackson-Vanik amendment—sets forth three specific freedom of emigration requirements which must be met, or waived by the President, and minimum provisions which must be included in a bilateral commercial agreement in order for the President to grant most-favored-nation (MFN) trade status to a nonmarket economy country.

Sections 405(c) and 407(c) provide that a trade agreement and the Presidential proclamation granting MFN treatment shall take effect only after adoption by the House and Senate of a concurrent resolution of approval under the fast-track implementing procedures of section 151. (House and Senate rules provide a maximum of 90 legislative days for adoption of a concurrent resolution.)

Annual Presidential recommendations under section 402(d)(5) for a 12-month extension of authority to waive Jackson-Vanik freedom of emigration requirements (either generally or for specific countries) are subject to a resolution of disapproval by either the House or the Senate, adopted under the fast-track procedures of section 153 within 60 calendar days after expiration of the previous waiver extension. (Recommendations must be submitted at least 30 calendar days prior to expiration of the waiver authority.)

Presidential reports submitted by December 31 of each year under section 407(c) regarding a country's compliance with the Jackson-Vanik freedom of emigration requirements are subject to a resolution of disapproval by either the House or the Senate, adopted under the fast-track procedures of section 152 within 90 legislative days. (Presidential reports must be submitted by June 30 and December 31 each year for countries the President determines to be meeting the Jackson-Vanik freedom of emigration requirements. However, only those reports submitted pursuant to the December 31 deadline are subject to Congressional disapproval.)

House Bill

Section 127 amends sections 402(d)(5), 405(c), and 407(c) to provide for the use of a joint resolution of approval of trade agreements; and a joint resolution of disapproval of Presidential waivers or reports with respect to the Jackson-Vanik freedom of emigration requirements. Section 127 also removes from title IV certain provisions which have expired and makes conforming amendments in sections 151–153 with respect to the form of resolutions and the elimination of expired provisions. No changes are made in the 60 or 90 day periods or in the rules and procedures for Congressional consideration of resolutions.

Senate Amendment

Section 4001 contains the same provisions as the House bill, except the Senate amendment extends the time periods for Congressional consideration of resolutions as follows: (1) for resolutions disapproving a Presidential waiver of the Jackson-Vanik freedom of emigration requirements, the time period is extended from 60 to

105 calendar days; and (2) for resolutions disapproving a Presidential determination that a country is in compliance with the Jackson-Vanik freedom of emigration requirements, the time period is extended from 90 to 135 legislative days.

Conference Agreement

The Senate recesses, with an amendment to clarify that the "fast-track" procedures of section 153 of the Trade Act of 1974 are triggered by the introduction of a resolution of disapproval on or after the date that the President recommends to Congress that the waiver authority be extended. Because a Presidential recommendation must be made at least 30 calendar days before the previous year's waiver authority expires (i.e., by no later than June 3); and because Congress has up to 60 calendar days following the expiration of that waiver authority to pass a resolution (i.e., by no later than September 3); in effect, Congress has 90 calendar days in which to pass a resolution disapproving a Jackson-Vanik waiver. The conferees also agreed to provide an additional 15 legislative days for Congressional consideration of any veto message relating to a resolution of disapproval (of waiver extensions or compliance reports). The 15-day period is calculated in accordance with section 154 of the Trade Act of 1974 and begins on the date on which the veto message is received by the Congress. Most-favored-nation treatment of the products of a country will terminate 60 calendar days after enactment of a resolution disapproving a Presidential waiver or compliance report, rather than terminating on the date such a resolution is adopted, as under current law.

The conferees also agreed to the following technical and clarifying amendments with respect to the procedures for consideration of disapproval resolutions:

(i) An amendment to House rules under section 152(c) providing that a Member may make a motion to discharge the Committee on Ways and Means from further consideration of a resolution of disapproval only on the second legislative day after the calendar day on which the Member announces to the House the intention to make the motion. This rule will give all Members advance notice of a date certain on which the motion will be made.

(ii) An amendment to Senate rules under section 152 providing necessary procedures to assure that final action in the Senate on any resolution of disapproval occurs with respect to the House-passed measure. This provision is necessary since resolutions of disapproval are revenue measures and, therefore, must originate in the House.

(iii) A clarification of Senate rules providing that the procedures set forth in section 153 apply to consideration of any conference report or veto message relating to resolutions disapproving Presidential waivers; and that the procedures set forth in section 152 apply to consideration of any conference report or veto message relating to resolutions disapproving Presidential compliance reports. Normal House rules will continue to apply to consideration of conference reports and veto messages in the House.

Finally, the conferees agreed to a temporary "transition rule" for consideration in 1990 of resolutions disapproving extension of the Jackson-Vanik waiver authority through July 3, 1991. Under this amendment, the fast-track procedures of section 153 apply for a 60-calendar-day period beginning on the date of enactment of this Act with respect to such resolutions of disapproval introduced on or after the date of enactment of this Act.

Competitiveness Policy Council (section 4006 of Senate amendment; section 133 of conference agreement)

Present Law

The Competitiveness Policy Council was established by the Omnibus Trade and Competitiveness Act of 1988 as a high-level advisory committee to the President and the Congress on issues of competitiveness policy. It was authorized for FY 1989 and FY 1990. Members of the Council are to be paid for their service.

House Bill

No provision.

Senate Amendment

Section 4006 reauthorizes the Council for FY 1991 and FY 1992. It also eliminates the compensation provision for members and makes certain other technical changes to the law.

Conference Agreement

The House recedes, with an amendment to change the deadline for appointment of initial members from no later than June 1, 1990, to 30 days after the date of enactment of the Act. The conferees agreed to extend the authorization for the Competitiveness Policy Council because, to date, the President has not appointed the members of the Council.

Technical amendments relating to the United States-Canada Free-Trade Agreement (section 4007(c) of Senate amendment; section 134 of conference agreement)

Present Law

The U.S.-Canada Free Trade Agreement (FTA) Implementation Act makes necessary changes to U.S. law to implement the U.S.-Canada FTA. Included in that Act are amendments to section 313 of the Tariff Act of 1930 (relating to drawback) and to the anti-dumping (AD) and countervailing duty (CVD) laws. The purpose of the amendments relating to drawback is to implement the FTA's provision eliminating drawback on most articles between the United States and Canada. The amendments relating to the anti-dumping and countervailing duty laws implement the provisions of Chapter 19 of the FTA which provide for review of antidumping and countervailing duty determinations by binational panels.

(i) Section 204(c)(3)

Section 204(c)(3) added subsection (n) to section 313 of the Tariff Act of 1930 to provide that on or after January 1, 1994, an article

made from or substituted for a drawback-eligible good that is sent to Canada will not be considered to have been exported, the exact opposite of the intent of Article 404 of the FTA.

The Act does not contain a provision to implement Article 404(1) on the treatment of goods that are imported free of duty under bond for processing.

(ii) Section 401(a) and (c)

Section 516A(a)(5)(A) of the Tariff Act of 1930 presently provides that an interested party that was a party to an AD or CVD administrative proceeding may request binational panel review of a final AD or CVD determination in an investigation within 30 days after an AD duty order or a CVD order is issued.

Under section 516A of the Tariff Act, an interested party may state its intention to seek judicial review of a final AD or CVD determination made by International Trade Commission (ITC) within 20 days after a final determination or order. However, if another interested party or the Government of Canada makes a request for binational panel review within 30 days after the final determination or order, review would be conducted by a binational panel established under chapter 19 of the FTA. Present law does not address the situation of a flawed panel review request that deprives the panel of jurisdiction.

(iii) Section 403(c)

Section 777(d)(1)(A) of the Tariff Act of 1930 does not expressly authorize the release under protective order of privileged documents in an administrative record.

Under the present definition of "authorized persons," the only representatives of interested persons who may have access to business proprietary information under administrative protective order are counsel and their employees.

Section 777(d)(1)(B) provides for the release, under an administrative protective order, of business proprietary information contained in an administrative record to designated officers or employees of the U.S. Government for purposes of carrying out the FTA with respect to the panel proceeding.

Paragraphs (3) and (4) of section 777(d) of the Tariff Act of 1930 concern actions that are subject to sanction by the administering authority or ITC in the event of a violation of a protective order. These actions include a violation of a protective order (committed by a person to whom information has been released under the terms of a protective order) and an "inducement of a violation" (committed by a person who is not personally subject to the terms of a protective order).

(iv) Section 406(b)

The law is silent with regard to the directive in Annex 1901.2 of the Agreement that the United States and Canadian sections of the binational Secretariat established under chapter 19 of the Agreement would share the costs of convening binational panels.

(v) Section 408(c)

Section 408(c) provides that, when panel review of a final AD or CVD determination made by a Canadian administrative agency is commenced by the filing of a request with the U.S. section of the binational Secretariat, the U.S. Secretary serves the request on persons that would be entitled to participate in the panel review. To describe such persons, the statute draws an analogy to those who would have standing to appear in a judicial review of an equivalent determination made in the United States.

House Bill

No provision.

Senate Amendment

(i) Amendments to Section 204

The amendment correcting section 204(c)(3) provides that shipment to Canada of an article on or after January 1, 1994, except an article made from or substituted for a drawback-eligible good, does not constitute an exportation. The amendment adds an effective date of on or after January 1, 1994, to section 313(o) of the Tariff Act.

The amendment also adds a provision to Article 204 on the treatment of goods imported duty-free under bond for processing.

(ii) Amendment to Section 401(a) and (c)

The amendment alters the deadline for requesting binational panel review to within 30 days after issuance of the final determination.

The amendment permits an interested party to have its complaint heard by a domestic court in the event that a binational panel had dismissed the action for lack of jurisdiction. To take advantage of this provision, the interested party must file its intent to seek judicial review within 20 days after the final determination and must follow normal procedures for filing a summons and complaint within 30 days after the panel review is dismissed.

(iii) Amendment to Section 403(c)

The amendment deletes a provision that might be interpreted as prohibiting release of privileged documents under protective order and adds a provision expressly permitting the administering authority and the Commission to limit disclosure of such documents to persons under an extraordinary type of protective order.

The amendment extends the definition of "authorized persons" to include independent consultants and their employees who are retained by counsel to assist in representing interested persons during binational panel review, and to cover Canadian officials who have an equivalent need for access to such information. It also clarifies the purpose for which certain officers or employees of the United States Government would have access to business proprietary information.

The amendment adds to the sanctionable activities by the administering authority or ITC for breach of a protective order the receipt of business proprietary information when the recipient has

reason to know that such information was disclosed in violation of an administrative protective order, (also committed by a person who is not personally subject to the terms of a protective order).

(iv) Amendment to Section 406(b)

The amendment provides the U.S. section of the binational Secretariat with an exception to the Miscellaneous Receipts Act for the limited purpose of using funds remitted by the Canadian section of the Secretariat to defray the expenses of binational panels under chapter 19 of the Agreement.

(v) Amendment to Section 408(c)

The amendment clarifies that the persons whom the U.S. Secretary would be required to serve are those who would be entitled to receive service under the binational panel rules of procedure relating to review of final AD or CVD determinations in Canada.

Conference Agreement

The House recedes with a technical amendment.

Treatment of certain information under administrative protective orders (section 4007 (a) and (b) of Senate amendment; section 135 of conference agreement)

a. Amendment to section 333 of the Tariff Act of 1930

Present Law

Section 337 of the Tariff Act of 1930 provides for relief against unfair methods of competition and unfair acts in the importation of articles into the United States or in their sale. The Omnibus Trade and Competitiveness Act of 1988 made various amendments to section 337.

House Bill

No provision.

Senate Amendment

Section 4007(a) makes the following changes relating to the administration of the 1988 Trade Act's amendments to section 337: (1) provides that any forfeited bond, posted by complainants as a prerequisite to temporary relief, shall go to the general fund of the Treasury Department; (2) provides that the ITC may delay issuing an exclusion or a cease or desist order until the end of an investigation; (3) provides that the ITC may issue default orders when the respondent fails to participate substantially in the investigation; and (4) authorizes the ITC to withhold from inquiries under the Freedom of Information Act files of investigations of violations of administrative protective orders.

Conference Agreement

The Senate recedes on (1) through (3). The House recedes on (4) with an amendment to amend section 333, rather than section 337, of the Tariff Act of 1930.

b. Amendments to antidumping and countervailing duty laws

Present Law

Section 777 of the Tariff Act of 1930 sets forth procedures for interested parties to obtain access to business proprietary information in investigations involving antidumping or countervailing duties. The Omnibus Trade and Competitiveness Act of 1988 amended section 777 to require, for the first time, that the ITC make such information available to interested parties under administrative protective order (APO), subject to certain exceptions.

House Bill

No provision.

Senate Amendment

Section 4007(b) makes the following changes relating to the administration of the 1988 Trade Act's amendments to section 777: (1) authorizes the administering authority (Department of Commerce) and the ITC to withhold customer names from release under APO; and (2) authorizes the administering authority and the ITC to withhold from inquiries under the Freedom of Information Act (FOIA) files of investigations of violations of APOs.

Conference Agreement

The House recedes, with an amendment to authorize limited disclosure of customer names under administrative protective order (APO) and to apply the provision explicitly to investigations involving products of Canada.

The conference agreement includes the Senate provision on FOIA disclosure, and a modified version of the Senate provision on disclosure of customer names under APO. Specifically, the conference agreement prohibits disclosure by the administering authority (Department of Commerce), under APO, of customer names until either an order is published, or the investigation is suspended or terminated. The ITC may delay disclosure under protective order of customer names until a reasonable time prior to any hearing in the final injury phase of the investigation. The provisions only apply, with respect to both the administering authority and the ITC, in investigations which require an injury determination by the ITC.

The conferees are disturbed to learn, from ITC staff, about the suspected practice of some legal counsel who approach customers (other than their own clients' customers) and provide unsolicited advice or coaching on the so-called "appropriate" written or oral responses to provide to the ITC. Such coaching practices present serious questions relating to the integrity of the information received by the ITC. In title VII investigations, customers provide critical information on a variety of issues, such as purchase quantities, prices, like product definitions, and cumulation determinations. It is imperative that the responses to ITC inquiries be as candid, complete, and objective as possible.

It is the view of the conferees that the use by any party of customer names obtained under an APO issued by either the Department of Commerce or the ITC, to approach customers and attempt

to influence the customers' responses (either written or oral) to the ITC is an inappropriate use of information obtained under a protective order.

The conference agreement provision is intended to minimize the opportunities for such abusive practices to occur, while at the same time providing interested parties a reasonable period of time during which access to customer names would be allowed, for legitimate purposes of analyzing and presenting arguments to the Commission relating to lost sales and conditions of competition.

In order to ensure the effectiveness of this rule as it applies to the ITC, the Commerce Department is prevented from disclosing customer names until the investigation is concluded, either by publication of an order, or suspension or termination of the investigation. The intent of the provision is to prevent any disclosure until the appropriate point in time during final injury stage of the investigation.

It is the view of the conferees, after consulting with ITC investigative staff and representatives of the private trade bar, that release of customer names at the same time as the release of the pre-hearing staff report under APO would serve the balance of interests to be protected.

This amendment prohibiting early disclosure of customer names is not meant to preclude or prohibit disclosure of customer names under protective order by the Department of Commerce during investigations that do not require an injury determination, or in proceedings subsequent to the original investigation, such as administrative reviews. The conferees also do not intend to preclude or prohibit disclosure of customer names under judicial protective order or during U.S.-Canada binational panel review under section 516A. In compliance with section 404 of the United States-Canada Free-Trade Agreement Implementation Act of 1988, the provision expressly states that these amendments shall apply to investigations involving products of Canada.

It is also the view of the conferees that the Commission should publish in the Federal Register, as soon as practicable, a summary of the actions taken by the Commission in response to APO violations. Thereafter, the Commission should either publish a notice each time an action is taken, or periodically (at least annually) publish a summary of actions taken.

Extension of time for preparation of report on supplemental wage allowance demonstration projects under the Worker Adjustment Assistance Program (section 126 of House bill; section 136 of conference agreement)

Present Law

Section 246 of the Trade Act of 1974, as added by section 1423(d) of the Omnibus Trade and Competitiveness Act of 1988, requires the Secretary of Labor to establish and carry out demonstration projects during fiscal years 1989 and 1990 on a supplemental wage allowance as an option for facilitating worker adjustment under the Trade Adjustment Assistance (TAA) program.

Section 246(d) requires the Secretary to transmit a report to the Congress no later than 3 years after the date of enactment of the

1988 Act (i.e., by August 23, 1991) that includes an evaluation of the demonstration projects and a recommendation as to whether the supplemental wage allowance should be available on a permanent basis as an option for some or all workers eligible for TAA.

House Bill

Section 126 amends section 246(d) of the Trade Act of 1974 to require that the report by the Secretary of Labor on the supplemental wage demonstration projects be transmitted to the Congress no later than 6 years, rather than 3 years, after date of enactment of the 1988 Act (i.e., by August 23, 1994).

Senate Amendment

No provision.

Conference Agreement

The Senate recedes, with an amendment to eliminate the requirement that the projects be carried out in FY 1989 and FY 1990.

Under present law, the supplemental wage demonstration projects are to be established and carried out during FY 1989 and 1990, with the report to the Congress evaluating the results due by August 23, 1991. The Department of Labor has interpreted the term "carry out" to mean that all demonstration activity must be completed within the two-year period. This includes identifying an adequate number of workers eligible for trade readjustment allowances and allowing sufficient time to elapse for them to find a job, qualify for wage supplements, and collect up to 52 weeks of supplements as authorized by the statute.

The Department has advised that it will not be possible to fully carry out the projects by the end of FY 1990. The Department also advised that the number of workers would be inadequate to make the demonstration worthwhile unless the authority to pay wage supplements were extended beyond September 30, 1990.

The amendment will have the effect of authorizing the participating States to continue and complete after FY 1990 the demonstration activities for projects established before the end of FY 1990. The amendment enables the States to continue to pay wage supplements to a sufficient number of eligible workers to ensure that an adequate sample of participants is obtained to conduct a valid and worthwhile demonstration and evaluation. The amendment does not authorize establishment of any new projects after FY 1990, nor does it entitle workers to any additional weeks of payments than authorized under present law. The evaluation report will be submitted to the Congress by August 23, 1994.

Drug paraphernalia (section 4003 of Senate amendment; section 137 of conference agreement)

Present Law

U.S. International Trade Commission (ITC) Report Number 332-277, submitted to the Senate Committee on Finance in September 1989, provided certain recommendations of the ITC on the enforcement efforts being made against imports of drug paraphernalia.

House Bill

No provision.

Senate Amendment

Section 4003 directs the Secretary of the Treasury, the Secretary of Commerce, and the ITC to take actions to implement the recommendations of the ITC regarding additional statistical annotations that were made in the report. The provision also requires Customs to submit—within one year of enactment—a report on the operational response of Customs to the ITC report. The Customs report is to address the effectiveness of Customs in monitoring and seizing drug paraphernalia, including crack bags, vials, and pipes.

Conference Agreement

The House recesses.

Economic sanctions against products of Burma (section 4004 of Senate amendment; section 138 of conference agreement)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Section 4004 prohibits imports of any article that is the growth, product, or manufacture of Burma. Any importer of an article imported from Burma, or from any country whose nationals are allowed to acquire articles from Burma by virtue of a treaty or agreement between Burma and that country and/or such nationals, must certify the country of origin of the article.

The import embargo shall not apply if the President certifies to Congress that the provision violates U.S. obligations under the GATT.

Conference Agreement

The House recesses, with an amendment providing that the President shall impose such economic sanctions on Burma as he determines appropriate, giving primary consideration to sanctions on major U.S. imports from Burma, including tropical timber, fish and aquatic animals, unless the President determines that sanctions against such products would have a significant adverse effect on the economic interests of the United States. The amendment also provides that the President should confer with other industrialized democracies to reach agreements on sanctions against Burma. These provisions apply unless the President certifies to Congress before October 1, 1990 that all of the following conditions have been met: (1) Burma has satisfied the certification requirements of the Narcotics Control Trade Act; (2) national governmental legal authority in Burma has been transferred to a civilian government; (3) martial law has been lifted; and (4) political prisoners have

been released. It is the intention of the conferees that those prisoners to be released include Aung San Suu Kyi and Tin Oo.

If the President has not certified that Burma has met the conditions described above and the President does not impose sanctions, he must report to Congress the reasons for his decision and outline the actions he plans to take to achieve the above conditions. Such a report shall be submitted to Congress every six months for a two-year period following the enactment of this Act, or until the President imposes sanctions or makes the above-mentioned certification during that two-year period.

Miscellaneous technical and clerical amendments (section 139 of conference agreement)

The conference agreement makes strictly technical corrections in the Tariff Act of 1930 and the Consolidated Omnibus Budget Reconciliation Act of 1985 to change references to expired provisions in the Tariff Schedules of the United States to the current provisions of the Harmonized Tariff Schedule, and corrects clerical errors in paragraph and subparagraph cross-references in section 1102 of the Omnibus Trade and Competitiveness Act of 1988.

Increase in expenditures to provide assistance for United States citizens returning from foreign countries (section 140 of conference agreement)

Section 113 of the Social Security Act permits the Secretary of Health and Human Services to offer temporary assistance to American citizens who are repatriated for emergency reasons to the United States from a foreign country. Such aid may be provided because of illness, destitution, or because of external factors such as war or threat of war. The conference agreement increases the limit on expenditures under this repatriation program from \$300,000 to \$1 million annually.

Administrative provision (section 141 of conference agreement)

The conference agreement includes a provision stating that services performed after April 20, 1990, by temporary employees of the Bureau of the Census for purposes relating to the 1990 decennial census constitute "Federal service" under the unemployment compensation program. As a result, wages earned by these temporary census workers will be credited to them in determining their eligibility for unemployment compensation. This provision reverses a provision enacted into law by the Dire Emergency Supplemental Appropriations Act of 1990.

Nondiscriminatory treatment for the products of East Germany (section 142 of conference agreement)

The conference agreement includes a provision authorizing the President to proclaim lower rates of duty applicable under the Harmonized Tariff Schedule on products of East Germany at any time after September 30, 1990, and until the date on which a unified Germany is eligible for MFN column 1 rates of duty under the Harmonized Tariff Schedule of the United States. The proclaimed

rate of duty for East German products may not be less than the column 1 rate of duty applicable on the date that such products are entered into the United States for customs purposes. The authority only applies to the general rates of duty under the Harmonized Tariff Schedule, and does not include antidumping or countervailing duties under the Tariff Act of 1930. Because East and West Germany achieved economic and monetary union on July 1, 1990, the conferees believe it is appropriate for the President to be authorized to provide tariff treatment for East German products comparable to that of West German products, pending complete political unification. At such time as East Germany and West Germany are unified, the products of such a unified Germany will be eligible for column 1 rates of duty.

However, the conferees expressed the view that the President should not proclaim lower rates of duty for East Germany until such time as Czechoslovakia receives the benefits of MFN column 1 rates of duty. A bilateral commercial agreement between the United States and Czechoslovakia has been signed. However, the agreement still must be approved by Congress, and the President must issue a proclamation providing for MFN treatment before the products of Czechoslovakia will be eligible for such treatment. It is the strong view of the conferees that a country such as Czechoslovakia, which has been following the Title IV procedures for MFN tariff treatment, should not be disadvantaged by this provision.

GSP for countries supporting international terrorism (section 4005 of Senate amendment)

Present Law

Under Title V of the Trade Act of 1974, the President is prohibited from designating as eligible for GSP treatment any country that aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism. The President may waive the prohibition if he determines designation is in the U.S. national economic interest and so reports to the Congress.

House Bill

No provision.

Senate Amendment

Section 4005 provides that any country which has been designated under the Export Administration Act of 1979 as a country supporting international terrorism shall no longer be eligible for GSP benefits.

Conference Agreement

The Senate recedes.

Administrative procedure for noncontroversial tariff suspensions
(Title V of Senate amendment)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Title V provides administrative procedures for the temporary suspension of import duties, complementary to the current legislative procedure. Based on private petitions requesting a duty suspension or duty reinstatement on a product, and only after a bill to effect such a change has been pending in Congress for at least one year, the ITC shall investigate the suspension or reinstatement, providing an opportunity for public comment. The ITC shall publish a preliminary report for comment within 75 days, and submit a final report to the President 30 days thereafter. The report shall include the ITC's determinations regarding various statutory criteria, such as whether the same product, or a competing product, is made in the United States, whether there are any objections to the change, and the revenue implications of the change.

Within 30 days of receiving an ITC report on a proposed duty suspension, the President may proclaim the suspension for up to 3 years if the President determines that no person has a valid objection to the suspension and that the sum of revenues lost by the duty suspension and other duty suspensions proclaimed does not exceed \$100 million. Within 30 days of receiving an ITC report on a proposed duty reinstatement, the President may proclaim the reinstatement if he determines that there is a valid objection to the suspension.

Title V provides that the President may establish an annual deadline for the filing of petitions under this provision. The provision would be effective October 1, 1991.

Conference Agreement

The Senate recedes.

TITLE II—CARIBBEAN BASIN ECONOMIC RECOVERY

SUBTITLE A—SHORT TITLE AND FINDINGS

Short title (section 201 of House bill; section 2001 of Senate amendment; section 201 of conference agreement)

Present Law

No provision.

House Bill

Section 201 provides that the subtitle may be cited as the "Caribbean Basin Economic Recovery Expansion Act of 1989".

Senate Amendment

Section 2001 is identical, except the date of the Act is 1990.

Conference Agreement

The House recedes.

Congressional findings (section 202 of House bill; section 2002 of Senate amendment; section 202 of conference agreement)

Present Law

No provision.

House Bill

Section 202 makes Congressional findings that (1) a stable political and economic climate in the Caribbean region is necessary for development of the countries in that region and for U.S. security and economic interests; (2) the Caribbean Basin Economic Recovery Act (CBERA) was enacted in 1983 to assist in the achievement of such a climate by stimulating the development of the export potential of the region; and (3) the U.S. commitment to the successful development of the region, as evidenced by the enactment of the CBERA, should be reaffirmed and further strengthened by amending that Act to improve its operation.

Senate Amendment

Section 2002 is identical.

Conference Agreement

The conferees agree to both the House and Senate provisions.

SUBTITLE B—AMENDMENTS TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT AND RELATED PROVISIONS

Part 1—Amendments to Caribbean Basin Economic Recovery Act

Repeal of termination date on duty-free treatment under the Act (section 211 of House bill; section 2003 of Senate amendment; section 211 of conference agreement)

Present Law

Section 218(b) of the CBERA contains a September 30, 1995 termination date for duty-free treatment of eligible imports from CBI beneficiary countries. There is no statutory termination date on the tax provisions of the CBI program.

House Bill

Section 211 repeals the statutory termination date on duty-free treatment under the CBERA.

Senate Amendment

Section 2003 is identical in substance.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Duty reduction for certain leather-related products (section 212 of House bill; section 212 of conference agreement)

Present Law

Under section 213(b) of the CBERA, imports from CBI beneficiary countries of footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not eligible for duty-free treatment under the Generalized System of Preferences (GSP) as of August 5, 1983; textile and apparel articles subject to textile agreements; canned tuna; petroleum and petroleum products; and watches and watch parts containing any materials from non-MFN country sources are exempt from duty-free treatment under the CBI.

House Bill

Section 212 amends section 213 of the CBERA to provide by Presidential proclamation for a 50 percent reduction in the rates of duty applicable to handbags, luggage, flat goods, work gloves, and leather wearing apparel that are products of CBI beneficiary countries and currently excluded from duty-free treatment.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes, with an amendment to authorize the President to proclaim in the tariff rates applicable to leather products from CBI beneficiary countries reductions of 20 percent, but not more than 2.5 percent ad valorem for any item, to be phased in in five equal annual stages beginning on January 1, 1992. The duty reductions apply to all handbags, luggage, flat goods, work gloves, and leather wearing apparel not designated on January 3, 1975 (the effective date of the Trade Act of 1974) as eligible articles under the Generalized System of Preferences, except that any such articles that are also textile or apparel articles which are subject to textile agreements will continue to be exempt from the CBI program and subject to present rates of duty.

The reductions made under this provision would be in addition to any tariff reductions on such products resulting from the Uruguay Round. However, the additional cuts mandated by this provision in conjunction with Uruguay Round cuts may not result in a differential between the rate applicable to CBI beneficiary countries and the MFN rate applicable to all other countries of greater than 1 percent ad valorem.

Worker rights (section 213 of House bill; section 2004 of Senate amendment; section 213 of conference agreement)

Present Law

Section 212(b) of the CBERA prohibits the President from designating any country as a CBI beneficiary if such country does not meet specified statutory criteria, some of which may be waived if the President determines that designation will be in the national economic or security interest of the United States. Worker rights are not included in these mandatory designation criteria. Section

212(c) of the CBERA requires the President to take into account in determining whether to designate any country as a CBI beneficiary the degree to which workers in such country are afforded reasonable workplace conditions and enjoy the right to organize and bargain collectively.

Section 212(e) of the CBERA authorizes the President to withdraw or suspend designation of a country as a CBI beneficiary or to withdraw, suspend, or limit the application of duty-free treatment to any article of a beneficiary country if the President determines that as a result of changed circumstances the country would be barred from designation as a beneficiary because it does not meet one or more conditions under section 212(b).

House Bill

Section 213 adds a new criteria to section 212(b) of the CBERA that prohibits the President from designating any country as a CBI beneficiary if such country has not or is not taking steps to afford internationally-recognized worker rights to workers in the country (including any designated zone in that country), as those rights are defined under the GSP statute. The Presidential waiver for economic or national security reasons would apply. The existing criteria under section 212(c) of the CBERA for taking into account worker conditions in the country is also amended to be consistent with the new standard under section 212(b).

Section 213 also adds a new requirement to section 212(e) of the CBERA that the President conduct a general review of beneficiary countries not later than January 4, 1991 and biennially thereafter, based on all of the considerations in section 212(b) and (c).

Senate Amendment

Section 2004 contains an identical provision on worker rights criteria, but no provision requiring general reviews of beneficiary countries.

Conference Agreement

The conferees agree to both the House and Senate provisions on worker rights criteria. The House recedes on the general review provision, with an amendment to require the President to include the results of a general review of CBI beneficiary countries based on all section 212(b) and (c) criteria in the report to the Congress every 3 years (section 214 below).

The complete reports of the CBI program are to include general reviews of CBI beneficiary countries based upon all of the designation criteria in section 212(b) and (c). The conferees expect the USTR to hold a public hearing prior to the preparation of the report to the Congress every 3 years. The basic purpose of the hearing is to provide an opportunity for the interested private sector to express views and give informational input to the Administration on the operation of the CBI program and on individual beneficiary countries based on the statutory criteria. This input should be reflected in the reports, as well as information obtained from other sources.

Reports (section 214 of House bill; section 2005 of Senate amendment; section 214 of conference agreement)

Present Law

No provision.

House Bill

Section 214 amends section 212 of the CBERA to require the President to submit a complete report to the Congress by October 1, 1992, and every 3 years thereafter regarding the operation of the CBI.

Senate Amendment

Section 2005 is identical, except the deadline for the initial report is October 1, 1993.

Conference Agreement

The House recedes.

Treatment of articles grown, produced, or manufactured in Puerto Rico (section 2014 of Senate amendment; section 215 of conference agreement)

Present Law

In determining whether imports from CBI beneficiary countries meet the 35 percent value added test under the rule-of-origin requirements set forth under section 213 of the CBERA, the value of any Puerto Rican content qualifies as CBI beneficiary country content. However, the Customs Service has ruled that, in the case of a product that is made in Puerto Rico, then sent to a CBI beneficiary country for a minimal amount of processing, the final product is fully dutiable when imported into the United States. Such a product is not eligible for duty-free treatment under the CBI because it has not been substantially transformed in the CBI beneficiary country.

House Bill

No provision.

Senate Amendment

Section 2014 amends section 213 of the CBERA to provide that any article which is the growth, product, or manufacture of Puerto Rico qualifies for duty-free treatment under the CBI if (1) the article is imported directly from a CBI beneficiary country into the United States; (2) the article was advanced in value in a CBI beneficiary country; and (3) if any materials are added to the article in a CBI beneficiary country, such materials are a product of a beneficiary country or the United States.

The provision does not apply with respect to goods otherwise ineligible for duty-free treatment under the CBI.

The provision would become effective with respect to goods imported on or after October 1, 1990, with retroactive duty-free treatment granted upon request for unliquidated imports entered be-

tween August 5, 1983 (the effective date of the CBERA) and October 1, 1990.

Conference Agreement

The House recesses.

Application of Act in eastern Caribbean area (section 215 of House bill; section 2010 of Senate amendment; section 216 of conference agreement)

Present Law

No provision.

House Bill

Section 215 expresses the sense of the Congress that special efforts should be undertaken to improve the ability of the Organization of Eastern Caribbean States countries and Belize to benefit from the CBERA.

Senate Amendment

Section 2010 is identical.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Part 2—Amendments to the Harmonized Tariff Schedule and Other Provisions Affecting CBI Beneficiary Countries

Increase in duty-free tourist allowances (section 222 of House bill; section 2006 of Senate amendment; section 221 of conference agreement)

Present Law

Notes and tariff items under subchapter IV of chapter 98 of the Harmonized Tariff Schedule provide a duty-free tourist allowance to returning U.S. residents arriving directly or indirectly from foreign countries (including CBI beneficiary countries) of \$400, and an allowance to U.S. residents returning from U.S. insular possessions of \$800. In addition, U.S. residents returning from foreign countries may bring in not more than 1 liter of alcoholic beverages duty-free and excise-tax free.

House Bill

Section 222 amends the HTS (1) to increase the duty-free allowance for U.S. residents returning directly or indirectly from a CBI beneficiary country from \$400 to \$600 and to allow such tourists to enter 1 additional liter of alcoholic beverages duty- and excise-tax free if produced in a CBI beneficiary country; and (2) to increase the duty-free allowance for U.S. residents returning from U.S. insular possessions from \$800 to \$1,200.

The amendment becomes effective with respect to residents who depart from the United States on or after 15 days after date of enactment.

Senate Amendment

Section 2006 is identical.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Duty-free treatment for articles assembled in beneficiary countries from components produced in the United States (section 223 of House bill; section 2007 of Senate amendment; section 222 of conference agreement)

Present Law

U.S. Note 2 of subchapter II of chapter 98 of the Harmonized Tariff Schedule treats an article returning to the United States after being advanced in value or improved in condition abroad as a "foreign article", and thereby subject to U.S. duties and quotas upon reentry.

House Bill

Section 223 amends U.S. Note 2 to create an exception to the normal rule that articles returning to the United States after being advanced in value or improved in condition abroad are treated as foreign articles. The exception grants duty-free and quota-free treatment for articles (other than textiles and apparel) that are assembled wholly from U.S. fabricated components or processed wholly from U.S. ingredients (except water) in a CBI beneficiary country and neither the components and ingredients after export from the United States nor the article itself before importation into the United States enters the commerce of any other country.

The amendment becomes effective with respect to goods assembled or processed abroad entered on or after 15 days after date of enactment.

Senate Amendment

Section 2007 is a similar provision, except:

1. Articles processed wholly from U.S. components or materials, in addition to articles assembled wholly from U.S. components, shall receive duty-free treatment.

2. The provision does not apply to any article currently exempt from CBI duty-free treatment (i.e., footwear, leather products, canned tuna, petroleum and petroleum products, certain watches and watch parts, as well as textiles and apparel).

The amendment becomes effective with respect to goods assembled or processed abroad entered on or after October 1, 1990.

Conference Agreement

The House recedes, with an amendment to apply the provision to all articles except textiles and apparel and petroleum and petroleum products.

Rules of origin for beneficiary country products (section 224 of House bill; section 223 of conference agreement)

Present Law

Section 213 of the CBERA sets forth rule-of-origin requirements that must be met for an article to be eligible for duty-free treatment under the CBI. These rules provide that an article is eligible for such treatment if it meets three basic tests: (1) the article is imported directly from a CBI beneficiary country into the customs territory of the United States; (2) a minimum of 35 percent of the appraised value of the article consists of the cost or value of materials produced in one or more beneficiary countries plus the direct costs of processing operations performed in one or more beneficiary countries, of which up to 15 percent may consist of materials or components produced in the United States; and (3) the article is wholly the growth, product, or manufacture of a beneficiary country, or is a new or different article of commerce which has been grown, produced, or manufactured (i.e., "substantially transformed") in the beneficiary country. The statute also requires that regulations prohibit eligibility for duty-free treatment if the article merely undergoes certain minor operations.

House Bill

Section 224 authorizes the President to proclaim, effective on January 1, 1991, new rules for determining whether articles originate in CBI beneficiary countries for purposes of granting duty-free treatment. The new rules may not be proclaimed unless the President has complied with the requirements of a consultation and lay-over procedure: (1) obtained advice regarding the proposed rules through consultations with appropriate private sector advisory committees established under section 135 of the Trade Act of 1974, the governments of CBI beneficiary countries, the House Ways and Means and Senate Finance Committees, and other interested parties; (2) submitted a report to the House Ways and Means and Senate Finance Committees setting forth the proposed rules and the reasons therefor; (3) at least 90 calendar days expire after the consulting and reporting requirements are met before the new rules are proclaimed; and (4) the two Committees are further consulted during that layover period.

Senate Amendment

No provision.

Conference Agreement

Senate recedes, with an amendment to require the President to submit recommendations to Congress regarding new rules of origin for CBI beneficiary countries, to be followed by any appropriate Congressional action. The conferees further agreed to direct immediate initiation of an ITC investigation to form the basis for the Administration's recommendations.

Cumulation involving beneficiary country products under the countervailing duty and antidumping duty laws (section 225 of House bill; section 224 of conference agreement)

Present Law

Under section 771(7) of the Tariff Act of 1930, imports from two or more countries subject to an antidumping or countervailing duty investigation must be aggregated for the purpose of determining whether the unfair trade practice causes material injury to a U.S. industry. They may be aggregated for the purpose of determining whether the U.S. industry is threatened with material injury. The ITC is not required to aggregate the imports of an individual country with those of other countries under investigation if it determines that the volume of imports from such country is negligible and has no discernible impact on the U.S. industry.

House Bill

Section 225 amends section 771(7) to create an exception to the general cumulation rule for imports from CBI beneficiary countries. If imports from a CBI country are under investigation in an antidumping or countervailing duty case, imports from that country may not be aggregated with imports from non-CBI countries under investigation for purposes of determining whether the imports from the CBI country are causing, or threatening, material injury to a U.S. industry. They may be aggregated with imports from other CBI countries under investigation. However, imports from CBI countries would continue to be aggregated with imports from non-CBI countries under investigation for purposes of determining whether imports from the non-CBI countries are causing injury.

The amendment would become effective with respect to investigations initiated on or after date of enactment.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes, with an amendment to clarify that imports from CBI beneficiary countries will continue to be cumulated, as under present law, with imports from non-CBI countries for the purposes of determining whether the imports from a non-CBI country are causing, or threatening to cause, material injury to a U.S. industry, in investigations of imports from a non-CBI country.

The conferees emphasize that this provision is intended to benefit CBI beneficiary countries, consistent with the specific objectives of the CBI program. This provision is not intended to set a precedent for the antidumping or countervailing duty negotiations under the Uruguay Round.

Ethyl alcohol (section 226 of House bill); (section 225 of conference agreement)

Present Law

Under the CBERA, articles are entitled to duty-free treatment if they are produced in the region and at least 35 percent of their value was added in the CBI countries. The Tax Reform Act of 1986 amended the CBERA to require increasing amounts of CBI feedstock in order for ethanol to qualify for duty-free treatment.

As amended by the Steel Trade Liberalization Program Implementation Act of 1989 (the so-called CBI ethanol compromise), ethanol (and any mixture thereof) that is only dehydrated within a CBI beneficiary country or an insular possession receives duty-free treatment only if it meets the applicable local feedstock requirement: (1) no feedstock requirement is imposed on imports up to a level of 60 million gallons or 7 percent of the domestic ethanol market (as determined by the ITC, based on the 12-month period ending on the preceding September 30), whichever is greater; (2) a local feedstock requirement of 30 percent by volume applies to the next 35 million gallons of imports above the 60 million gallon or 7 percent level described above; and (3) a local feedstock requirement of 50 percent by volume applies to any additional imports.

Ethyl alcohol (or a mixture thereof) that is produced by a process of full fermentation in an insular possession or beneficiary country continues to be eligible for duty-free treatment in unlimited quantities without regard to feedstock requirements.

These provisions are effective for calendar years 1990 and 1991.

House Bill

Section 226 is the same as present law, but is effective for all calendar years after 1989. Although this appears to be a permanent provision on its face, its practical effect is to create a one-year extension of the existing provision. The so-called ethanol compromise provision enacted as part of the Steel Trade Liberalization Program Implementation Act of 1989 (which would be extended by the House provision) is an amendment to the original ethanol provision contained in the 1986 tax bill. Since the duration of that provision is linked to the effective date of the existing additional tariff applicable to imported ethanol (which is scheduled to expire on December 31, 1992), the House provision would expire on December 31, 1992 unless the tariff provision were extended beyond that date.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes. The conferees agree to accept the House provision relating to ethanol imports from the Caribbean Basin and the Senate provision providing an additional tariff on ethyl tertiary butyl ether (ETBE) (see section 484G, following). Additionally, the conferees intend to consider later this year the extension of all relevant ethanol provisions as part of tax-related legislation addressing the extension of expiring tax provisions generally. Specifically, the conferees intend to consider extension of the excise tax exemp-

tion for alcohol fuels, the blenders tax credit, and the additional tariff applicable to imported ethanol as well as the extension of the CBI-ethanol provision included in this conference report. Under this CBI provision as adopted by the conferees, the expiration date for this tariff relief provision is linked to the expiration of the additional tariff on imported ethanol. It is the conferees' intention that this provision would continue in effect in the future as long as this additional tariff or other similar restrictions apply to imports of ethanol.

The conferees further note that the pending expiration of the blenders tax credit may affect the ability of the domestic industry to obtain long-term financing. In light of this, the conferees intend to consider a long-term extension of these interrelated provisions prior to their 1992 expiration dates.

Conforming amendment (section 227 of House bill; section 2008 of Senate amendment; section 226 of conference agreement)

Present Law

The rules of origin set forth under section 213(a) of the CBERA include the specific requirement that duty-free treatment provided under the CBI applies to an article that is the growth, product, or manufacture of a beneficiary country. Regulations issued by the Secretary of the Treasury must provide that the article be wholly the growth, product, or manufacture of a beneficiary country or a new or different article of commerce grown, produced, or manufactured (i.e., substantially transformed) in a beneficiary country. The statutory rules of origin for the Generalized System of Preferences (GSP) program do not specifically include this requirement, but the legislative history of the CBI statute confirms the intent that the same standards apply to the GSP program.

House Bill

Section 227 amends section 503(b) of the Trade Act of 1974 to conform GSP to CBI rules of origin by inserting the requirement in the origin rules for determining duty-free treatment under GSP that an eligible article must be the growth, product, or manufacture of a beneficiary developing country. Regulations issued by the Secretary of the Treasury, after consultation with the USTR, must provide that, in order to be eligible for GSP duty-free treatment, an article must be wholly the growth, product, or manufacture of a beneficiary developing country, or must be a new or different article of commerce grown, produced, or manufactured (i.e., substantially transformed) in the beneficiary developing country. These regulations must also prohibit any article or material of a CBI beneficiary country from being eligible for duty-free treatment by having merely undergone simple combining or packaging operations or mere dilution that does not materially alter the characteristics of the article.

Senate Amendment

Section 2008 is identical.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Requirement for investment of 936 funds in Caribbean Basin countries (section 227 of conference agreement)

Present Law

Under section 936 of the Internal Revenue Code, qualified investment income earned in U.S. possessions is exempt from U.S. tax. Most of the tax benefits claimed under this provision are claimed by corporations in Puerto Rico. Prior to the Tax Reform Act of 1986 (1986 Act), this investment income, commonly referred to as "qualified possessions source investment income" or QPSII, had to be derived from sources inside Puerto Rico. Section 936(d)(4), added to the Code in the 1986 Act, amended the definition of QPSII to allow for investments outside of Puerto Rico. Under section 936(d)(4), interest income will qualify as QPSII if derived from loans by qualified financial institutions (including the Puerto Rican Government Development Bank) for the acquisition of active business assets and for the construction of development projects located in eligible Caribbean Basin countries. The purpose of this provision was to promote employment-producing investment in, and the transfer of, technology to eligible Caribbean Basin countries.

Conference Agreement

It is the conferees' intent that a minimum of \$100,000,000 of new investments under section 936(d)(4) shall be made each year in eligible Caribbean Basin countries.

The conference agreement requires the Government of Puerto Rico to take such steps as may be necessary to ensure that at least \$100,000,000 of new investments which qualify under section 936(d)(4) in eligible Caribbean Basin countries shall be made each calendar year. Refinancings of existing investments shall not constitute "new investments" for this purpose. It is expected that the U.S. Government would carry out in a reasonably expeditious manner its established procedures that bear on the Government of Puerto Rico's meeting its obligation. The provision does not provide for penalties or sanctions if \$100,000,000 of new investments is not made.

SUBTITLE C—SCHOLARSHIP ASSISTANCE AND TOURISM PROMOTION

Cooperative public and private sector program for providing scholarships to students from the Caribbean and Central America (section 231 of House bill; section 231 of conference agreement)

Present Law

There are currently ten Federal programs that provide scholarship and training assistance to Caribbean Basin countries. The majority of U.S. scholarship programs are short-term, undergraduate or graduate level, and emphasize Central American countries. The Caribbean Scholars Program, which focused on the Caribbean countries and was initiated with the CBI, has since been terminated.

House Bill

Section 231 requires the Administrator of the Agency for International Development (AID) to establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to enable students from CBI beneficiary countries that also receive U.S. foreign assistance to study in the United States. The Administrator may make grants to States (including the District of Columbia, Puerto Rico, and U.S. possessions and territories) to provide scholarship assistance for undergraduate degree programs and for training programs of at least one year in study areas related to the critical development needs of the students' respective countries. The Administrator will also consult with the participating States on the educational opportunities available within each State and on the assignment of scholarship recipients.

With respect to program funding, the Federal share for each year for which a State receives payment will be not less than 50 percent. The Federal share will be funded from amounts otherwise made available for Latin American and Caribbean regional programs under the economic support fund of the Foreign Assistance Act of 1961; no separate funding is authorized for this purpose. The non-Federal share of payments may be in cash or in-kind. To the maximum extent practicable, each participating State shall enlist private sector assistance to meet the non-Federal share of payments. Wherever appropriate, each participating State will also encourage the private sector to offer internships or other opportunities to students receiving scholarships. The obligation of any recipient to reimburse any or all scholarship assistance shall be forgiven upon the student's prompt return to their home country for at least one year longer than the period spent studying in the United States with scholarship assistance.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes with an amendment to (1) clarify the purposes and need for the program; (2) ensure that selection of students is targeted to the economically and socially disadvantaged; and (3) clarify State roles in the selection and placement of students.

Promotion of tourism (section 232 of House bill; section 2011 of Senate amendment; section 232 of conference agreement)

Present Law

No provision.

House Bill

Section 232(a) makes a Congressional finding that the tourism industry must be recognized as a central element in the economic development and political stability of the Caribbean Basin. Section 232(b) expresses the sense of the Congress that increased tourism

should be developed in the region as a central part of the CBI program, and that a high priority should be assigned by U.S. Government agencies to projects that promote the tourism industry in the Caribbean.

Section 232(c) requires the Secretary of Commerce to complete a study begun in 1986 on tourism development strategies for the Caribbean region. The study shall include information on the mutual benefits to the U.S. and Caribbean economies as a result of tourism in the region and proposals for developing increased linkages between the tourism industry and local industries such as agrobusiness.

Senate Amendment

Section 2001 is identical.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Pilot preclearance program (section 233 of House bill; section 2009 of Senate amendment; section 233 of conference agreement)

Present Law

Customs preclearance operations currently exist only in Canada, Bermuda, and the Bahamas.

House Bill

Section 233 requires the Commissioner of Customs to carry out preclearance operations during fiscal years 1990 and 1991 at a U.S. Customs Service facility in a Caribbean Basin country which the Commissioner considers appropriate for testing the extent to which the availability of preclearance operations can assist in the development of tourism. The country selected cannot be a site of current preclearance operations and U.S. immigration preinspection operations must be currently carried out in that country.

Before preclearance operations may begin in the country selected for testing, the Commissioner of Customs and the Commissioner of Immigration and Naturalization must jointly certify that (1) a bilateral government agreement exists between the United States and the country which protects U.S. interests and affords diplomatic protection to U.S. employees working at the preclearance location; (2) the facilities at the preclearance location are suitable and conform to Federal Inspection Services standards; (3) there is adequate security for international arrivals; (4) the government of the country grants the U.S. Customs and Immigration and Naturalization Services appropriate search, seizure, and arrest authorities; and (5) U.S. employees and their families will not be subject to fear of reprisal, acts of terrorism, and threats of intimidation.

The Commissioner of Customs must submit a report to the Congress as soon as practicable after September 30, 1991, regarding the pilot preclearance program, including a summary of the operations, an evaluation of the extent preclearance contributed to stimulating tourism in the country and expedited customs processing at U.S. ports of entry, and the Commissioner's opinion regarding the effica-

cy of extending preclearance operations to other Caribbean countries and the identity of these countries.

Senate Amendment

Section 2009 of the Senate amendment also requires the Commissioner of Customs to carry out preclearance operations at a U.S. Customs Service facility in a Caribbean Basin country. However, the Senate provision provides that the operations must be carried out in fiscal years 1991 and 1992 and that Customs submit its report regarding the pilot preclearance program as soon as practicable after September 30, 1992.

In addition, the restrictions on country selection (not a site of current preclearance operations and U.S. immigration preinspection operations currently exist) are deleted. Finally, the requirement is added that the Commissioner of Customs and Commissioner of INS must first determine the viability of establishing such operations in Jamaica. If they determine, after full consultations with the Government of Jamaica, that establishment in Jamaica is not viable, they must so report to the Senate Finance and House Ways and Means Committees within 6 months after date of enactment. After the report is submitted, negotiations may be undertaken to establish operations in another country.

Conference Agreement

The conferees agree to merge the two provisions. Under the conference agreement, the pilot preclearance operations must be carried out in fiscal years 1991 and 1992; the pilot program is restricted to countries that do not currently have preclearance operations; and the requirement is added that the Commissioner of Customs and Commissioner of INS must first determine the viability of establishing such operations in either Aruba or Jamaica.

If they determine, after full consultations with both governments, that neither country is viable, they must so report to the Senate Committee on Finance and the House Committee on Ways and Means within 6 months after date of enactment. After such report is submitted, the Commissioners shall take all necessary steps consistent with the requirements of this provision to establish such operations in another country. The date for the report to Congress on the pilot preclearance operation is to be completed as soon as practicable after September 30, 1992.

In determining where to establish the mandated Customs pilot preclearance operation, the Commissioner of Customs shall consult with the Secretaries of State and Commerce on the implications of this decision for U.S. anti-drug policy and programs, and for U.S. foreign policy interests, as well as the projected overall impact on tourism in each country. This consultation shall include input from the U.S. embassies in Jamaica and Aruba on any appropriate issues, including the expected economic impact. The Commissioner shall also consider the relative costs of establishing the program, as well as consider options for minimizing such costs, such as limiting the service areas covered by preclearance. Finally, the Commissioner periodically shall inform the Committees on Finance and Ways and Means about the status of such consultation and evaluation.

The conferees intend that the Customs Service shall initiate the program within six months.

SUBTITLE D—MISCELLANEOUS PROVISIONS

Trade benefits for Nicaragua (section 2015 of the Senate amendment; section 241 of conference agreement)

Present Law

The President is authorized to designate beneficiary countries under the CBI and GSP programs if the statutory criteria for eligibility are met. Nicaragua is not currently designated as a CBI beneficiary country. In 1987, the President revoked Nicaragua's eligibility for GSP on the grounds that it did not meet the statute's requirements regarding worker rights.

House Bill

No provision.

Senate Amendment

Section 2015 authorizes the President to designate Nicaragua as a beneficiary country under the CBI and GSP programs, effective through 1990, notwithstanding any other provision of law.

Conference Agreement

The House recedes. It is the intention of the conferees that the authority to designate Nicaragua as a CBI beneficiary country in 1990 apply to the trade, not tax, benefits under the program.

Agricultural infrastructure support (section 2012 of Senate amendment; section 242 of conference agreement)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Section 2012 expresses the sense of the Congress that, to facilitate trade and the development of CBI countries, the Secretary of Agriculture should coordinate with the Agency for International Development the development of programs to encourage improvements in the transportation and cargo handling infrastructure in CBI countries to improve agricultural trade.

Conference Agreement

The House recedes.

Extension of trade benefits to the Andean region (section 2013 of Senate amendment; section 243 of conference agreement)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Section 2013 expresses the sense of Congress urging the President to consider the merits of extending the benefits of the CBERA to the Andean region and to explore additional mechanisms to expand trade opportunities for the Andean region, and report to the Congress on the results of this review.

Conference Agreement

The House recesses.

Sugar imports from beneficiary countries (section 221 of House bill)

Present Law

Additional U.S. notes under Chapter 17 of the Harmonized Tariff Schedule (HTS) provide the statutory authority to establish an annual quota for U.S. imports of sugars, syrups, and molasses. The global quota is allocated on a country-by-country basis among supplying countries in accordance with their historic shares of the U.S. market. In addition, section 902 of the Food Security Act of 1985 (Public Law 99-198) requires that the U.S. sugar program operate under no cost to the Federal government. As a result of this no-net-cost requirement, the global sugar import quota has fluctuated annually. The total global sugar import quota for the 21-month period Jan. 1, 1989 through Sept. 30, 1990 is currently set at 2,834,865 metric tons (equivalent to 3,124,905 short tons). The CBI beneficiary countries account for 1,044,699 metric tons of the total quota.

Section 213 of the CBERA provides duty-free treatment under the GSP program on imports of sugar from all CBI beneficiary countries except the Dominican Republic, Guatemala, and Panama or, if the country so requests, absolute quotas whenever a proclamation to protect a U.S. sugar price support program is in effect. Sugar imports from the three countries are subject to duty-free absolute quotas. The President may adjust or suspend any of the CBERA limits or duty-free treatment depending on U.S. market conditions or to protect the price support program; more restrictive quota programs under other provisions of law also take precedence.

House Bill

Section 221 amends the sugar import quota authority under the additional U.S. notes of chapter 17 of the HTS to establish a guaranteed minimum access level for sugar imports from CBI beneficiary countries that are allocated quotas. The aggregate amounts of base quota allocations to CBI countries for any quota year after 1988 may not be less than the initial 1989 aggregate level of 371,449 metric tons. Irrespective of the total global import quota level set in future years, the CBI aggregate quota cannot be reduced below the initial 1989 level, but the CBI share would increase proportionally if the amount of the total global import quota increases in future years.

Section 221 also amends the HTS note authority to require the Secretary of Agriculture to determine whether any country is not fully utilizing its base quota allocation for that quota year and to reallocate any amount unused during that year on a pro rata basis to CBI countries receiving base quota allocations for that year. If a quota allocation is suspended or terminated with respect to any country for any year under law authorizing such action for national security or foreign policy reasons, the amount of the suspended or terminated allocation shall also be reallocated on a pro-rata basis among CBI countries receiving allocations for that year. Any unused or suspended or terminated quota amounts would be reallocated only for the same quota year; no such amounts would be carried over into a subsequent quota year.

Section 221 also authorizes the President to enter into and proclaim trade agreements with foreign governments granting appropriate compensation if any of these sugar actions are found to be inconsistent with U.S. international obligations, including under the General Agreement on Tariffs and Trade. The President must first consult with the House Ways and Means and Senate Finance Committees on the reasons for taking the action and the compensation proposed to be offered.

Senate Amendment

No provision.

Conference Agreement

The House recesses.

TITLE III—TARIFF PROVISIONS

Reference (section 301 of House bill; section 1001 of Senate amendment; section 301 of conference agreement)

Present Law

No provision.

House Bill

Section 301 applies to all other sections of this subtitle. It states that whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

SUBTITLE A—TEMPORARY SUSPENSION AND REDUCTIONS IN DUTIES

Part 1—New Duty Suspensions and Temporary Reductions

Castor oil and its fractions (section 311 of House bill; section 1354 of Senate amendment; section 311 of conference agreement)

Present Law

Imports of castor oil and its fractions enter under HTS subheadings 1515.30.20 and 1515.30.40 with a column 1 general rate of 3.3 cents per kilogram.

House Bill

Suspends the column 1 general rate of duty for castor oil and its fractions through December 31, 1992. Retroactive to January 1, 1989.

Senate Amendment

Identical, except no retroactive provision.

Conference Agreement

The Senate recedes with a technical amendment.

Certain jams, pastes and purees, and fruit jellies (section 312 of House bill; section 312 of conference agreement)

Present Law

Imports of certain jellies and jams enter under HTS subheading 2007.99 with column 1 general rates ranging from free to 35 percent ad valorem.

House Bill

Temporarily reduces the rate of duty on jams, pastes, purees, and fruit jellies of peaches, apricots or cherries to those prevailing under the former TSUS on December 31, 1988. Provides the President the authority to reduce permanently those rates upon his determination that appropriate reciprocity has been provided by affected trading partners. Retroactive to January 1, 1989.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes with an amendment to add jams, pastes, purees, and jellies of raspberry to the coverage of the provision.

Mercuric oxide (section 313 of House bill; section 1406 of Senate amendment; section 313 of conference agreement)

Present Law

Imports of Mercuric oxide enter under HTS subheading 2825.90.60 with a column 1 general rate of duty of 3.7 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Mercuric oxide through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

1,5-Naphthalene diisocyanate (section 1409 of Senate amendment; section 314 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2929.90.10 with a column 1 general rate of duty of 13.5 percent ad valorem and a column 2 rate of 15.4 cents per kilogram plus 52 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 and column 2 rates of duty for this chemical through December 31, 1992.

Conference Agreement

The House recedes.

2,3,6-Trimethylphenol (section 1407 of Senate amendment; section 315 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2907.29.30 with a column 1 general rate of duty of 7.2 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Conference Agreement

The House recedes.

p-Hydroxybenzaldehyde (section 1402 of Senate amendment; section 316 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2912.49.20 with a column 1 general rate of duty of 11.9 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Conference Agreement

The House recesses.

DMBS and HPBA (section 317 of House bill; sections 1306 and 1307 of Senate amendment; section 317 of conference agreement)

Present Law

Imports of chemicals DMBS and HPBA enter under HTS subheadings 2932.90.41 and 2906.19.00 with column 1 general rates of duty 13.5 percent ad valorem and 7.1 percent ad valorem, respectively.

House Bill

Suspends the column 1 general rates of duty for DMBS and HPBA through December 31, 1992.

Senate Amendment

Identical provision, except for chemical nomenclature.

Conference Agreement

The Senate recesses.

MBEP (section 318 of House bill; section 1371 of Senate amendment; section 318 of conference agreement)

Present Law

Imports of Mono-butyl-para-ethyl phenol (MBEP) enter under HTS subheading 2907.19.50 with a column 1 general rate of duty of 7.2 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for MBEP through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The Senate recesses.

6-t-Butyl-2,4-xyleneol (section 319 of House bill; section 1398 of Senate amendment; section 319 of conference agreement)

Present Law

Imports of the subject chemical enter under HTS subheading 2907.19.50 with a column 1 general rate of duty of 7.2 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 6-t-Butyl-2,4-xyleneol through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

4,4'-Methylenebis(2,6-dimethylphenylcyanate) (section 320 of House bill; section 1383 of Senate amendment; section 320 of conference agreement)

Present Law

Imports of this chemical enter under HTS heading 2907.29.50 with a column 1 general rate of duty of 7.2 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recedes, with a technical amendment.

Neville-Winter acid (section 321 of House bill; section 1319 of Senate amendment; section 321 of conference agreement)

Present Law

Imports of Neville-Winter acid enter under HTS subheading 2908.20.10 with a column 1 general rate of duty of 6.4 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2908.20.10 through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recedes with a technical amendment.

7-Hydroxy-1,3-naphthalenedisulfonic acid, dipotassium salt (section 322 of House bill; section 1345 of Senate amendment; section 322 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2908.20.50 with a column 1 general rate of 1.5 cents per kilogram plus 19.4 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 7-Hydroxy-1,2-naphthalenedisulfonic acid, dipotassium salt through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene (section 323 of House bill; section 1404 of Senate amendment; section 323 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2914.30.00 with a column 1 general rate of duty of 11.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recedes.

Anthraquinone (section 324 of House bill; section 1312 of Senate amendment; section 324 of conference agreement)

Present Law

Imports of Anthraquinone enter under HTS subheading 2914.61.00 with a column 1 general rate of duty of 11 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Anthraquinone through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

1,4-Dihydroxyanthraquinone (section 325 of House bill; section 1338 of Senate amendment; section 325 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2914.69.50 with a column 1 general rate of duty of 11 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 1,4-Dihydroxyanthraquinone through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

2-Ethylanthraquinone (section 326 of House bill; section 1372 of Senate amendment; section 326 of conference agreement)

Present Law

Imports of 2-Ethylanthraquinone enter under HTS subheading 2914.69.50 with a column 1 general rate of duty of 11 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 2-Ethylanthraquinone through December 31, 1992.

Senate amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

Chlorhexanone (section 327 of House bill; section 1314 of Senate amendment; section 327 of conference agreement)

Present Law

Imports of chlorhexanone enter under HTS subheading 2914.70.50 with a column 1 general rate of duty of 4 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2914.70.50 through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The Senate recesses.

3-Aminopropanol (section 1437 of Senate amendment; section 328 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2922.19.50 with a column 1 general rate of duty of 7.9 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty on this chemical through December 31, 1992.

Conference Agreement

The House recesses.

Naphthalic acid anhydride (section 329 of House bill; section 1315 of Senate amendment; section 329 of conference agreement)

Present Law

Imports of Naphthalic acid anhydride enter under HTS subheading 2917.39.10, with a column 1 general rate of 6.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty on item 2917.39.10, through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

Diflunisal (section 330 of House bill; section 1394 of Senate amendment; section 330 of conference agreement)

Present Law

Imports of Diflunisal enter under HTS subheading 2918.29.40 with a column 1 general rate of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 2918.29.40 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Diphenolic acid (section 331 of House bill; section 1391 of Senate amendment; section 331 of conference agreement)

Present Law

Imports of this synthetic organic chemical enter under HTS subheading 2918.29.40, with a column 1 general rate of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate for Diphenolic acid through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

6-Hydroxy-2-naphthoic acid (section 332 of House bill; section 1392 of Senate amendment; section 332 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2918.29.50, with a column 1 general rate of 3.7 cents per kilogram plus 17.9 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 2918.29.50 through December 31, 1992.

Senate Amendment

Identical provision, except for reference to HTS heading number and absence of chemical classification number.

Conference Agreement

The House recedes.

Methyl and ethyl parathion (section 333 of House bill; section 333 of conference agreement)

Present Law

Imports of these insecticides enter under HTS subheading 2920.10.20, with a column 1 general rate of 12.5 percent ad valorem.

House Bill

Suspends the column 1 general rates for item 2920.10.20 through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

N-Methylaniline and m-Chloroaniline (section 334 of House bill; section 334 of conference agreement)

Present Law

Imports of these chemicals enter under HTS subheadings 2921.42.20 and 2921.42.50, with column 1 general rates of 5.8 percent ad valorem, and 2.4 cents per kilogram plus 18.8 percent ad valorem, respectively.

House Bill

Suspends the column 1 general rates for these chemicals through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

4,4'-Methylenebis(3-chloro-2,6-diethylaniline) (section 335 of House bill; section 1388 of Senate amendment; section 335 of conference agreement)

Present Law

Imports of this chemical enter under HTS heading 2921.42.30 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

4,4'-Methylenebis(2,6-diisopropylaniline) (section 336 of House bill; section 1389 of Senate amendment; section 336 of conference agreement)

Present Law

Imports of this chemical enter under HTS heading 2921.42.50 with a column 1 general rate of duty of 2.4 cents per kilogram plus 18.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for chemical nomenclature.

Conference Agreement

The House recedes with a technical amendment.

2-Chloro-4-nitroaniline (section 337 of House bill; section 1348 of Senate amendment; section 337 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2921.42.50 with a column 1 general rate of duty of 2.4 cents per kilogram plus 18.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 2-chloro-4-nitroaniline through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

4-Chloro-a,a,a-trifluoro-o-toluidine (section 338 of House bill; section 1340 of Senate amendment; section 338 of conference agreement)

Present Law

Imports of this product enter under HTS subheading 2921.43.10 with a column 1 general rate of duty of 5.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2921.43.10 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to the House and Senate provisions with a technical amendment.

Trifluoromethylaniline (section 339 of House bill; section 1395 of Senate amendment; section 339 of conference agreement)

Present Law

Imports of this item enter under HTS subheading 2921.43.50 with a column 1 general rate of duty of 2.4 cents per kilogram plus 18.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for TFM Aniline item 2921.43.50 through December 31, 1992.

Senate Amendment

Identical provision, except for expiration date of December 31, 1990.

Conference Agreement

The Senate recedes with a technical amendment.

5-Amino-2-naphthalenesulfonic acid (section 340 of House bill; section 1335 of Senate amendment; section 340 of conference agreement)

Present Law

Imports of this acid enter under HTS subheading 2921.45.10 with a column 1 general rate of duty of 6.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 5-Amino-2-naphthalene-sulfonic acid through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

7-Amino-1,3-naphthalenedisulfonic acid, monopotassium salt (section 341 of House bill; section 1341 of Senate amendment; section 341 of conference agreement)

Present Law

Imports of the chemical enter under HTS subheading 2921.45.10 with a column 1 general rate of 6.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 7-Amino-1,3-naphthalene disulfonic acid monopotassium salt through December 31, 1992.

Senate Amendment

Identical provision, except for chemical nomenclature.

Conference Agreement

The Senate recedes.

4-Amino-1-naphthalenesulfonic acid, sodium salt (section 342 of House bill; section 1337 of Senate amendment; section 342 of conference agreement)

Present Law

Imports of this acid sodium salt enter under HTS subheading 2921.45.20 with a column 1 general rate of duty of 5.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this acid sodium salt through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

8-Amino-2-naphthalenesulfonic acid (section 343 of House bill; section 1333 of Senate amendment; section 343 of conference agreement)

Present Law

Imports of the product enter under HTS subheading 2921.45.20 with a column 1 general rate of duty of 5.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this product through December 31, 1992.

Senate Amendment

Identical provision, except for chemical nomenclature.

Conference Agreement

The Senate recedes with a technical amendment.

Mixtures of 5- and 8-amino-2-naphthalenesulfonic acid (section 344 of House bill; section 1334 of Senate amendment; section 344 of conference agreement)

Present Law

Imports of the chemical enter under HTS subheading 2921.45.30 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2921.45.30 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

1-Naphthylamine (section 345 of House bill; section 1336 of Senate amendment; section 345 of conference agreement)

Present Law

Imports of 1-Naphthylamine enter under HTS subheading 2921.45.50 with a column 1 general rate of duty of 2.4 cents per kilogram plus 18.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2921.45.50 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

6-Amino-2-naphthalenesulfonic acid (section 346 of House bill; section 1332 of Senate amendment; section 346 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2921.45.50 with a column 1 general rate of 2.4 cents per kilogram plus 18.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 6-amino-2-naphthalenesulfonic acid through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Broenner's acid (section 347 of House bill; section 1317 of Senate amendment; section 347 of conference agreement)

Present Law

Imports of Broenner's acid enter under HTS subheading 2921.45.50 with a column 1 general rate of duty of 2.4 cents per kilogram plus 18.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Broenner's acid through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

D Salt (section 348 of House bill; section 1318 of Senate amendment; section 348 of conference agreement)

Present Law

Imports of D Salt enter under HTS subheading 2921.45.50 with a column 1 general rate of duty of 2.4 cents per kilogram plus 18.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for D Salt through December 31, 1992.

Senate Amendment

Substantially the same as House provision, except for reference to HTS heading number and differences in article description language.

Conference Agreement

The Senate recedes with a technical amendment.

2,4-Diaminobenzenesulfonic acid (section 349 of House bill; section 1343 of Senate amendment; section 349 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2921.51.50 with a column 1 general rate of duty of 2.4 cents per kilogram plus 18.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 2,4-Diaminobenzenesulfonic acid through December 31, 1992.

Senate Amendment

Identical provision, except for reference to HTS heading number.

Conference Agreement

The Senate recedes.

Paramine acid (section 350 of House bill; section 1310 of Senate amendment; section 350 of conference agreement)

Present Law

Imports of Paramine acid enter under HTS subheading 2921.59.50, with a column 1 general rate of 2.4 cents per kilogram plus 18.8 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 2921.59.50 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Tamoxifen citrate (section 351 of House bill; section 1396 of Senate amendment; section 351 of conference agreement)

Present Law

Imports of this antiestrogen enter under HTS subheading 2922.19.10, with a column 1 general rate of 6.6 percent ad valorem.

House Bill

Suspends the column 1 general rate for Tamoxifen citrate through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

K-Acid (section 352 of House bill; section 1316 of Senate amendment; section 352 of conference agreement)

Present Law

Imports of K-Acid enter under HTS subheading 2922.21.20 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for K-Acid through December 31, 1992.

Senate Amendment

Identical provision, except for reference to HTS heading number.

Conference Agreement

The Senate recedes.

o-Anisidine (section 353 of House bill; section 1346 of Senate amendment; section 353 of conference agreement)

Present Law

Imports of o-Anisidine enter under HTS subheading 2922.22.10 with a column 1 general rate of duty of 7.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for o-Anisidine through December 31, 1992.

Senate Amendment

Identical provision, except for chemical nomenclature.

Conference Agreement

The Senate recedes.

2-Amino-4-chlorophenol (section 354 of House bill; section 1342 of Senate amendment; section 354 of conference agreement)

Present Law

Imports of this product enter under HTS subheading 2922.29.10 with a column 1 general rate of duty of 5.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 2-Amino-4-chlorophenol through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Ornithine (section 355 of House bill; section 1376 of Senate amendment; section 355 of conference agreement)

Present Law

Imports of L-Ornithine enter under HTS subheading 2922.49.50 with a column 1 general rate of duty of 3.7 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2922.49.50 through December 31, 1992.

Senate Amendment

Identical provision, except for chemical nomenclature.

Conference Agreement

The Senate recedes.

Clentiazim (section 1416 of Senate amendment; section 356 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2934.90.25 with a column 1 general rate of duty of 6.9 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Conference Agreement

The House recedes with a technical amendment.

7-Anilino-4-hydroxy-2-naphthalenesulfonic acid (section 357 of House bill; section 1352 of Senate amendment; section 357 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2922.29.50 with a column 1 general rate of duty of 3.7 cents per kilogram plus 15.6 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 7-anilino-4-hydroxy-2-naphthalenesulfonic acid through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

1,4-Diamino-2,3-dihydroanthraquinone (section 358 of House bill; section 1353 of Senate amendment; section 358 of conference agreement)

Present Law

Imports of the subject chemical enter under HTS subheading 2922.30.30 with a column 1 general rate of duty of 3.7 cents per kilogram plus 15.6 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2922.30.30 through December 31, 1992.

Senate Amendment

Identical provision, except for chemical nomenclature.

Conference Agreement

The House recedes with a technical amendment.

Tfa Lys Pro in free base and tosyl salt forms (section 359 of House bill; section 1358 of Senate amendment; section 359 of conference agreement)

Present Law

Imports of Tfa Lys Pro in free base and tosyl salt forms enter under HTS subheadings 2933.90.50 and 2933.90.37, respectively, with a column 1 general rate of 7.9 percent and 13.5 percent ad valorem, respectively.

House Bill

Suspends the column 1 general rates of duty for Tfa Lys Pro in free base and tosyl salt forms through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to the House and Senate provisions with technical amendments.

4-Fluoro-3-phenoxybenzaldehyde (section 1431 of Senate amendment; section 360 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2913.00.10 with a column 1 general rate of duty of 20 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty on this chemical through December 31, 1992.

Conference Agreement

The House recedes.

1-Amino-2-bromo-4-hydroxyanthraquinone (section 361 of House bill; section 1347 of Senate amendment; section 361 of conference agreement)

Present Law

Imports of the subject chemical enter under HTS subheading 2922.50.40 with a column 1 general rate of 3.7 cents per kilogram plus 15.6 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 1-Amino-2-bromo-4-hydroxyanthraquinone through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

ADC-6 (section 362 of House bill; section 1393 of Senate amendment; section 362 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2922.50.50 with a column 1 general rate of 7.9 percent ad valorem.

House Bill

Suspends the column 1 general rate for ADC-6, item 2922.50.50, through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

L-Carnitine (section 363 of House bill; section 1390 of Senate amendment; section 363 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2923.90.00 with a column 1 general rate of duty of 6.2 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for L-Carnitine through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

Quizalofop-ethyl (section 364 of House bill; section 1427 of Senate amendment; section 364 of conference agreement)

Present Law

Imports of Quizalofop-ethyl enter under HTS subheading 2933.90.20 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty on Quizalofop-ethyl through December 31, 1992.

Senate Amendment

Identical provision, except for reference to HTS heading number.

Conference Agreement

The House recesses.

Acetoacet-para-toluidide (section 365 of House bill; section 1378 of Senate amendment; section 365 of conference agreement)

Present Law

Imports of this chemical enter under HTS heading 2924.29.09 with a column 1 general rate of duty of 5.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

Naphthol AS types (section 366 of House bill; section 1321 of Senate amendment; section 366 of conference agreement)

Present Law

Imports of Naphthol AS types enter under HTS subheading 2924.29.14 with a column 1 general rate of duty of 14 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2924.29.14 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to the House and Senate provisions with technical amendments.

Diltiazem hydrochloride, and sustained release diltiazem hydrochloride (section 1415 of Senate amendment; section 367 of conference agreement)

Present Law

Imports of these chemicals enter under HTS subheadings 2934.90.25, 3003.90.00, or 3004.90.60 with column 1 general rates of duty ranging from 6 to 6.9 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for these chemicals through December 31, 1992.

Conference Agreement

The House recesses.

Anis base (section 368 of House bill; section 1320 of Senate amendment; section 368 of conference agreement)

Present Law

Imports of Anis base enter under HTS subheading 2924.29.25 with a column 1 general rate of duty of 12.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for items 2924.29.25 through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

Acetoacetsulfanilic acid, potassium salt (section 369 of House bill; section 1379 of Senate amendment; section 369 of conference agreement)

Present Law

Imports of this chemical enter under HTS heading 2924.29.44 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

Iohexol (section 370 of House bill; section 1401 of Senate amendment; section 370 of conference agreement)

Present Law

Imports of Iohexol enter under HTS subheading 2924.29.44 with a column 1 general rate of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate for Iohexol through September 30, 1990.

Senate Amendment

Identical provision, except for expiration date of September 30, 1991.

Conference Agreement

The House recesses.

Iopamidol (section 371 of House bill; section 1400 of Senate amendment; section 371 of conference agreement)

Present Law

Imports of Iopamidol enter under HTS subheading 2924.29.44 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Iopamidol through September 30, 1990.

Senate Amendment

Identical provision, except for expiration date of September 30, 1991.

Conference Agreement

The House recesses.

Ioxaglate (section 372 of House bill; section 1403 of Senate amendment; section 372 of conference agreement)

Present Law

Imports of Ioxaglate enter under HTS subheading 2924.29.44 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through September 30, 1990.

Senate Amendment

Identical provision, except for expiration date of September 30, 1991.

Conference Agreement

The House recesses.

4-Aminoacetanilide (section 373 of House bill; section 1331 of Senate amendment; section 373 of conference agreement)

Present Law

Imports of 4-aminoacetanilide enter under HTS subheading 2924.29.45 with a column 1 general rate of 3.7 cents per kilogram plus 18.1 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2924.29.45 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

D-carboxamide (section 374 of House bill; section 1366 of Senate amendment; section 374 of conference agreement)

Present Law

Imports of D-carboxamide enter under HTS subheading 2924.29.50 with a column 1 general rate of duty of 7.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for D-carboxamide, through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

2,6-Dichlorobenzonitrile (section 375 of House bill; section 1326 of Senate amendment; section 375 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2926.90.10 with a column 1 general rate of duty of 6.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for mixtures of 2,6-dichlorobenzonitrile and inert substances through December 31, 1992.

Senate Amendment

Suspends the column 1 general rate of duty for the basic chemical as well as the mixtures covered by the House bill.

Conference Agreement

The House recesses with a technical amendment.

Octadecyl isocyanate (section 376 of House bill; section 1304 of Senate amendment; section 376 of conference agreement)

Present Law

Imports of this specialty chemical enter under HTS subheading 2929.10.40, with a column 1 general rate of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 2929.10.40 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

1,6-Hexamethylene diisocyanate (sections 377 and 483(c)(3) of House bill; sections 1411 and 1601(b) of Senate amendment; section 377 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2929.10.50 with a column 1 general rates of duty of 2.9 cents per kilogram plus 16.2 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 1,6-Hexamethylene diisocyanate through December 31, 1992.

Senate Amendment

Reduces the column 1 general rate of duty to the TSUS level of 7.9 percent ad valorem through December 31, 1992. Retroactive to January 1, 1989.

Conference Agreement

The House recedes.

1,1-Ethylidenebis(phenyl-4-cyanate) (section 378 of House bill; section 1386 of Senate amendment; section 378 of conference agreement)

Present Law

Imports of this chemical enter under HTS heading 2929.90.10 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

2,2'-Bis(4-cyanatophenyl-1,1,1,3,3,3-hexafluoropropane) (section 379 of House bill; section 1384 of Senate amendment; section 379 of conference agreement)

Present Law

Imports of this chemical enter under HTS heading 2929.90.10 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recedes.

4,4'-Thiodiphenyl cyanate (section 380 of House bill; section 1385 of Senate amendment; section 380 of conference agreement)

Present Law

Imports of this chemical enter under HTS heading 2930.90.20 with a column 1 general rate of duty of 6.7 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2930.90.20 through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recedes.

2-[(4-Aminophenyl)sulfonyl]ethanol, hydrogen sulfate ester (section 381 of House bill; section 1351 of Senate amendment; section 381 of conference agreement)

Present Law

Imports of the subject chemical enter under HTS subheading 2930.90.20 with a column 1 general rate of duty of 6.7 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 2-[(4-Aminophenyl) sulfonyl]ethanol, hydrogen sulfate ester through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to the House and Senate provisions with technical amendments.

Dimethoate (section 382 of House bill; section 382 of conference agreement)

Present Law

Imports of Dimethoate enter under HTS subheading 2930.90.40 with a column 1 general rate of duty of 7.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Dimethoate through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

Diphenyldichlorosilane and phenyltrichlorosilane (section 383 of House bill; section 1429 of Senate amendment; section 383 of conference agreement)

Present Law

Imports of both of these chemicals enter under HTS subheading 2931.00.40, with a column 1 general rate of 17.7 percent ad valorem.

House Bill

Suspends the column 1 general rate for these chemicals through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Bendiocarb (section 384 of House bill; section 1302 of Senate amendment; section 384 of conference agreement)

Present Law

Imports of this insecticide enter under HTS subheading 2932.90.10, with a column 1 general rate of 6.8 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 2932.90.10 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Rhodamine 2C base (section 385 of House bill; section 1373 of Senate amendment; section 385 of conference agreement)

Present Law

Imports of the 4 chemicals enter under HTS subheadings 2932.90.45 with a column 1 general rate of 3.7 percent per kilogram plus 16.2 percent ad valorem.

House Bill

Suspends the column 1 general rates for Rhodamine 2C base, through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

2,5-Dichloro-4-(3-methyl-5-oxo-2-pyrazolin-1-yl) benzenesulfonic acid (section 386 of House bill; section 1344 of Senate amendment; section 386 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2933.19.42 with a column 1 general rate of duty of 3.7 cents per kilogram plus 16.2 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for reference to HTS heading number.

Conference Agreement

The Senate recedes with a technical amendment.

Ciprofloxacin, ciprofloxacin hydrochloride, and nimodipine (sections 387 and 391 of House bill; section 1360 of Senate amendment; section 387 of conference agreement)

Present Law

Imports of both Ciprofloxacin and ciprofloxacin hydrochloride enter under HTS subheading 2933.59.27 with a column 1 general rate of duty of 8.1 percent ad valorem.

Imports of Nimodipine enter under HTS subheading 2933.39.35 with a column 1 general rate of duty of 8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Ciprofloxacin and ciprofloxacin hydrochloride through December 31, 1992.

Suspends the column 1 general rate of duty for Nimodipine through December 31, 1992.

Senate Amendment

Identical provision, except for chemical nomenclature for Ciprofloxacin and ciprofloxacin hydrochloride.

Conference Agreement

The House recedes.

BPIP (section 388 of House bill; section 1370 of Senate amendment; section 388 of conference agreement)

Present Law

Imports of Hexamethylenebistriacetonediamine enter under HTS subheading 2933.39.47 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for BPIP through December 31, 1992.

Senate Amendment

Identical provision, except for inclusion of chemical identification number.

Conference Agreement

The House recesses.

Fenofibrate (section 1397 of Senate amendment; section 389 of conference agreement)

Present Law

Imports of fenofibrate enter under HTS subheading 3004.90.60 with a column 1 general rate of duty of 6.3 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for fenofibrate through December 31, 1992.

Conference Agreement

The House recesses.

Norfloxacin (section 390 of House bill; section 1365 of Senate amendment; section 390 of conference agreement)

Present Law

Imports of Norfloxacin enter under HTS subheading 2933.59.27 with a column 1 general rate of duty of 8.1 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Norfloxacin through December 31, 1992.

Senate Amendment

Identical provision, except for chemical nomenclature.

Conference Agreement

The House recesses.

6-Methyluracil (section 392 of House bill; section 1380 of Senate amendment; section 391 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2933.59.50 with a column 1 general rate of duty of 7.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

2,4-Diamino-6-phenyl-1,3,5-triazine (section 393 of House bill; section 1399 of Senate amendment; section 392 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2933.69.00 with a column 1 general rate of duty of 3.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for 2,4-Diamino-6-phenyl-1,3,5-triazine through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

Amiloride hydrochloride (section 394 of House bill; section 1367 of Senate amendment; section 393 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2933.90.36 with a column 1 general rate of duty of 6.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Amiloride hydrochloride through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Trimethyl base (section 395 of House bill; section 1350 of Senate amendment; section 394 of conference agreement)

Present Law

Imports of this chemical, also known as Fischer's base, enter under HTS subheading 2933.90.39, with a column 1 general rate of 3.7 cents per kilogram plus 16.2 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 2933.90.39 through December 31, 1992.

Senate Amendment

Identical provision, except for reference to chemical name.

Conference Agreement

The House recesses.

Ala pro (section 396 of House bill; section 1357 of Senate amendment; section 395 of conference agreement)

Present Law

Imports of L-Alanyl-L-proline enter under HTS subheading 2933.90.50 with a column 1 general rate of duty of 7.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Ala pro through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Thiothiamine hydrochloride (section 397 of House bill; section 1309 of Senate amendment; section 396 of conference agreement)

Present Law

Imports of Thiothiamine hydrochloride enter under HTS subheading 2934.10.50 with a column 1 general rate of duty of 7.9 percent ad valorem or subheading 2934.10.10 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2934.10.50 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Ethyl 2-(2-aminothiazol-4-yl)-2-hydroxyiminoacetate (section 398 of House bill; section 1381 of Senate amendment; section 397 of conference agreement)

Present Law

Imports of this chemical enter under HTS heading 2934.10.50 with a column 1 general rate of duty of 7.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

Ethyl 2-(2-aminothiazol-4-yl)-2-methoxyaminoacetate (section 399 of House bill; section 1382 of Senate amendment; section 398 of conference agreement)

Present Law

Imports of this chemical enter under HTS heading 2934.10.50 with a column 1 general rate of duty of 7.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision, except for absence of chemical identification number.

Conference Agreement

The House recesses.

7-Nitronaphth[1,2]-oxadiazole-5-sulfonic acid (section 400 of House bill; section 1339 of Senate amendment; section 399 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2934.90.06 with a column 1 general rate of duty of 7.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Ceftazidime tertiary butyl ester (section 401 of House bill; section 1322 of Senate amendment; section 400 of conference agreement)

Present Law

Imports of Ceftazidime tertiary butyl ester enter under HTS subheading 2934.90.25 with a column 1 general rate of duty of 6.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2934.90.25 through December 31, 1992. Retroactive to January 1, 1988.

Senate Amendment

Identical provision, except for expiration date of June 30, 1992. No retroactive provision.

Conference Agreement

The House recedes with an amendment to change expiration date to December 31, 1992.

Chemical intermediate (section 402 of House bill; section 401 of conference agreement)

Present Law

Imports of this chemical intermediate enter under HTS subheading 2934.90.40, with a column 1 general rate of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 2934.90.40 through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes.

Sulfachloropyridazine (section 403 of House bill; section 1308 of Senate amendment; section 402 of conference agreement)

Present Law

Imports of sulfachloropyridazine enter under HTS subheading 2935.00.39, with a column 1 general rate of 10.8 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 2935.00.39 through December 31, 1992.

Senate Amendment

Identical provision, except for expiration date of December 31, 1990.

Conference Agreement

The Senate recedes.

Mixed ortho/para-toluenesulfonamides (section 404 of House bill; section 1325 of Senate amendment; section 403 of conference agreement)

Present Law

Imports of mixed ortho/para-toluenesulfonamides enter under HTS subheading 2935.00.47 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for mixed ortho/para-toluenesulfonamides through December 31, 1992.

Senate Amendment

Identical provision, except for additional retroactive duty-free treatment to January 1, 1989.

Conference Agreement

The Senate recedes.

Herbicide intermediate (section 405 of House bill; section 404 of conference agreement)

Present Law

Imports of this herbicide intermediate enter under HTS subheading 2935.00.47 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this herbicide intermediate through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes.

N-(4-(((2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl)methyl)amino)benzoyl)-L-glutamic acid (section 406 of House bill; section 1364 of Senate amendment; section 405 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2936.29.20 with a column 1 general rate of duty of 6.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2936.29.20 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The House recesses.

Theobromine (section 407 of House bill; section 1313 of Senate amendment; section 406 of conference agreement)

Present Law

Imports of Theobromine enter under HTS subheadings 2939.90.50 or 2939.90.10 with a column 1 general rate of duty of 3.7 percent ad valorem, or 1.8 percent ad valorem, respectively.

House Bill

Suspends the column 1 general rate of duty on Theobromine through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

(6R-(6a,7B(Z)))-7-(((2-Amino-4-thiazolyl)(carboxymethoxy) imino) acetyl)amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0) oct-2-ene-2-carboxylic acid (Cefixime) (section 408 of House bill; section 1363 of Senate amendment; section 407 of conference agreement)

Present Law

Imports of this chemical treated as an antibiotic for tariff purposes enter under HTS subheading 2941.90.50 with a column 1 general rate of 3.7 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Cefixime through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to the House and Senate provisions with technical amendments.

Teicoplanin (section 409 of House bill; section 1377 of Senate amendment; section 408 of conference agreement)

Present Law

Imports of Teicoplanin enter under HTS subheading 3003.20.00 (bulk form), and 3004.20.00 (dosage form), both with column 1 general rates of duty of 3.7 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for dosage form through December 31, 1992.

Senate Amendment

Suspends the column 1 general rate of duty for both dosage and bulk forms through December 31, 1992.

Conference Agreement

The House recesses.

Carfentanil citrate (section 410 of House bill; section 409 of conference agreement)

Present Law

Imports of Carfentanil citrate enter under HTS subheading 3004.90.60 with a column 1 general rate of duty of 6.3 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Carfentanil citrate through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

Calcium acetylsalicylate (section 411 of House bill; section 1301 of Senate amendment; section 410 of conference agreement)

Present Law

Imports of calcium carbaspirin enter under HTS subheading 2918.22.50 (bulk form) with a column 1 general rate of duty of 6.8 percent ad valorem, and under 3004.90.60 (dosage form) with a column 1 general rate of 6.3 percent ad valorem.

House Bill

Suspends the column 1 general rate for dosage form through December 31, 1992.

Senate Amendment

Suspends the column 1 general rate for bulk form through December 31, 1992.

Conference Agreement

The House recesses with an amendment to combine both provisions.

Sucralfate (section 1311 of Senate amendment; section 411A of conference agreement)

Present Law

Imports of sucralfate enter under HTS subheading 2940.00.00 with a column 1 general rate of duty of 5.8 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for sucralfate through December 31, 1992.

Conference Agreement

The House recesses.

1-[1-((4-Chloro-2-(trifluoromethyl)phenyl) imino)-2-propoxyethyl]-1-H-imidazole (section 1327 of Senate amendment; section 411B of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2933.29.30 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Conference Agreement

The House recesses.

Copper acetate monohydrate (section 1418 of Senate amendment; section 411C of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2915.29.00 with a column 1 general rate of duty of 2.8 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Conference Agreement

The House recesses with a technical amendment.

0,0-Dimethyl-S-[4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl] phosphorodithioate (section 1355 of Senate amendment; section 411D of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2933.90.18 with a column 1 general rate of duty of 12.5 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Conference Agreement

The House recedes with a technical amendment.

p-Tolualdehyde (section 1414 of Senate amendment; section 412 of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2912.29.50 with a column 1 general rate of duty of 11.4 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Conference Agreement

The House recedes.

Certain acid black powder and presscake (section 413 of House bill; section 1434 of Senate amendment; section 413 of conference agreement)

Present Law

Imports of these compounds enter under HTS subheading 3204.12.40 with a column 1 general rate of 15 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for certain acid black powder and presscake through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Pigment red 178 (section 414 of House bill; section 1433 of Senate amendment; section 414 of conference agreement)

Present Law

Imports of Pigment red 178 enter under HTS subheading 3204.17.10, with column 1 and 2 rates of duty of 8.3 and 46.8 percent ad valorem, respectively.

House Bill

Suspends the column 1 duty for Pigment red 178 coatings through December 31, 1990.

Senate Amendment

Suspends the column 2 duty for Pigment red 178 coatings through December 31, 1992.

Conference Agreement

The House recedes with a technical amendment to suspend column 1 duty.

Pigment red 149 dry and presscake (section 415 of House bill; section 1435 of Senate amendment; section 415 of conference agreement)

Present Law

Imports of these pigments enter under HTS subheading 3204.17.50, with a column 1 general rate of 20 percent ad valorem.

House Bill

Suspends the column 1 general rate for these pigments through December 31, 1990.

Senate Amendment

Identical provision, except for expiration date of December 31, 1992.

Conference Agreement

The House recedes.

Solvent yellow 43 (section 416 of House bill; section 416 of conference agreement)

Present Law

Imports of fluorescent yellow R dyes enter under HTS subheading 3204.19.15, with a column 1 general rate of 15 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 3204.19.15 through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes.

Solvent yellow 44 (section 417 of House bill; section 417 of conference agreement)

Present Law

Imports of these dyes enter under HTS subheading 3204.19.19, with a column 1 general rate of 20 percent ad valorem.

House Bill

Suspends the column 1 general rate for solvent yellow 44 through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes.

Modeling pastes (section 418 of House bill; section 1405 of Senate amendment; section 418 of conference agreement)

Present Law

Imports of these modeling pastes enter under HTS subheading 3407.00.20 with a column 1 general rate of 10 percent ad valorem.

House Bill

Suspends the column 1 general rate for modeling pastes through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The Senate recedes with a technical amendment.

Metal oxide varistors (section 1717 of Senate amendment; section 419 of conference agreement)

Present Law

Imports of metal oxide varistors enter under HTS subheadings 8533.40.00, 8541.10.00, and 8541.50.00 with a column 1 general rate of duty ranging from free to 6 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty on this item through December 31, 1992. Retroactive to January 1, 1989.

Conference Agreement

The House recedes with technical amendments.

Chemical light activator blends (section 420 of House bill; section 1368 of Senate amendment; section 420 of conference agreement)

Present Law

Imports of the chemical mixture enter under HTS subheading 3823.90.29 with a column 1 general rate of duty of 3.7 cents per kilogram plus 13.6 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for chemical light activator blend through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Polymin P and polymin P hydrochloride, and polymin SNA 60 (section 421 of House bill; sections 1374 and 1375 of Senate amendment; section 421 of conference agreement)

Present Law

Imports of these chemicals enter under HTS subheadings 3911.90.50 and 3911.90.30 with column 1 general rates of 2.2 cents per kilogram plus 7.7 percent ad valorem and 5.8 percent ad valorem, respectively.

House Bill

Suspends the column 1 general rates for polymin P and polymin P hydrochloride, and polymin SNA 60 through December 31, 1992.

Senate Amendment

Identical provision, except for reference to HTS heading number and absence of chemical identification number.

Conference Agreement

The House recedes.

Hydrocarbon novolac cyanate ester (section 423 of House bill; section 1387 of Senate amendment; section 422 of conference agreement)

Present Law

Imports of this item enter under HTS heading 3911.90.30 with a column 1 general rate of duty of 5.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this item through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Theatrical, ballet, and operatic scenery, properties, and sets (section 451 of House bill; section 1430 of Senate amendment; section 423 of conference agreement)

Present Law

Imports of operatic scenery and properties enter under various HTS subheadings with varying column 1 general rates of duty; a few are entered under HTS heading 9813.00.65 duty-free under bond.

House Bill

Suspends the column 1 general rates of duty for operatic scenery and properties, including operatic sets imported by certain nonprofit, cultural organizations through December 31, 1992.

Senate Amendment

Substantially the same as House provision, except incorporates theatrical and ballet properties into scope of duty suspension. Retroactive to January 31, 1990.

Conference Agreement

The House recesses.

Wicker products (section 425 of House bill; section 1362 of Senate amendment; section 424 of conference agreement)

Present Law

Imports of certain wicker products enter under HTS subheadings 4602.10.11, 4602.10.13, 4602.10.19, 4602.10.40, or 4602.10.50 with column 1 general rates of duty ranging from 3 percent ad valorem to 10 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for these wicker products through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Certain plastic web sheeting (section 426 of House bill; section 1323 of Senate amendment; section 425 of conference agreement)

Present Law

Imports of nonwoven fiber sheet of polyester fibers enter under HTS subheading 5603.00.90 with a column 1 general rate of 12.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty on certain plastic web sheeting through December 31, 1992.

Senate Amendment

Identical provision, except for technical drafting differences.

Conference Agreement

The House recedes with a technical amendment.

Protective sports apparel (section 427 of House bill; section 1408 of Senate amendment; section 426 of conference agreement)

Present Law

Imports of protective sports articles of textile materials enter under HTS subheadings 6201.93 and 6203.43 with column 1 general rates of duty ranging from 7.6 percent to 62.9 cents per kilogram plus 21 percent ad valorem.

House Bill

Reduces through December 31, 1992, the column 1 general rates of duty for protective sports articles of textile materials to apply the same rates of duty that applied to such goods before January 1, 1989. Retroactive to January 1, 1989.

Senate Amendment

Substantially the same as House provision, except for specific reference to ice and field hockey pants and additional HTS subheadings. No retroactive provision.

Conference Agreement

The House recedes with an amendment to add retroactive provision and make technical changes. It is the understanding of the conferees that this provision applies to certain protective ski apparel.

Isoindolenine red pigment (section 1436 of Senate amendment; section 427 of conference agreement)

Present Law

Imports of this pigment enter under HTS subheading 3204.17.30 with a column 1 general rate of duty of 15 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty on this pigment through December 31, 1992.

Conference Agreement

The House recedes.

Gripping narrow fabrics (section 429 of House bill; section 1369 of Senate amendment; section 428 of conference agreement)

Present Law

Imports of fastener fabric tapes of manmade fibers enter under HTS subheading 5806.10.20 with a column 1 general rate of duty of 9.5 percent ad valorem.

House Bill

Reduces the column 1 general rate of duty for gripping narrow fabrics to 7 percent ad valorem through December 31, 1992. Retroactive to January 1, 1989.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

In-line roller skate boots (section 430 of House bill; section 1412 of Senate amendment; section 429 of conference agreement)

Present Law

Imports of boots actually used in the manufacture of in-line roller skates enter under HTS subheading 6402.19.10 with a column 1 general rate of duty of 6 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 6402.19.10 through December 31, 1992.

Senate Amendment

Identical provision, except for additional retroactive duty-free treatment to April 30, 1986.

Conference Agreement

The Senate recedes.

Self-folding collapsible umbrellas (section 431 of House bill; section 1410 of Senate amendment; section 430 of conference agreement)

Present Law

Imports of self-folding collapsible umbrellas enter under HTS subheading 6601.91.00, with a column 1 general rate of 8.2 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 6601.91.00 through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Glass bulbs (section 432 of House bill; section 1303 of Senate amendment; section 431 of conference agreement)

Present Law

Imports of glass bulbs enter under HTS subheading 7011.20.00 with a column 1 general rate of duty of 6.6 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for certain glass bulbs through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to the House and Senate provisions with a technical amendment.

Drinking glasses with special effects in the glass (section 433 of House bill; section 432 of conference agreement)

Present Law

Imports of certain glasses with special effects in the glass enter under HTS subheadings 7013.29.10 or 7013.29.20 with column 1 general rates ranging from 6 to 38 percent ad valorem.

House Bill

Reduces the rates for certain drinking glasses to those prevailing under the former TSUS through December 31, 1992. Retroactive to January 1, 1989.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

Certain glass fibers (section 434 of House bill; section 1421 of Senate amendment; section 433 of conference agreement)

Present Law

Imports of colored glass yarns enter under HTS headings 7019.10.10, 7019.10.20, and 7019.10.60 with column 1 general rates of duty ranging from 6.0 to 9.6 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for certain fiberglass yarns through December 31, 1992.

Senate Amendment

Identical provision, except for differences in article description language.

Conference Agreement

The House recesses.

Articles of semiprecious stones (section 435 of House bill; section 434 of conference agreement)

Present Law

Imports of certain semiprecious stones enter under HTS subheading 7116.20.20 with a column 1 general rate of 21 percent ad valorem.

House Bill

Temporarily reduces the rates for graded, semiprecious stones strung temporarily for convenience of transport to those prevailing under the former TSUS (column 1 general rate of 2.1 percent ad valorem.) Retroactive to January 1, 1989.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

Luggage frames of aluminum (section 436 of House bill; section 435 of conference agreement)

Present Law

Imports of aluminum luggage frames enter under HTS subheading 7616.90.00 with a column 1 general rate of duty of 5.7 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for certain luggage frames of aluminum through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

Molten-salt-cooled acrylic acid reactors (section 437 of House bill; section 1305 of Senate amendment; section 436 of conference agreement)

Present Law

Imports of these products enter under HTS subheadings 8419.89.50, 8419.90.30, or 8419.90.90, with column 1 general rates of 4.2 percent ad valorem.

House Bill

Suspends the column 1 general rates for these products entered on or before December 31, 1992. Retroactive to July 1, 1989.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Certain paper products (section 1432 of Senate amendment; section 437 of conference agreement)

Present Law

Imports of certain toilet paper, and handkerchiefs and facial tissues or towels enter under HTS subheadings 4818.10.00 and 4818.20.00, respectively, with column 1 general rates of duty of 5.3 percent ad valorem.

House Bill

No provision.

Senate Amendment

Reduces the column 1 general rates of duty on these products to 3.5 percent ad valorem through December 31, 1992.

Conference Agreement

The House recedes.

Impact line printers (section 439 of House bill; section 1330 of Senate amendment; section 438 of conference agreement)

Present Law

Imports of all impact line printers, regardless of drive mechanism, enter under HTS subheading 8471.92.65, with a column 2 rate of 35 percent ad valorem.

House Bill

Reduces the column 2 rate of duty for item 8471.92.65 to 3.75 percent ad valorem through December 31, 1992. Retroactive to October 1, 1988.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Machines used in the manufacture of bicycle parts; certain bicycle parts (section 440 of House bill; section 1356 of Senate amendment; section 439 of conference agreement)

Present Law

Imports of these items enter under HTS heading 8479 and 8714 with column 1 general rates of duty from 3.7 percent ad valorem to 10 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for certain bicycle parts and machines through December 31, 1992.

Senate Amendment

Identical provision, except for exclusion of handlebar stem hardware.

Conference Agreement

The Senate recedes.

Motor vehicle parts (section 441 of House bill; section 440 of conference agreement)

Present Law

Imports of certain motor vehicle parts enter under HTS subheading 7014.00.20 and certain provisions of heading 8483 with varying rates of duty; they are not currently eligible for benefits of the Automotive Products Trade Act.

House Bill

Restores duty-free treatment for certain motor vehicle parts retroactive to January 1, 1989, through the date on which the President proclaims modifications to the Harmonized Tariff Schedule. Additional provisions provide for reliquidation of entries already made during that period.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes with an amendment to limit scope to imports from Canada.

Parts of generators for use on aircraft (section 442 of House bill; section 1419 of Senate amendment; section 441 of conference agreement)

Present Law

Imports of parts of generators for aircraft enter under HTS subheading 8503.00.60 with a column 1 general rate of duty of 3 percent ad valorem; certain parts enter free of duty under the Civil Aircraft Agreement.

House Bill

Suspends the column 1 general rates of duty for parts of generators for use on aircraft through December 31, 1992. Retroactive to January 1, 1989.

Senate Amendment

Identical provision, except for reference to HTS heading number(s).

Conference Agreement

The Senate recedes.

Magnetic video tape recordings (section 443 of House bill; section 1324 of Senate amendment; section 442 of conference agreement)

Present Law

Imports of pre-recorded magnetic videotapes enter under HTS subheading 8524.23.10, with a column 1 general rate of \$0.0066 per linear meter (yielding \$1.60 per "standard" cassette). Duties on these items had been suspended entirely under terms of the Nairobi Protocol between 1983 and 1987.

House Bill

Suspends duty on magnetic videotape recordings of a width exceeding 6.5 millimeters, but not exceeding 16 millimeters, in cassettes of U.S. origin, valued at not over \$7.00 per cassette; provided for in item 8524.23.10, through December 31, 1992. Retroactive to January 1, 1988.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Certain infant nursery monitors and intercoms (section 444 of House bill; section 1420 of Senate amendment; section 443 of conference agreement)

Present Law

Imports of infant nursery monitors and intercoms enter under HTS subheadings 8504.40.00, 8525.10.60, 8525.20.20, 8527.39.00, or 8527.90.80 with column 1 general rates of duty ranging from 2 percent to 6 percent ad valorem.

House Bill

Suspends the column 1 general rates of duty for infant nursery monitors and intercoms through December 31, 1992.

Senate Amendment

Identical provision, except for reference to HTS heading number(s).

Conference Agreement

The House recedes with a technical amendment.

Insulated winding wire cable (section 1428 of Senate amendment; section 444 of conference agreement)

Present Law

Imports of self-contained fluid filled (SCFF) submarine cable enter under HTS subheading 8544.60.40 with a column 1 general rate of duty of 5.3 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty on SCFF submarine cable through December 31, 1991.

Conference Agreement

The House recedes.

Certain piston engines (section 446 of House bill; section 1426 of Senate amendment; section 445 of conference agreement)

Present Law

Imports of two-stroke cycle engines for use in vehicles (excepting personal watercraft engines) enter under HTS headings 8407, 8703, and 8704 with column 1 general rates of duty of 2.5–8.5 percent ad valorem.

House Bill

Suspends the column 1 general rates on two- and four-cycle engines through December 31, 1992. No specific provision for personal water craft engines. Retroactive to January 1, 1989.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Timing apparatus with optoelectronic display only (section 447 of House bill; section 1359 of Senate amendment; section 446 of conference agreement)

Present Law

Imports of time-of-day recording apparatus enter under HTS subheading 9106.90.80 with a column 1 general rate of duty of 45 cents plus 7.0 percent ad valorem plus 2.5 cents per jewel.

House Bill

Temporarily restores the column 1 general rate of duty to 3.9 percent ad valorem on timers and clock timers as previously pro-

vided under the Tariff Schedules of the United States (TSUS) through December 31, 1992. Retroactive to January 1, 1989.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Certain furniture and seats (section 448 of House bill; section 1361 of Senate amendment; section 447 of conference agreement)

Present Law

Imports of furniture seats and parts thereof made of certain vegetable materials enter under HTS subheadings 9401.50.00, 9401.90.25, 9403.80.30 and 9403.90.25, with a column 1 general rate of 7.5 percent ad valorem.

House Bill

Suspends the column 1 general rates for furniture, seats and parts produced from unspun fibrous vegetable material through December 31, 1992.

Senate Amendment

Identical provision, except for punctuation differences.

Conference Agreement

The House recedes.

Christmas ornaments (section 449 of House bill; section 1328 of Senate amendment; section 448 of conference agreement)

Present Law

Imports of certain Christmas ornaments enter under HTS subheading 9505.10.25 with a column 1 general rate of duty of 5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for certain Christmas ornaments through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

3-Dimensional cameras (section 450 of House bill; section 1422 of Senate amendment; section 449 of conference agreement)

Present Law

Imports of cameras capable of producing a 3-Dimensional effect enter under HTS subheading 9006.53.00, with a column 1 general rate of 3 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for these cameras under subheading 9006.53.00 through December 31, 1992, with a further clarification of the item description.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Frozen carrots (section 1329 of Senate amendment; section 450A of conference agreement)

Present Law

Imports of frozen carrots enter under HTS subheading 0710.80.70 with a column 1 general rate of duty of 25 percent ad valorem.

House Bill

No provision.

Senate Amendment

Reduces the column 1 general rate of duty for frozen carrots to 2.2 cents per kilogram through December 31, 1992. Retroactive to January 1, 1989.

Conference Agreement

The House recedes.

Certain veneer (section 1413 of Senate amendment; section 450B of conference agreement)

Present Law

Imports of wood veneer enter under HTS subheading 4421.90.90 with a column 1 general rate of duty of 5.1 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for certain manmade or recomposed wood veneer through December 31, 1992.

Conference Agreement

The House recedes.

Personal effects and equipment of participants and officials involved in the 1990 Goodwill Games (section 1417 of Senate amendment; section 450C of conference agreement)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Suspends all duties on personal effects and equipment of alien participants and officials through September 30, 1990.

Conference Agreement

The House recedes.

Personal effects and equipment for World University Games (section 1423 of Senate amendment; section 450D of conference agreement)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Suspends all duties on personal effects and equipment of alien participants and officials of the 1993 World University Games through September 30, 1993.

Conference Agreement

The House recedes.

Karate pants and belts (section 1424 of Senate amendment; section 450E of conference agreement)

Present Law

Imports of karate pants and belts enter under HTS headings 6203, 6204, and 6217, with column 1 general rates of duty ranging from 15.5 to 30.4 percent ad valorem.

House Bill

No provision.

Senate Amendment

Reduces the column 1 general rate of duty on karate pants and belts to 8 percent ad valorem through December 31, 1992.

Conference Agreement

The House recedes.

Metallurgical fluorspar (section 1425 of Senate amendment; section 450F of conference agreement)

Present Law

Imports of metallurgical fluorspar enter under HTS subheading 2529.21.00 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty on metallurgical fluorspar through December 31, 1992.

Conference Agreement

The House recedes.

Hexyl chloride (section 314 of House bill)

Present Law

Imports of Hexyl chloride enter under HTS subheading 2903.19.50 with a column 1 general rate of duty of 18 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Hexyl chloride through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recedes.

tertiary-Butyl chloride (section 315 of House bill)

Present Law

Imports of tertiary-Butyl chloride enter under HTS subheading 2903.19.50 with a column 1 general rate of duty of 18 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for this product through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recedes.

Hexachlorobutadiene (section 316 of House bill)

Present Law

Imports of Hexachlorobutadiene enter under HTS subheading 2903.29.00 with a column 1 general rate of duty 18 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for Hexachlorobutadiene through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recedes.

*p-Toluic acid (section 328 of House bill)**Present Law*

Imports of p-Toluic acid enter under HTS subheading 2916.39.50 with a column 1 general rate of duty of 3.7 cents per kilogram plus 17.9 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for p-Toluic acid through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recedes.

*DEMAP (section 356 of House bill)**Present Law*

Imports of this chemical enter under HTS subheading 2922.29.15, with a column 1 general rate of 6.8 percent ad valorem.

House Bill

Suspends the column 1 general rate for DEMAP, item 2922.29.15, through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recedes.

*Levodopa (section 360 of House bill)**Present Law*

Imports of this product enter under HTS subheading 2922.50.25, with a column 1 general rate of 8.7 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 2922.50.25 through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recedes.

N-[[[4-chlorophenyl)-amino]carbonyl]-2,6-difluorobenzamide (section 367 of House bill)

Present Law

Imports of these chemicals enter under HTS subheadings 2924.29.19 and 3808.10.20 with column 1 general rates of duty of 12.9 percent and 1.8 cents per kilogram plus 9.7 percent ad valorem, respectively.

House Bill

Suspends the column 1 general rates of duty for these chemicals through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recesses.

2,2,6,6-Tetramethyl-4-piperidinon and amino hydroxy- and imido derivatives (section 389 of House bill)

Present Law

Imports of these chemicals enter under HTS subheading 2933.39.47 with a column 1 general rate of duty of 13.5 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 2933.39.47 through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recesses.

Resolin Red F3BS (section 412 of House bill)

Present Law

Imports of Resolin Red F3BS enter under HTS subheading 3204.11.20, with a column 1 general rate of 15 percent ad valorem.

House Bill

Suspends the column 1 general rate for item 3204.11.20 through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recesses.

Mono- and dibenzyl toluenes (section 419 of House bill)

Present Law

Imports of mono- and dibenzyl toluenes enter under HTS sub-heading 3823.90.29 with a column 1 general rate of duty of 3.7 cents per kilogram plus 13.6 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for item 3823.90.29 through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recedes.

Specialty thermoset resin (section 422 of House bill)

Present Law

Imports of this specialty thermoset resin enter under HTS sub-heading 3911.90.30 with a column 1 general rate of duty of 5.8 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for certain specialty thermoset resin through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recedes.

Chlorinated synthetic rubber (section 424 of House bill)

Present Law

Imports of chlorinated synthetic rubber enter under HTS sub-heading 3913.90.50 with a column 1 general rate of duty of 2.2 cents per kilogram plus 7.7 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for chlorinated synthetic rubber through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recedes.

Garments specially designed for handicapped persons who are not ambulatory (section 428 of House bill)

Present Law

Imports of particular garments for nonambulatory handicapped persons enter under HTS headings 6203, 6204, and 6205 with column 1 general rates of duty ranging from 4.7 percent to 52.9 cents per kilogram plus 21 percent ad valorem (trousers); 5.9 percent to 17 percent ad valorem (dresses), 3 percent to 52.9 cents per kilogram plus 21 percent ad valorem (shirts); and 3.7 percent to 82.7 cents per kilogram plus 21 percent ad valorem (blouses).

House Bill

Suspends the column 1 general rates of duty for particular garments specially designed for handicapped persons who are not ambulatory through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recesses.

Zinc printing type (section 438 of House bill)

Present Law

Imports of zinc printing type enter under HTS subheading 8442.50.90 with a column 1 general rate of duty of 8 percent ad valorem.

House Bill

Reduces the column 1 general rate of duty for zinc printing type to 3.7 percent ad valorem through December 31, 1992. Retroactive to January 1, 1989.

Senate Amendment

No provision.

Conference Agreement

The House recesses.

Certain machined electronic connector contact parts (section 445 of House bill)

Present Law

Imports of machined electronic connector contact parts enter under HTS subheading 8538.90.00 with a column 1 general rate of duty of 5.3 percent ad valorem.

House Bill

Suspends the column 1 general rate of duty for certain machined electronic connector contact parts through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The House recesses.

(1,3,3-Trimethyl-indoline-2-ylidene)-acetaldehyde (section 1349 of Senate amendment)

Present Law

Imports of this chemical enter under HTS subheading 2933.90.39 with a column 1 general rate of duty of 3.7 cents per kilogram plus 16.2 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty for this chemical through December 31, 1992.

Conference Agreement

The Senate recesses.

Ranitidine hydrochloride (section 1438 of Senate amendment)

Present Law

Imports of this chemical enter under HTS subheading 2932.19.50 with a column 1 general rate of duty of 3.7 percent ad valorem.

House Bill

No provision.

Senate Amendment

Suspends the column 1 general rate of duty on this chemical through December 31, 1992.

Conference Agreement

The Senate recesses. The House conferees were unable to accept this provision because of strong opposition from domestic interests and the Administration. In light of the fact that a number of competing allegations have been made with respect to this product, however, the House conferees agree to hold public hearings on this issue this year. The conferees further agree to request an ITC study of the domestic competition in the ulcer drug market to determine the potential impact of this provision. The House conferees agree not to object to the inclusion of this provision in a subsequent tax bill solely on the grounds that this is a trade matter if the House's hearings demonstrate that the proposed relief does not adversely impact domestic competition.

Part 2—Existing Temporary Duty Suspensions

Extension of certain existing suspensions of duty (section 461 of House bill; sections 1201, 1202, 1209, 1210 of Senate amendment)

- a. Crude feathers and down (section 461(a)(1) of House bill; section 461(a)(1) of conference agreement)*

Present Law

Imported crude feathers and down are classifiable under HTS subheading 0505.10.00, but receive temporary duty-free treatment under subheadings 9902.05.10 and 9902.05.11 (expires December 31, 1990).

House Bill

Continues current duty suspension through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes.

- b. Fresh cantaloupes (section 461(a)(2) of House bill; section 1201(1) of Senate amendment; section 461(a)(2) of conference agreement)*

Present Law

Imports of fresh cantaloupes enter under HTS subheading 0807.10.20 with a column 1 general rate of 35 percent ad valorem; duty currently suspended under heading 9902.08.07 until December 31, 1990.

House Bill

Continues current part-year duty suspension for fresh cantaloupes imported through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

- c. Mixtures of hot red peppers and salt (section 461(a)(3) of House bill; section 461(a)(3) of conference agreement)*

Present Law

Imports of hot red peppers are classifiable under HTS subheading 0904.20.40, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.09.04 (expires December 31, 1990).

House Bill

Continues current duty-free treatment of column 1 general rates for certain mixtures of hot red peppers and salt through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

d. p-toluene-sulfonyl chloride (section 461(a)(4) of House bill; section 1201(2) of Senate amendment; section 461(a)(4) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2904.10.10, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.04.

House Bill

Extends current duty suspension for this chemical through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

e. Certain menthol feedstocks (section 461(a)(5) of House bill; section 1209 of Senate amendment; section 461(a)(5) of conference agreement)

Present Law

Imports of menthol feedstocks, which contain not more than 20 percent by weight of any one stereoisomer, enter under HTS subheading 2906.19.00 with a column 1 general rate of duty of 7.1 percent ad valorem; but these products now enter duty-free under HTS heading 9902.29.05 until December 31, 1990.

House Bill

Continues duty-free treatment for certain menthol feedstocks through December 31, 1992.

Senate Amendment

Substantially the same as House provision, except raises the limit to 30 percent for any one stereoisomer.

Conference Agreement

The Senate recesses.

f. Dicofol (section 461(a)(6) of House bill; section 1201(3) of Senate amendment; section 461(a)(6) of conference agreement)

Present Law

Imports of these chemicals are classifiable under HTS subheadings 2906.29.50 and 3808.90.10, but receive temporary duty-free treatment for column 1 sources under HTS headings 9902.29.06 and 9902.38.11 (expires December 31, 1990).

House Bill

Continues current duty suspension for dicofol and on mixtures of dicofol and application adjuvant through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

g. Triethylene glycol dichloride (section 461(a)(7) of House bill; section 1201(5) of Senate amendment; section 461(a)(7) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2909.19.50, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.11 (expires December 31, 1990).

House Bill

Continues current duty suspension for triethylene glycol dichloride through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

h. 2,6-dichlorobenzaldehyde (section 461(a)(8) of House bill; section 1201(6) of Senate amendment; section 461(a)(8) of conference agreement)

Present Law

Imports of this product enter under HTS subheading 2913.00.10, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.13 (expires December 31, 1990).

House Bill

Extends current duty suspension for this intermediate through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

- i. Dinocap (section 461(a)(9) of House bill; section 1201(7) of Senate amendment; section 461(a)(9) of conference agreement)*

Present Law

Imports of these products are classifiable under HTS headings 2916.19.50 and 3808.20.10, but receive temporary duty-free treatment for column 1 sources under HTS subheadings 9902.29.14 and 9902.38.06 (which expire December 31, 1990).

House Bill

Continues the current duty suspension on dinocap and on mixtures of dinocap with application adjuvants through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

- j. m-hydroxybenzoic acid (section 461(a)(10) of House bill; section 1201(8) of Senate amendment; section 461(a)(10) of conference agreement)*

Present Law

Imports of this chemical are classifiable under HTS subheading 2918.29.10, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.21 (expires December 31, 1990).

House Bill

Continues the current duty suspension for this chemical through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

- k. d-6-methoxy-a-methyl-2-naphthaleneacetic acid and its sodium salt (section 461(a)(11) of House bill; section 1201(9) of Senate amendment; section 461(a)(11) of conference agreement)*

Present Law

Imports of this chemical enter under HTS subheading 2918.90.30 with a column 1 general rate of duty of 6.8 percent ad valorem; duty currently suspended under heading 9902.29.22 until December 31, 1990.

House Bill

Continues the current duty suspension for this imported chemical through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

l. 3-amino-3-methyl-1-butyne (section 461(a)(12) of House bill; section 1201(11) of Senate amendment; section 461(a)(12) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2921.19.50, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.24 (expires December 31, 1990).

House Bill

Continues current duty suspension for 3-amino-3-methyl-1-butyne through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

m. 8-amino-1-naphthalenesulfonic acid and its salts (section 461(a)(13) of House bill; section 1201(13) of Senate amendment; section 461(a)(13) of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2921.45.10, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.30 (expires December 31, 1990).

House Bill

Extends current duty suspension for this intermediate through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

n. 5-amino-2 (p-aminoanilino) benzenesulfonic acid (section 461(a)(14) of House bill; section 1201(14) of Senate amendment; section 461(a)(14) of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2921.59.10, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.31 (expires December 31, 1990).

House Bill

Extends current duty suspension for this chemical through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

o. 1-amino-8-hydroxy-3,6-naphthalenedisulfonic acid; and 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (H acid, monosodium salt) (section 461(a)(15) of House bill; section 1201(15) of Senate amendment; section 461(a)(15) of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2922.21.10, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.33 (expires December 31, 1990).

House Bill

Extends current duty suspension for this intermediate through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

p. 1-amino-2,4-dibromoanthraquinone (section 461(a)(16) of House bill; section 1201(19) of Senate amendment; section 461(a)(16) of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2922.30.30, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.43 (expires December 31, 1990).

House Bill

Extends current duty suspension for this chemical through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

q. Bromamine acid (section 461(a)(17) of House bill; section 1201(20) of Senate amendment; section 461(a)(17) of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2922.30.30, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.44 (expires December 31, 1990).

House Bill

Extends current duty suspension for this chemical through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

r. N-(7-hydroxy-1-naphthyl)acetamide (section 461(a)(18) of House bill; section 1201(23) of Senate amendment; section 461(a)(18) of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2924.29.09, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.51.

House Bill

Extends current duty suspension for this intermediate through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

s. N,N-bis(2-cyanoethyl)aniline (section 461(a)(19) of House bill; section 1201(24) of Senate amendment; section 461(a)(19) of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2926.90.40, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.57 (expires December 31, 1990).

House Bill

Extends current duty suspension for this intermediate through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

t. Triallate (section 461(a)(20) of House bill; section 1201(26) of Senate amendment; section 461(a)(20) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2930.20.50 (3.7 percent), but receive duty-free treatment for column 1 sources under HTS heading 9902.29.60 (expires December 31, 1990).

House Bill

Continues the current duty suspension on triallate through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

u. 6-(3-methyl-5-oxo-1-pyrazolyl)-1,3-naphthalenedisulfonic acid (amino-J-pyrazolone) (CAS No. 7277-87-4); and 3-methyl-1-phenyl-5-pyrazolone (methylphenylpyrazolone) (section 461(a)(21) of House bill; section 1201(29) of Senate amendment; section 461(a)(21) of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2933.19.10, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.64 (expires December 31, 1990).

House Bill

Extends current duty suspension for this intermediate through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

- v. *m*-sulfaminopyrazolone (*m*-sulfamidophenylmethylpyrazolone) (section 461(a)(22) of House bill; section 1201(30) of Senate amendment; section 461(a)(22) of conference agreement)

Present Law

Imports of these chemicals enter with HTS column 1 general rates of duty ranging from 5.8 percent ad valorem to 1.5 cents per kilogram plus 19.4 percent ad valorem but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.66.

House Bill

Extends current duty suspension for certain benzenoid dye intermediates through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

- w. *2*-*n*-octyl-4-isothiazolin-3-one, and mixtures of *2*-*n*-octyl-4-isothiazolin-3-one and application adjuvants (section 461(a)(23) of House bill; section 1201(35) of Senate amendment; section 461(a)(23) of conference agreement)

Present Law

Imports of these products are classifiable under HTS subheadings 2934.10.50, 3808.90.20, and 3808.90.50, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.76 (expires December 31, 1990).

House Bill

Continues current duty suspension for these products through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

- x. *2*-amino-*N*-ethylbenzenesulfonanilide (section 461(a)(24) of House bill; section 1201(36) of Senate amendment; section 461(a)(24) of conference agreement)

Present Law

Imports of this chemical enter under HTS subheading 2935.00.10, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.79 (expires December 31, 1990).

House Bill

Extends current duty suspension for this intermediate through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

y. *Methylene blue (section 461(a)(25) of House bill; section 1201(38) of Senate amendment; section 461(a)(25) of conference agreement)*

Present Law

Imports of methylene blue are classifiable under HTS subheading 3204.13.50, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.32.04 (expires December 31, 1990).

House Bill

Continues current duty suspension for methylene blue through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

z. *Mixtures of dinocap with application adjuvants (section 461(a)(26) of House bill; section 1201(40) of Senate amendment; section 461(a)(26) of conference agreement)*

Present Law

Imports of these products are classifiable under HTS subheadings 2916.19.50 and 3808.20.10, but receive temporary duty-free treatment for column 1 sources under HTS headings 9902.29.14 and 9902.38.06 (which expire December 31, 1990).

House Bill

Continues the current duty suspension on dinocap and on mixtures of dinocap with application adjuvants through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

aa. *Mixtures of mancozeb and dinocap (section 461(a)(27) of House bill; section 1201(41) of Senate amendment; section 461(a)(27) of conference agreement)*

Present Law

Imports of these products are classifiable under HTS subheading 3808.20.10, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.38.07 (expires December 31, 1990).

House Bill

Continues the current suspension for mixtures of mancozeb and dinocap through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

bb. Mixtures of maneb, zineb, mancozeb, and metiram (section 461(a)(28) of House bill; section 1201(42) of Senate amendment; section 461(a)(28) of conference agreement)

Present Law

Imports of these mixtures are classifiable under HTS subheading 3808.20.20, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.38.08 (expires December 31, 1990).

House Bill

Continues current duty suspension for mixtures of maneb, zineb, mancozeb, and metiram through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

cc. Mixtures of 5-chloro-2-methyl-4-isothiazolin-3-one, 2-methyl-4-isothiazolin-3-one, magnesium chloride and stabilizers, whether or not containing application adjuvants (section 461(a)(29) of House bill; section 1201(43) of Senate amendment; section 461(a)(29) of conference agreement)

Present Law

Imports of these chemical mixtures are classifiable under HTS subheading 3808.90.20, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.38.10 (expires December 31, 1990).

House Bill

Continues the current duty suspension for these chemical mixtures through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

dd. Mixtures of dicofol and application adjuvant (section 461(a)(30) of House bill; section 1201(44) of Senate amendment; section 461(a)(30) of conference agreement)

Present Law

Imports of these chemicals are classifiable under HTS subheadings 2906.29.50 and 3808.90.10, but receive temporary duty-free treatment for column 1 sources under HTS headings 9902.29.06 and 9902.38.11 (expires December 31, 1990).

House Bill

Continues current duty suspension for dicofol and on mixtures of dicofol and application adjuvant through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

ee. Cholestyramine resin USP (section 461(a)(31) of House bill; section 1201(45) of Senate amendment; section 461(a)(31) of conference agreement)

Present Law

Imports of Cholestyramine resin USP are classifiable under HTS subheading 3914.00.00, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.39.14 (expires December 31, 1990).

House Bill

Continues the current suspension for Cholestyramine resin USP through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

ff. Certain bicycle parts (section 461(a)(32) of House bill; sections 1201 (46), (50), (51), (55), and (56) of Senate amendment; section 461(a)(32) of conference agreement)

Present Law

Imports of bicycle parts enter under HTS heading 8714 with column 1 general rate of duty from 4.6 percent ad valorem to 10 percent ad valorem; duties on some parts currently suspended through December 31, 1990 under HTS headings 9902.40.11, 9902.73.12, 9902.73.15, 9902.85.12 and 9902.87.14.

House Bill

Renews current duty suspensions on certain bicycle parts.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

gg. Certain wools (section 461(a)(33) of House bill; section 1201(47) of Senate amendment; section 461(a)(33) of conference agreement)

Present Law

Imports of coarse wool are classifiable under HTS heading 5101, but receive temporary duty-free treatment for column 1 general and column 2 sources under HTS heading 9902.51.01 (expires December 31, 1990).

House Bill

Continues current duty suspension for certain wools until December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

hh. Certain narrow weaving machines (section 461(a)(35) of House bill; section 1201(68) of Senate amendment; section 461(a)(34) of conference agreement)

Present Law

Imports of certain narrow fabric looms enter under HTS subheading 8466.10.00 with a column 1 general rate of duty of 4.9 percent ad valorem; duties on imports of certain narrow weaving machines are suspended through December 31, 1990.

House Bill

Extends current duty suspension on certain narrow weaving machines through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

ii. Certain wool carding and spinning machinery (section 461(a)(36) of House bill; section 1201(69) of Senate amendment; section 461(a)(35) of conference agreement)

Present Law

Imports of certain wool carding and spinning machines enter under HTS subheadings 8445.11.00 and 8445.20.00 with column 1 general rates of duty of 4.2 percent ad valorem; duties on imports

of certain wool carding and spinning machinery are suspended through December 31, 1990.

House Bill

Extends current duty suspension on certain textile machines through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

jj. Certain knitting machines designed for sweater strip or garment length knitting (section 461(a)(37) of House bill; section 1201(53) of Senate amendment; section 461(a)(36) of conference agreement)

Present Law

Imports of knitting machines for sweater or garment strip knitting enter under HTS subheadings 8447.12.90, 8448.19.00, and 8448.59.10 at column 1 general rates of duty ranging from 4.2 to 4.7 percent ad valorem. Prior to January 1, 1990, these entries received temporary duty-free treatment for column 1 sources under HTS heading 9902.84.48.

House Bill

Reinstates duty-free treatment for certain knitting machines designed for sweater strip or garment length knitting through December 31, 1992.

Senate Amendment

Identical provision, except for differences in article description language and additional retroactive duty-free treatment to January 1, 1990.

Conference Agreement

The House recedes with a technical amendment.

kk. Certain lace braiding machines (section 461(a)(38) of House bill; section 1201(70) of Senate amendment; section 461(a)(37) of conference agreement)

Present Law

Imports of certain lace braiding machines enter under HTS subheading 8447.90.10 with a column 1 general rate of duty of 4.7 percent ad valorem; duties on certain lace-braiding machines are suspended through December 31, 1990.

House Bill

Extends current duty suspension on certain textile machines through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

ll. 6-hydroxy-2-naphthalenesulfonic acid and its sodium, potassium, and ammonium salts (section 1201(4) of Senate amendment; section 461(a)(38) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2908.20.50, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.10 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

mm. Triphenyl phosphate (section 1201(10) of Senate amendment; section 461(a)(39) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2919.00.10, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.23 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

nn. a,a,a-trifluoro-o-toluidine (section 1201(12) of Senate amendment; section 461(a)(40) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2921.43.50, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.28 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

oo. 6-amino-4-hydroxy-2-naphthalenesulfonic acid (gamma acid) (section 1201(16) of Senate amendment; section 461(a)(41) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2922.21.50, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.35 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

pp. 3,3'-dimethoxybenzidine (o-dianisidine) and its dihydrochloride (section 1201(17) of Senate amendment; section 461(a)(42) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2922.22.50, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.38 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

qq. 2-amino-5-nitrophenol (section 1201(18) of Senate amendment; section 461(a)(43) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2922.29.10, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.40 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

rr. 4-methoxyaniline-2-sulfonic acid (section 1201(21) of Senate amendment; section 461(a)(44) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2922.50.40, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.47 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

ss. Benzethonium chloride (section 1201(22) of Senate amendment; section 461(a)(45) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2923.90.00, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.49 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

tt. 2,2-bis(4-cyanatophenyl)propane (section 1201(25) of Senate amendment; section 461(a)(46) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2929.10.40, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.59 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

uu. Paraldehyde (section 1201(27) of Senate amendment; section 461(a)(47) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2932.90.50, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.62 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

vv. Aminomethylphenylpyrazole (section 1201(28) of Senate amendment; section 461(a)(48) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2933.19.10, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.63 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

ww. 3-methyl-1-(p-tolyl)-2-pyrazolin-5-one (p-tolyl methyl pyrazolone) (section 1201(31) of Senate amendment; section 461(a)(49) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2933.19.40, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.67 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

xx. 3-methyl-5-pyrazalone (section 1201(32) of Senate amendment; section 461(a)(50) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2933.19.50, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.69 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

yy. Barbituric acid (section 1201(33) of Senate amendment; section 461(a)(51) of conference agreement)

Present Law

Imports of this acid are classifiable under HTS subheading 2933.51.10, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.71 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

zz. Nicotine resin complex (section 1201(37) of Senate amendment; section 461(a)(52) of conference agreement)

Present Law

Imports of nicotine resin complex are classifiable under HTS subheading 3004.40.00, but receive temporary duty-free treatment from column 1 sources under heading 9902.30.04 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

aaa. Metaldehyde (section 1201(39) of Senate amendment; section 461(a)(53) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheadings 2912.50.00, 3606.90.60, or 3808.90.50, but receive temporary duty-free treatment from column 1 sources under heading 9902.36.06 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

bbb. Machines designed for heat-set, stretch texturizing of continuous man-made fibers (section 1201(52) of Senate amendment; section 461(a)(54) of conference agreement)

Present Law

Imports of these machines are classifiable under HTS subheading 8444.00.00, but receive temporary duty-free treatment under heading 9902.84.44 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

ccc. Knitting needles (section 1201(54) of Senate amendment; section 461(a)(55) of conference agreement)

Present Law

Imports of knitting machine needles are classifiable under HTS subheading 8448.51.10 or 8448.51.30, but receive temporary duty-free treatment under heading 9902.84.51 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

ddd. Tetraamino biphenyl (section 1201(57) of Senate amendment; section 461(a)(56) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2921.59.40, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.27 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

eee. Cyclosporine (section 1201(58) of Senate amendment; section 461(a)(57) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheadings 2941.90.10 or 3004.20.00, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.88 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

fff. Synthetic rutile (section 1201(60) of Senate amendment; section 461(a)(58) of conference agreement)

Present Law

Imports of synthetic rutile are classifiable under HTS subheading 2614.00.30, but receive temporary duty-free treatment from

column 1 sources under heading 9902.26.14 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

ggg. Needle-craft display models, primarily hand stitched, of completed mass-produced kits (section 1201(61) of Senate amendment; section 461(a)(59) of conference agreement)

Present Law

Imports of needle-craft display models are classifiable under HTS headings 5701 or 5805, or under chapter 63, but receive temporary duty-free treatment from column 1 sources through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

hhh. 2,5-dimethoxycetanilide (section 1201(62) of Senate amendment; section 461(a)(60) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2924.29.09, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.52 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

iii. *3-(4'-amino-benzamido)phenyl-B-hydroxy-ethylsulfone (section 1201(63) of Senate amendment; section 461(a)(61) of conference agreement)*

Present Law

Imports of this chemical are classifiable under HTS subheading 2930.90.20, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.61 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

jjj. 4-chloro-2-nitroaniline (section 1201(64) of Senate amendment; section 461(a)(62) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2921.42.25, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.25 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

kkk. 2-[(3-nitrophenyl)sulfonyl]ethanol (section 1201(65) of Senate amendment; section 461(a)(63) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2906.29.50, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.07 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

III. 4-chloro-2,5-dimethoxyaniline (section 1201(66) of Senate amendment; section 461(a)(64) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2922.29.20, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.42 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

mmm. 3,4-diaminophenetole, dihydrogen sulfate (section 1201(67) of Senate amendment; section 461(a)(65) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2922.50.30, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.45 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes.

nnn. 2,4-dichloro-5-sulfamoylbenzoic acid (section 1201(71) of Senate amendment; section 461(a)(66) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2935.00.45, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.86 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes with a technical amendment.

ooo. Graphite (section 1201(72) of Senate amendment; section 461(a)(67) of conference agreement)

Present Law

Imports of graphite are classifiable under HTS subheading 2504.10.10, but receive temporary duty-free treatment from column 1 sources under heading 9902.25.04 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

ppp. Certain photographic color couplers and coupler intermediates (section 1202 of Senate amendment; section 461(a)(68) of conference agreement)

Present Law

Imports of these chemicals are classifiable under HTS chapter 29 or heading 3707, but receive temporary duty-free treatment from column 1 sources under headings 9902.29.01 and 9902.37.07 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses.

qqq. Stuffed dolls and doll skins (section 461(a)(39) of House bill; section 461(a)(69) of conference agreement)

Present Law

Imports of inexpensive stuffed dolls and the skins thereof are classifiable under HTS subheadings in Chapter 95, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.95.01.

House Bill

Continues the current duty suspension for stuffed dolls and the skins thereof through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

rrr. Knitwear fabricated in Guam (section 461(b) of House bill; section 1201(48) of Senate amendment; section 461(b) of conference agreement)

Present Law

Imports of knitwear fabricated in Guam enter under HTS heading 6110 with column 1 general rates of duty from 6 percent to 34.2 percent ad valorem; duties currently suspended through October 31, 1992, under HTS heading 9902.61.00.

House Bill

Extends the existing column 1 general rate of duty suspension on certain knitwear fabricated in Guam through October 31, 1996.

Senate Amendment

Identical provision, except for expiration date of December 31, 1992.

Conference Agreement

The Senate recesses.

Extension of, and other modifications to, certain existing suspensions of duty (section 462 of House bill; sections 1203-1208 of Senate amendment; section 462 of conference agreement)

a. Corned beef in airtight containers (section 462(a) of House bill; section 1208 of Senate amendment; section 462(a) of conference agreement)

Present Law

Imports of corned beef in airtight containers enter under HTS subheading 1602.50.10 with a column 1 general rate of duty of 7.5 percent ad valorem. Prior to January 1, 1990, a reduced column 1 general rate of duty of 3 percent ad valorem was applicable to these imports.

House Bill

Suspends the column 1 general rate of duty through December 31, 1992.

Senate Amendment

Identical provision.

Conference Agreement

The House recesses with a technical amendment regarding retroactive provision.

b. Surgical gowns and drapes (section 461(a)(34) of House bill; section 1210 of Senate amendment; section 462(b) of conference agreement)

Present Law

Imports of disposable surgical gowns and drapes are classifiable under HTS subheadings 6210.10.30 and 6307.90.65, but currently enter at a temporarily reduced rate of duty of 5.6 percent ad valorem for column 1 sources under HTS heading 9902.62.10 (expires December 31, 1990).

House Bill

Continues current duty reduction for certain disposable surgical gowns and drapes through December 31, 1992.

Senate Amendment

Substantially the same as House provision, except amends the article description in 9902.62.10.

Conference Agreement

The House recedes.

c. Certain jewelry (section 462(b) of House bill; section 1205 of Senate amendment; section 462(c) of conference agreement)

Present Law

Imports of inexpensive toy-type jewelry are classifiable under HTS Chapter 71, but those valued not over 1.6 cents per piece receive temporary duty-free treatment for column 1 sources under HTS heading 9902.71.13 (expires December 31, 1990).

House Bill

Continues the current duty suspension for toy-type jewelry through December 31, 1992. Maximum value increased to 5 cents per piece.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

d. Electrostatic copying machines (section 462(c) of House bill; section 1204 of Senate amendment; section 462(d) of conference agreement)

Present Law

Imports of these parts and accessories are classifiable under HTS subheading 9009.90.00, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.90.90 (expires December 31, 1990).

House Bill

Continues current duty suspension for electrostatic copying machine parts and accessories through December 31, 1992. This duty-free treatment is retroactive to January 1, 1989.

Senate Amendment

Substantially the same as House provision, except adds ancillary machines intended for attachment to copying machines.

Conference Agreement

The House recedes with an amendment to add retroactive provision. For the purposes of this suspension, accessories include but are not limited to, ancillary parts and accessories, covered under heading 8472.90.80, which are attached to the electrostatic office copiers, and which do not operate independently of the office copier. The amendment to the description of the existing suspension is designed to clarify the originally intended coverage of the suspension, following issues arising as a result of the conversion to the Harmonized Tariff Schedule.

e. Certain hosiery knitting machines (section 1203 of Senate amendment; section 462(e) of conference agreement)

Present Law

Imports of hosiery knitting machines are classifiable under HTS heading 8447, but receive temporary duty-free treatment for column 1 sources under heading 9902.84.47 through December 31, 1990. Parts for these machines enter under subheading 8448.59.10 with a column 1 general rate of duty of 4.7 percent ad valorem.

House Bill

No provision.

Senate Amendment

Continues current duty suspension for hosiery knitting machines through December 31, 1992. Suspends the column 1 general rate of duty for parts through December 31, 1992.

Conference Agreement

The House recedes.

f. Jacquard cards (section 1206 of Senate amendment; section 462(f) of conference agreement)

Present Law

Imports of jacquard cards are classifiable under HTS headings 4823 and 8448, but receive temporary duty-free treatment for column 1 sources under heading 9902.48.23 through December 31, 1990. Cards suitable for use as, or in making, jacquard cards enter under HTS subheadings 3926.90.90 and 4823.30.00 at column 1 general rates of duty of 5.3 and 3.9 percent ad valorem, respectively.

House Bill

No provision.

Senate Amendment

Continues current duty suspension for jacquard cards through December 31, 1992. Suspends the column 1 general rate of duty for cards suitable for use as, or in making, jacquard cards through December 31, 1992.

Conference Agreement

The House recesses.

g. Kitchenware of glass-ceramics (section 1201(49) of Senate amendment; section 462(g) of conference agreement)

Present Law

Imports of certain glass ceramic kitchenware are classifiable under HTS subheading 7013.10.10, but receive temporary duty-free treatment from column 1 sources under heading 9902.70.13 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recesses with a technical amendment.

This provision extends until December 31, 1992, the existing duty suspension on certain transparent, non-glazed, glass ceramic kitchenware provided for in subheading 7013.10.10 and currently receiving temporary duty-free treatment under heading 9902.70.13 until December 31, 1990. In addition, certain revisions and amendments were made to the product definition under the existing duty suspension to narrow the scope of product coverage. As amended, this provision would cover only those products meeting the existing product description which, in addition, also appear black in color and if with handles, the handles extend outward from the rim of the article no further than 2 inches (5.1 cm). These articles, although appearing black in color are readily transparent when subjected to an artificial illumination source (i.e., non-distorting, not opaque or translucent). Therefore, most of the products covered by subheading 7013.10.10 will no longer fall under the suspension provision. This change is to assure that the provision will not have an adverse impact on domestic manufacturers of products competing with the imported product covered by this provision.

h. Umbrella frames and parts (section 1201(59) of Senate amendment; section 462(h) of conference agreement)

Present Law

Imports of these frames are classifiable under HTS subheading 6603.20.30, but receive temporary duty-free treatment from column 1 sources under heading 9902.66.03 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes with an amendment to add duty suspension until December 31, 1992, for umbrella handles and knobs (HTS subheading 6603.10.00) and for umbrella tips and caps (HTS subheading 6603.90.00).

i. Terfenadone (section 1201(34) of Senate amendment; section 462(i) of conference agreement)

Present Law

Imports of this chemical are classifiable under HTS subheading 2933.90.37, but receive temporary duty-free treatment from column 1 sources under heading 9902.29.74 through December 31, 1990.

House Bill

No provision.

Senate Amendment

Extends the existing column 1 general rate of duty suspension through December 31, 1992.

Conference Agreement

The House recedes with a technical amendment.

j. Certain toy figures (section 462(d) of House bill; section 462(j) of conference agreement)

Present Law

Imports of certain inexpensive toy figures are classifiable under HTS Chapter 95, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.95.02. (Expires December 31, 1990.)

House Bill

Continues current duty suspension for certain toy figures through December 31, 1992.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes.

Termination of existing suspension of duty on C-Amines (section 463 of House bill; section 1207 of Senate amendment; section 463 of conference agreement)

Present Law

Imports of these chemicals are classifiable under HTS subheadings 2921.43.50 and 2971.49.50, but receive temporary duty-free treatment for column 1 sources under HTS heading 9902.29.29 (expires December 31, 1990).

House Bill

Eliminates the current duty suspensions for C-amines which have column 1 duties of 2.4 cents per kilogram plus 18.8 percent ad valorem.

Senate Amendment

Identical provision, except for additional retroactive treatment to January 1, 1990.

Conference Agreement

The Senate recedes.

SUBTITLE B—OTHER TARIFF AND MISCELLANEOUS PROVISIONS

Part 1—Tariff Classification and Other Technical Amendments

Certain edible molasses (section 471 of House bill; section 1104 of Senate amendment; section 471 of conference agreement)

Present Law

Imports of certain edible molasses enter under HTS subheading 1702.90.40 with a column 1 general rate of duty of 0.77 cents per liter; the subheading's products are currently subject to quota.

House Bill

Restores the previous exemption from quotas for edible molasses containing more than 6 percent nonsugar solids.

Senate Amendment

Identical provision, except for technical differences in HTS references.

Conference Agreement

The Senate recedes.

Certain woven fabrics and gauze (section 472 of House bill; section 472 of conference agreement)

Present Law

Classifies tapestry and upholstery fabrics of wool or fine animal hair in HTS headings 5111 and 5112 and of gauze construction in 5803 at various rates.

House Bill

Creates a new provision covering upholstery-weight fabrics of a weight not exceeding 140 grams per square meter at a 7 percent ad valorem duty rate. Retroactive to January 1, 1989.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes with technical amendments.

Classification of certain articles in whole or part of fabrics coated, covered or laminated with opaque rubber or plastics (section 473 of House bill; section 473 of conference agreement)

Present Law

Classifies goods of HTS heading 4202 (luggage and handbags) consisting of an outer surface of plastic-coated fabric as if wholly of textile fabric.

House Bill

Adds an additional U.S. note to Chapter 42 to permanently classify goods of HTS heading 4202 of an outer exposed surface of opaque rubber or plastic as if wholly of plastic.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes with a technical amendment.

Gloves, mittens, and mitts (section 474 of House bill; section 1101 of Senate amendment; section 474 of conference agreement)

Present Law

Imports of nonleather sporting gloves, mittens, and mitts enter under HTS headings 6116 and 6216 with column 1 general rates of duty ranging from 3.7 percent to 25 percent ad valorem.

House Bill

Amends the HTS article descriptions to include miscellaneous gloves principally designed for sports use under HTS headings 6116 and 6216, along with ski and snowmobile gloves, mittens, and mitts at column 1 general rates of duty of 5.5 percent ad valorem. Retroactive to January 1, 1989.

Senate Amendment

Substantially the same as House provision, except adds new permanent HTS subheadings for ice and field hockey gloves with duty-free column 1 general rates. No retroactive provision.

Conference Agreement

The House recedes with an amendment to add retroactive provision and make technical changes.

Chipper knife steel (section 475 of House bill; section 1102 of Senate amendment; section 475 of conference agreement)

Present Law

Imports of certain chipper knife steel products enter under HTS subheadings 7226.91.10 and 7226.91.30 with column 1 general rates of duty of 9.6 percent ad valorem and 11.6 percent ad valorem, respectively.

House Bill

Amends the HTS by establishing a new subheading for chipper knife steel (7226.91.05) and provides a free general rate of duty and 34 percent ad valorem column 2 rate of duty for this item. Retroactive to January 1, 1989.

Senate Amendment

Identical provision, except for inclusion of staged rate reduction.

Conference Agreement

The Senate recedes with a technical amendment.

Elimination of inverted tariff on cantilever brakes and brake parts for bicycles (section 476 of House bill; section 476 of conference agreement)

Present Law

Imports of bicycle parts enter under HTS heading 8714 with column 1 general rate of duty from 4.6 percent ad valorem to 10 percent ad valorem; duties on some parts currently suspended through December 31, 1990.

House Bill

Renews current duty suspensions on certain bicycle parts, and grants suspensions on other parts, all through December 31, 1992. Also amends two subheadings in Chapter 87 to eliminate the inverted tariff on cantilever brakes and brake parts.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes with a technical amendment.

Bicycles having 26-inch wheels (section 477 of House bill; section 1103 of Senate amendment; section 477 of conference agreement)

Present Law

Imports of 26-inch bicycles enter under HTS subheadings 8712.00.10 and 8712.00.20 with a column 1 general rates of duty of 11 percent ad valorem.

House Bill

Permanently amends the HTS to correct the classification of 26-inch bicycles. Retroactive to January 1, 1989.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Processing of certain blended syrups (section 478 of House bill;
section 478 of conference agreement)

Present Law

Certain, but not all, sugar-containing products are subject to import quota limitations as a result of action taken by the President under Section 22 of the Agricultural Adjustment Act of 1933, as amended.

Since 1984, certain companies have been permitted by the Commerce Department's Foreign Trade Zones Board to operate sugar processing facilities in a Foreign Trade Zone (FTZ), subject to very specific limitations concerning the amount of sugar which may be brought into the FTZ for processing into sugar blends destined for consumption in the United States. Provided that these companies' FTZ operations stay within the parameters of the Foreign Trade Zones Board's approvals, importation of these sugar-containing products had not, until January 1, 1989, been subject to import quota.

Effective January 1, 1989, however, the Harmonized Tariff Schedule established a zero import quota restriction for certain blended syrups not previously subject to import quota restrictions.

House Bill

Section 478 of the House bill provides a limited exemption from the zero quota established under the HTS for certain blended syrups, if the blended syrup is entered into U.S. customs territory from a foreign trade zone that was previously authorized by the Foreign Trade Zone Board, and only to the extent that the quantity entered does not exceed the equivalent quantity authorized by the FTZ to be processed in 1985.

Senate Amendment

No provision.

Conference Agreement

The Senate recedes, with clarifying amendments. The provision, as amended, exempts from otherwise applicable import quotas, imports of certain blended syrups, if such blended syrups are entered, or withdrawn from warehouse, for consumption from a foreign trade zone by a foreign trade zone user whose facilities were in operation on June 1, 1990. The exemption is further limited to the extent that the annual quantity of blended syrup entered into the customs territory from such zone does not contain an amount of sugar of nondomestic origin greater than that authorized by the Foreign Trade Zones Board for processing in such zone during calendar year 1985.

The conferees intend for this provision to authorize the entry into U.S. customs territory of blended syrups of heading 9904.50.20, notwithstanding any other quantitative restriction, when three conditions exist:

(1) the blended syrups are entered into U.S. customs territory from a foreign trade zone (or subzone) by a foreign trade zone user that was authorized by the Foreign Trade Zones Board in 1985 to establish sugar blending operations in a foreign trade zone (or subzone) using sugar of nondomestic origin;

(2) as of June 1, 1990, the foreign trade zone user had not gone out of business, or shut down its processing facilities in the foreign trade zone (or subzone); and

(3) the annual quantity of imports of blended syrups entered into U.S. customs territory from the zone (or subzone) by such foreign trade zone user does not contain, in the aggregate, an amount of sugar of nondomestic origin that is larger than the amount of sugar of nondomestic origin that was authorized by the Foreign Trade Zones Board in 1985 for processing in its foreign trade zone (or subzone).

This section shall apply to all articles (blended syrups) entered, or withdrawn from warehouse, for consumption after December 31, 1988.

Articles exported and returned (section 1106 of Senate amendment; section 479A of conference agreement)

Present Law

Metal articles exported for processing, then returned to the U.S. for additional processing are subject only to duty on the value of foreign processing under HTS subheading 9802.00.60.

House Bill

No provision.

Senate Amendment

Adds additional U.S. Note to HTS chapter 98 which provides that such entries will not be exempted from antidumping and countervailing duties, as well as section 201 and section 301 of the Trade Act of 1974.

Conference Agreement

The House recedes.

Brooms (section 1107 of Senate amendment; section 479B of conference agreement)

Present Law

Certain brooms and whiskbrooms made partially of broom corn enter under HTS subheading 9603.10.70 with a column 1 general rate of duty of 10 percent ad valorem. Brooms and whiskbrooms wholly of broomcorn are subject to a tariff-rate quota.

House Bill

No provision.

Senate Amendment

Restores tariff-rate quota that existed under the TSUS for brooms and whiskbrooms "wholly or in part" of broomcorn. Takes effect 15 days after enactment.

Conference Agreement

The House recesses.

Foliage-type artificial flowers (section 1108 of Senate amendment; section 479C of conference agreement)

Present Law

Imports of certain foliage-type artificial flowers enter under HTS subheading 6702.90.60 with a column 1 general rate of duty 17 percent ad valorem.

House Bill

No provision.

Senate Amendment

Amends HTS subheading 6702.90.40 to include these items, with a column 1 general rate of duty of 9 percent ad valorem. Retroactive to January 1, 1989.

Conference Agreement

The House recesses.

Tobacco processed in Caribbean Basin Country (section 1105 of Senate amendment)

Present Law

Tobacco grown in the U.S., processed in a Caribbean Basin country, and returned to the U.S. enters under HTS chapter 24 at various rates of duty.

House Bill

No provision.

Senate Amendment

Adds additional U.S. Note to HTS chapter 24 to provide duty-free treatment to imports of U.S. grown tobacco under heading 2401, which are processed in a Caribbean Basin country.

Conference Agreement

The Senate recesses. It is the understanding of the conferees that this provision is unnecessary because section 222 of the conference agreement would apply to U.S. tobacco processed in a CBI country.

Outer garments treated as water resistant (section 1109 of Senate amendment)

Present Law

Garments classified as water resistant by virtue of an outer shell, lining, or inner lining enter under HTS chapter 62 at various rates of duty.

House Bill

No provision.

Senate Amendment

Amends additional U.S. note 2 to HTS chapter 62 to delete lining and inner lining as a basis for water resistant classification.

Conference Agreement

The Senate recedes.

Part 2—Miscellaneous Provisions

Renewal of existing customs exemption applicable to bicycle parts in foreign trade zones (section 481 of House bill; section 1704 of Senate amendment; section 481 of conference agreement)

Present Law

Imports of bicycles and their parts and accessories enter under HTS headings 8712 and 8714; they cannot take advantage of foreign trade zone duty reductions until 1991.

House Bill

Amends the Foreign Trade Zones Act to renew until December 31, 1992, the existing prohibition on FTZ duty reductions applicable to bicycle parts not reexported outside the United States.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Rail cars for the State of Florida (section 482 of House bill; section 1702 of Senate amendment; section 482 of conference agreement)

Present Law

Imports of bi-level railcars were classified under TSUS item 690.15, with a column 1 general rate of 18 percent ad valorem and a column 2 rate of 45 percent ad valorem.

House Bill

Provides duty-free treatment for bi-level rail cars designed for and used by the Department of Transportation for the State of Florida. Treatment would apply to railcars entered after March 14, 1988, and before January 1, 1989, either under column 1 or column

2 TSUS rates. Provides for reliquidation if liquidation has become final.

Senate Amendment

Identical provision.

Conference Agreement

The conferees agree to both the House and Senate provisions.

Reliquidation of certain entries (section 483 of House bill; sections 1601(b), 1705, 1712 of Senate amendment; section 483 of conference agreement)

a. Certain antidumping duties (section 483(a) of House bill; section 1712 of Senate amendment; section 483(a) of conference agreement)

Present Law

Imports of large power transformers entered between 1974 and 1980 were subject to antidumping duties of \$792,000. The customs broker, rather than the importer, was listed as the "importer of record" and is therefore liable for the payment of these duties.

House Bill

Relieves the customs broker of liability for these antidumping duties. Requires filing of requests with the U.S. Customs Service for the 14 entries specified by the provision.

Senate Amendment

Identical provision, except for requirement to file requests with U.S. Customs Service.

Conference Agreement

The Senate recesses.

b. Digital processing units (section 483(b) of House bill; section 1705 of Senate amendment; section 483(b) of conference agreement)

Present Law

Imports of these digital processing units entered under TSUS items 676.15, 676.54, 945.83, or 945.84 during 1986-1987 with column 1 general rates of duty ranging from free to 100 percent ad valorem.

House Bill

Provides for reliquidation of duties paid for certain imports of digital processing units prior to July 2, 1987.

Senate Amendment

Similar provision, but more narrow in scope.

Conference Agreement

The House recesses.

c. Certain other entries (section 483(c) of House bill; section 483(c) of conference agreement)

(i) 1-(3-sulfopropyl)pyridinium hydroxide (section 483(c)(1) of House bill; section 483(c)(1) of conference agreement)

Present Law

Imports of 1-(3-Sulfopropyl)pyridinium hydroxide are subject to duty-free treatment from October 1, 1988, through December 31, 1990.

House Bill

Grants retroactive duty-free treatment to products imported under TSUS item 406.39 for the October 1, 1988, to December 31, 1988, period.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

(ii) Brussels sprouts (section 483(c)(2) of House bill; section 483(c)(2) of conference agreement)

Present Law

Imports of fresh, chilled or frozen brussels sprouts currently enter under HTS subheading 0704.20.00 with a column 1 general rate of duty of 25 percent ad valorem.

House Bill

Grants retroactive duty-reduced treatment to products imported under TSUS item 903.29 for the period January 1, 1987 to November 10, 1988 at a 12.5 percent ad valorem rate of duty.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

Protest relating to certain entries (section 484 of House bill; section 484 of conference agreement)

Present Law

Section 514 of the Tariff Act of 1930 does not allow a protest to be filed if more than 90 days have elapsed since liquidation of the entries.

House Bill

Enables the filing of a protest relating to certain customs entries despite section 514.

Senate Amendment

No provision.

Conference Agreement

The Senate recesses.

Substitution of crude petroleum or petroleum derivatives (section 1713 of Senate amendment; section 484A of conference agreement)

Present Law

Current Customs practice requires recordkeeping on a daily basis for petroleum to be eligible for drawback.

House Bill

No provision.

Senate Amendment

Establishes monthly accounting procedures for drawback payments on articles stored in common storage with other articles of the same kind and quality. Retroactive to apply to all entries liquidated under protest or in litigation in accordance with C.S.D. 88-1.

Conference Agreement

The House recesses, with an amendment to clarify that (1) the crude petroleum or petroleum derivatives subject to this provision are limited to those described in Harmonized Tariff Schedule (HTS) headings 2707 through 2715, 2901 and 2902, or 3901 through 3914 (with those in headings 3901 through 3914 limited to liquids, pastes, powders, granules, and flakes); (2) the articles eligible for duty drawback are stored in a single facility with other articles that are commercially interchangeable or covered by the same HTS headings; (3) the monthly inventory records of the storage facility are adequate to ensure that any drawbacks paid are not excessive; (4) the inventory records are available, on reasonable notice, to the Customs Service; and (5) the claims for drawbacks are those filed or liquidated beginning January 1, 1988, and claims that remain unliquidated, under protest, or in litigation as of the date the provision is enacted.

It is the intent of the conferees that, for storage units to be considered part of a single facility, they must be near or close to one another, but they do not need to be contiguous or share a common border. The conferees intend for storage units that are separated as a result of property boundaries, ship channels, streams, canals, rail lines, roads, or similar geographical barriers to be considered part of a single facility where they are under the physical and legal control of a single person or entity and are treated by such person or entity as a single unit for inventory recordkeeping purposes. For example, where there are two sets of 10 storage tanks located at opposite geographical extremes of a terminal area, and the 20 tanks are controlled by the same entity and are treated as a functional unit for inventory recordkeeping purposes, they should be considered part of a single facility, although they may be connected only by one or more flow lines.

The conferees do not intend to require that the certificates of delivery or the certificates of manufacture and delivery that, when required, are to be filed with the drawback entry, be prepared contemporaneously with the underlying transaction. Rather, they may be prepared at any time between the delivery of the product and the filing of a claim.

The conferees intend that, if the inventory records show, at the end of any calendar month, that there is a net amount of a petroleum product available to a claimant in common storage that was not exported or used on a deemed exportation, that amount of petroleum product may be carried over and claimed in a subsequent month to the extent that the records of the claimant, the exporter (if a person other than the claimant), and the common storage facility operator show that petroleum product of the same kind and quality was exported or used on a deemed exportation in that subsequent month, even if that petroleum product is not physically available as shown by the records of the common storage facility operator. It is the understanding of the conferees that, consistent with existing law, the Secretary of the Treasury is authorized to make appropriate changes, by regulation or instruction, to the certificates of delivery or the certificates of manufacture and delivery.

The conferees intend that, to the extent that a claim may be made under this provision with respect to an article classified under the old Tariff Schedules of the United States (TSUS), in effect prior to the transition on January 1, 1989, to the HTS, the Customs Service shall determine whether the article is classifiable under one of the HTS headings listed in this provision.

Agglomerate marble floor tiles (section 1714 of Senate amendment;
section 484B of conference agreement)

Present Law

Imports of this item enter under HTS subheading 6810.19.10 with the following ad valorem rates of duty: 21 percent under column 1; 12.6 percent under the U.S.-Canada FTA; and 55 percent under column 2.

House Bill

No provision.

Senate Amendment

Creates new HTS subheading 6810.19.12 for this item with the following ad valorem rates of duty: 4.9 percent under column 1; 4.7 percent under the U.S.-Canada FTA; and 40 percent under column 2. Retroactive to January 1, 1989.

Conference Agreement

The House recedes with a technical amendment.

Parts of ionization smoke detectors (section 1718 of Senate amendment; section 484C of conference agreement)

Present Law

Imports of this item enter under HTS subheading 9022.90.80 with a column 1 general rate of duty of 4 percent and a U.S.-Canada FTA rate of 3.2 percent ad valorem.

House Bill

No provision.

Senate Amendment

Creates a new subheading for this item with a column 1 general rate of duty of 2.7 percent and a U.S.-Canada FTA rate of 2.1 percent ad valorem. Retroactive to January 1, 1989.

Conference Agreement

The House recedes with an amendment to add staging provision.

Nuclear magnetic spectrometer (section 1706 of Senate amendment; section 484D of conference agreement)

Present Law

Imports of this item enter under HTS subheading 9018.19.80 with a column 1 general rate of duty of 4.2 percent ad valorem.

House Bill

No provision.

Senate Amendment

Provides for duty-free entry of this item for use by the University of Alabama at Birmingham.

Conference Agreement

The House recedes.

Foreign repair of vessels (section 1707 of Senate amendment; section 484E of conference agreement)

Present Law

Under the vessel repair statute (19 U.S.C. 1466), non-emergency foreign repairs of lighter aboard ship (LASH) barges, or foreign purchase of vessel repair parts are subject to a rate of duty of 50 percent ad valorem.

House Bill

No provision.

Senate Amendment

Eliminates duty on foreign repairs of LASH barges and provides for HTS import duties on foreign purchase of vessel repair parts through December 31, 1992.

Conference Agreement

The House recesses.

Certain distilled spirits in foreign trade zones (section 1711 of Senate amendment; section 484F of conference agreement)

Present Law

The Foreign Trade Zone Act restricts the use of denatured distilled spirits in FTZ operations, and their eligibility for drawback under IRS laws.

House Bill

No provision.

Senate Amendment

Amends the Foreign Trade Zone Act to enable denatured distilled spirits to be processed under FTZ rules, and to be eligible for drawback under IRS laws.

Conference Agreement

The House recesses.

Ethyl tertiary-butyl ether (section 1715 of Senate amendment; section 484G of conference agreement)

Present Law

Imports of ETBE enter under HTS subheading 2909.19.10 with column 1 and 2 rates of duty of 5.6 percent and 37 percent ad valorem, respectively.

House Bill

No provision.

Senate Amendment

Increases the column 1 and 2 rates of duty to 6.66 cents per liter through December 31, 1992 or the date on which Treasury regulation 1.40-1 is withdrawn or declared invalid.

Conference Agreement

The House recesses.

Canadian lottery materials (section 1716 of Senate amendment; section 484H of conference agreement)

Present Law

Transshipment of lottery materials through the U.S. for use outside the U.S. is prohibited by section 553 of the Tariff Act of 1930.

House Bill

No provision.

Senate Amendment

Provides for the transshipment of Canadian lottery materials in bond through the United States. Takes effect 15 days after enactment.

Conference Agreement

The House recedes.

Certain forgings (section 1701 of Senate amendment; section 484I of conference agreement)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Provides for reliquidation of several customs entries and the refund of additional marking duties.

Conference Agreement

The House recedes.

Certain extracorporeal shock wave lithotripter (section 1703 of Senate amendment; section 484J of conference agreement)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Provides for reliquidation of an entry made on this item and the refund of duties paid.

Conference Agreement

The House recedes.

Certain methanol entries (section 1708 of Senate amendment; section 484K of conference agreement)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Provides for reliquidation and refund of duties paid on two entries of methanol.

Conference Agreement

The House recesses.

Certain frozen vegetables (section 1709 of Senate amendment;
section 484L of conference agreement)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Provides for reliquidation and refund of duties paid on entries of certain frozen vegetables between January 1 and April 30, 1990 from MFN countries.

Conference Agreement

The House recesses with a technical amendment.

Certain films and recordings (section 1710 of Senate amendment;
section 484M of conference agreement)

Present Law

No provision.

House Bill

No provision.

Senate Amendment

Provides for the reliquidation of entries of certain films and recordings occurring between August 12, 1985, and December 31, 1986, at the TSUS rate of duty existing on August 11, 1985.

Conference Agreement

The House recesses.

Effective dates (section 485 of House bill; section 1601 of Senate amendment; section 485 of conference agreement)

Present Law

No provision.

House Bill

Unless otherwise provided, the tariff provisions covered by Subtitle F become effective on the fifteenth day after the later of October 1, 1989, or the date of enactment of this Act. Retroactive application applies to certain entries which were made after the applicable date and before the effective date and in those instances where there would have been no duty or lesser duty if the amendment made by such section applied to such entry.

Senate Amendment

Unless otherwise provided, the effective date is October 1, 1990. Retroactive treatment is established for certain entries, which partially coincides with the House provision.

Conference Agreement

The House recedes with an amendment to reflect conference agreement on other provisions.

TITLE IV—EXPORTS OF UNPROCESSED TIMBER

(All references to the Senate Bill are H.R. 1594 as amended. All references to the House Amendment are Title II of H.R. 4653, as reported by the House Foreign Affairs Committee on May 10, 1990.)

Short Title (section 201 of House amendment; 6001 of Senate bill; section 487 of conference agreement)

Present Law

No provision.

House Amendment

“Domestic Timber Processing Allocation Act of 1990.”

Senate Bill

“Federal Timber Export Restriction Act of 1990”.

Conference Agreement

Provides a short title of “Forest Resources Conservation and Shortage Relief Act of 1990”.

Findings and Purposes (section 6002 of Senate bill; section 488 of conference agreement)

Present Law

No provision.

House Amendment

No provision.

Senate Bill

Contains numerous purposes aimed at promoting the conservation and relieving the shortage of forest resources.

Conference Agreement

Contains findings that establish the critical nature of timber resources to the well-being of the United States, and that it is appropriate for the federal government to take measures to conserve these resources.

Asserts the purpose of this title is to take appropriate action to conserve public timber resources that is consistent with the United States international obligations.

Restrictions on Exports of Unprocessed Timber Originating From Federal Lands (section 202 of House amendment; section 6101 of Senate Bill; section 489 of conference agreement)

Present Law

The Federal Government prohibits the export of logs from federal lands west of the 100th meridian in the contiguous 48 states. Since 1973, this prohibition has been enacted annually as a rider to the annual Interior appropriations bill.

House Amendment

Section 202 contains a prohibition on the export from the United States of unprocessed timber from federal lands west of the 100th meridian. The prohibition does not apply to specific quantities and species of unprocessed timber from federal lands that the Secretary of Interior or Secretary of Agriculture determine to be in surplus. Any such determination may be withdrawn if the affected timber is no longer in surplus to the needs of timber manufacturing facilities in the United States.

Senate Bill

Section 6101 makes permanent the ban on the export of logs from federal lands west of the 100th meridian in the contiguous 48 states. The provision prohibits any person who acquires, either directly or indirectly, unprocessed timber originating from federal lands, from exporting, selling, trading, exchanging or otherwise conveying such timber for export. Section 6104 excludes from the prohibition specific quantities of grades and species of unprocessed timber from federal lands which the Secretary of Agriculture or the Secretary of Interior determines to be surplus to domestic manufacturing needs.

Conference Agreement

The conferees agree to merge the House amendment and Senate bill. Section 489 makes permanent the ban on the export of logs from federal lands west of the 100th meridian in the contiguous 48 states. The provision prohibits any person who acquires unprocessed timber originating from federal lands west of the 100th meridian in the contiguous 48 states from exporting, selling, trading, exchanging or otherwise conveying such timber to any other person for the purpose of exporting such timber from the United States. The prohibition does not apply to specific quantities and species of unprocessed timber from federal lands that the Secretary of Agriculture or Secretary of Interior determines to be in surplus to domestic processing needs. Congress expects the Secretaries to hold hearings to determine whether species currently designated as surplus have no domestic markets. The Secretaries should not declare species or grades to be surplus unless no domestic markets for such species or grades exist.

Limitations on the Substitution of Unprocessed Federal Timber for Unprocessed Timber Exported From Private Lands. (section 203 of House amendment; section 6103 of Senate bill; section 490 of conference agreement)

Present Law

Direct Substitution.—Current regulations prohibit direct substitution. Forest Service regulations (36 CFR 223.10) define direct substitution as the purchase of unprocessed national forest timber to be used as replacement for unprocessed timber from private lands which is exported by the purchaser. However, companies with historic direct substitution quotas are grandfathered.

Indirect Substitution.—Current regulations allow indirect substitution. Indirect substitution occurs when log exporting companies that are restricted from purchasing federal timber (because they would be engaging in direct substitution) buy federal timber from a third party.

House Amendment

Section 203(a) contains a prohibition on directly substituting unprocessed timber from federal lands for unprocessed timber from private lands which is exported. The subsection provides that contracts for the purchase of federal timber in effect at the time of enactment of this Act shall be honored. The subsection also provides that a Washington State firm which has a long-term agreement with the U.S. Forest Service allowing for direct substitution shall have its direct substitution rights phased out by 1995.

Section 203(b) establishes restrictions on indirect substitution of unprocessed timber from federal lands for exported unprocessed timber from private lands, and provides for an exception to these restrictions for the purpose of efficient market operation. The subsection also establishes the rules for selling, trading and exchanging certain rights. Proportionate shares shall be applied only if aggregate demand for indirect substitution volume exceeds 50 million board feet. In the case of a sale of a company or mill holding rights obtained under paragraph (2), those rights shall convey with the company or mill being sold, except that the 15 million board foot limit shall still apply to the acquiring party.

Section 203(b)(1) provides an exemption from the prohibition on indirect substitution in order to permit a small number of companies in Oregon and Washington State, to continue to make indirect purchases of western red cedar from federal lands while exporting private logs.

Section 203(c)(1) provides that the prohibitions in subsections (a) and (b) shall not apply to the acquisition of unprocessed timber from federal lands within a sourcing area boundary west of the 100th meridian approved by the Secretary of Interior or Agriculture by a person who, in the previous two years, has not exported unprocessed timber originating from private lands within the sourcing area boundaries.

Section 203(c)(3) establishes time and other restrictions on the consideration of applications made under subsection (c)(2). The subsection provides two factors which the Secretary is to consider in determining whether to approve or disapprove such applications.

Section 203(c)(4) establishes rules governing the activities of persons whose applications under subsection (c)(2) were denied. In the 18-month period after an application has been denied, the applicant may continue to purchase certain amounts of federal timber. If the denied applicant certifies to the Secretary within 90 days of receiving the disapproval that such person shall, within 18 months after disapproval, cease the export of timber from the geographic area defined by the Secretary, such person may continue to purchase federal timber without being subject to the restrictions of this paragraph.

Section 203(c)(5) provides for a review of applications under subsection (c)(2) every five years.

Senate Bill

Section 6101 prohibits direct substitution. The provision prohibits any person from purchasing unprocessed timber from federal lands and using it in substitution for exported unprocessed timber originating from private lands. The prohibition would apply to timber removed pursuant to timber sales contracts entered into on or after the date of enactment.

The section also prohibits indirect substitution. The provision prohibits any person from acquiring indirectly unprocessed timber from federal lands and using that timber in substitution for unprocessed private land timber that has been or will be exported from the United States. The prohibition on indirect substitution would take effect one year after the date of enactment.

Conference Agreement

The conferees agree to merge the House amendment and Senate bill. Section 490(a) prohibits direct substitution. The provision prohibits any person from purchasing directly from any department or agency of the United States unprocessed timber if:

- (1) such timber is to be used in substitution for exported timber originating from private lands; or
- (2) such person has during the preceding 24-month period exported unprocessed timber originating from private lands.

The subsection provides that contracts in effect before the date on which regulations to carry out this section are issued shall be governed by the substitution regulations in effect prior to enactment of this Title. The subsection also provides that a Washington State firm which has a long-term agreement with the U.S. Forest Service allowing for direct substitution shall have its direct substitution rights phased out by 1995.

The subsection provides that the 24-month test will not apply to any person who has legally substituted federal timber for exported unprocessed timber originating from private lands under an historic export quota approved by the Secretary of Agriculture or the Secretary of the Interior, and who certifies within three months after enactment of this act that the person will cease, and does cease exporting unprocessed timber originating from private lands within six months after the date of enactment of this Act.

Section 490(b)(1) prohibits, within 21 days of enactment of the Act, indirect substitution of unprocessed timber from federal lands for exported unprocessed timber from private lands. The subsection

provides an exemption from the prohibition on indirect substitution in order to permit a small number of companies in Oregon and Washington State to continue to make indirect purchases of western red cedar from federal lands while exporting private logs. The intent of the exemption is to address the unique circumstances of certain companies which both manufacture finished products from western red cedar and export unprocessed logs.

Section 490(b)(2) provides for an exception to the restrictions on indirect substitution for federal lands administered by the United States Forest Service Region 6 that are located north of the Columbia River from its mouth and east to its first intersection with the 119th meridian, and from that point north of the 46th parallel and east (i.e. within the State of Washington). The subsection also establishes the rules for selling, trading and exchanging certain rights. Proportionate shares shall be applied only if aggregate demand for indirect substitution volume exceeds 50 million board feet. In the case of a sale of a company or mill holding rights obtained under this section, those rights shall convey with the company or mill being sold, except that the 15 million board foot limit shall still apply to the acquiring party. The subsection provides that contracts in effect before the date on which regulations to carry out this section are issued shall be honored and governed by the substitution regulations in effect prior to enactment of this Title.

Section 490(c)(1) provides that the prohibitions in subsections 490(a) and 490(b) shall not apply to the acquisition of unprocessed timber from federal lands within a sourcing area boundary west of the 100th meridian in the contiguous 48 states approved by the Secretary of Interior or Agriculture by a person who, in the previous 24 months, has not exported unprocessed timber originating from private lands within the sourcing area boundaries and during the period such approval is in effect, does not export unprocessed timber originating from private lands within the sourcing area boundaries. The appropriate Secretary may waive the 24-month requirement for any person who, within 3 months after the date of enactment of this Act, certifies within 6 months after date of enactment of this Act that the person will cease exporting unprocessed timber originating from private lands within the sourcing area boundaries for no less than 3 years.

The section establishes a mechanism for exporting companies to apply for a specific exemption from the ban on direct and indirect substitution if the area from which the company purchases federal timber is economically and geographically separate from the area from which it exports, or sells for export unprocessed timber from private lands. The general reason for limiting substitution is to restrict companies from purchasing federal timber for their mills and then exporting private timber from the same general area. The exemption recognizes that some companies export private timber from geographic and economic areas separate from the source of logs for their federally-sourced mills. In these instances, companies may apply for a specific exemption for individual mills in order to bid on federal timber for those mills.

Section 490(c)(2) establishes time and other restrictions on the consideration of applications made under subsection 490(c)(1).

Within 3 months following enactment of this bill, the Secretaries of Agriculture and Interior shall prescribe a procedure to be used for the sourcing area application. It is not expected that prescription of this procedure will require normal rulemaking procedures. The prohibition on direct substitution shall not apply to a person until 1 month after the Secretary prescribes the sourcing area boundary procedure. In other words, the applicant has one month to file a sourcing area petition, once the Secretary has prescribed a procedure. If a person applies within that 1 month time period, the prohibition on direct substitution shall not apply until the sourcing area petition is approved or disapproved by the appropriate Secretary.

Section 490(c)(3) requires the Secretary of Agriculture or Secretary of Interior, as may be appropriate, on the record and after an opportunity for a hearing to either approve or disapprove the sourcing area application within 4 months after receipt of the application. The section provides a test for the Secretary involved to weigh approval of the exemption. This test shall be applied on a case by case basis and the outcome may vary among regions. The test evaluates whether the area from which exported private logs originate is geographically and economically separate from the sourcing area of the mill for which the exemption is sought. The Secretary shall, when considering whether to grant an exemption, consider the purchasing and bidding patterns of both the applicant and his competitors in the same local vicinity. To conduct the test, the Secretary concerned shall look at the geographic area from which the company currently and historically sources its mill. The Secretary shall examine the sourcing patterns of the mills in and around the same population center, considered by the Conferees to be within a general radius of 25 to 30 miles.

Section 490(c)(4) establishes rules governing the activities of persons whose sourcing area boundary application was denied. In the event of denial of an application, this section provides an opportunity to phase out federal timber purchases over 15 months and maintain such export operations; or terminate export of private logs from the area within 15 months and maintain eligibility for federal timber purchases.

For those denied applicants desiring to phase out federal timber purchases and maintain export operations, the section limits the applicants federal timber purchases in the first 9 months after receiving disapproval to 75 percent of the annual average of the applicants purchases of federal timber in the same area during the 5 full fiscal years immediately prior to submission of the application. In the subsequent 6-month period the applicant is limited to 25 percent of such annual average.

For those denied applicants desiring to terminate export of private logs, if the denied applicant certifies to the Secretary within 90 days of receiving the disapproval that such person shall, within 15 month of disapproval, cease the export of timber from the geographic area defined by the Secretary, such person may continue to purchase federal timber. However purchases are limited to 125 percent of the annual average of the applicants federal timber purchases in the same area during the 5 full fiscal years immediately prior to submission of the application. Additionally, during the 15-

month period, the applicants exports are limited to 125 percent of the applicant's private timber exports during the 5 full years immediately prior to submission of the application.

The section provides for a review of sourcing areas approved under section 490(c)(3) every five years.

Restriction on Exports of Unprocessed Timber From State and Public Lands (section 204 of House amendment; section 7001 of Senate bill; section 491 of conference agreement)

Present Law

Since a 1984 Supreme Court decision in *South Central Timber Development v. Wunnicke*, states have been prohibited from barring the export of logs from state lands.

House Amendment

Section 204 restricts exports of unprocessed timber harvested from lands owned or administered by states because recent and anticipated reductions of timber supply west of the 100th meridian may have profound negative economic and social consequences in the United States. To lessen the adverse effect of these reductions, it is necessary to restrict the export of unprocessed timber owned by various governmental entities as set forth in this section.

Section 204(a) directs the Secretary of Commerce to issue an order to prohibit the export from the United States of unprocessed timber harvested from lands owned or administered by a state or any political subdivision of a state, subject to certain conditions.

Section 204(b) sets forth the schedule for the imposition of restrictions on exports of unprocessed state timber. For certain states, the schedule provides for restrictions within 30 days of enactment of this Act. For other states, the schedule is based upon one and two year periods, and beginning in 1996 does not have a specific termination date. The levels under the schedule are to be determined on the basis of the total annual volume of unprocessed timber sold from state lands. For states with annual sales volumes of 400 million board feet or less, the Secretary is directed to issue the order prohibiting the export of unprocessed timber not later than 30 days after the date of enactment of the Act. For states with annual sales volumes greater than 400 million board feet, the bill establishes a schedule for the issuance of orders by the Secretary.

Section 204(b)(3) requires the Secretary of Commerce to report to Congress by June 1, 1995, on the effects of the provisions relating to exports of unprocessed state timber.

Section 204(c) permits the Secretary to increase the amount of unprocessed state timber prohibited from export above the minimum amount required by this bill if the domestic log supply is insufficient to meet the demand of domestic mills. In making such a determination, the bill sets forth the several factors that the Secretary must consider. Such factors include the effects of log exports on the price of logs and the operating margins of domestic processors, whether the volume of public lands timber under contract has increased or decreased by an amount greater than 20 percent within the previous 12 months, and whether and to what extent re-

straints on exports of unprocessed timber from public lands enhance or diminish the competitive position of the timber industry west of the 100th meridian.

Section 204(d) sets forth administrative provisions. These provisions establish requirements if the Secretary's order under subsection (a) is delayed for any reason, and establishes a system for administration by the states of the Secretary's order under subsection (a). In administering the Secretary's order, the states shall insure a substantial increase in the supply base of unprocessed timber for domestic processors. Furthermore, they shall ensure that the increase in available supply is comprised of all grades and species proportional to the state's annual sales. The states are authorized, in administering the Secretary's order, to adopt regulations restricting the practice of state timber for exported unprocessed private timber. Subsection (d)(3) provides that nothing in this section shall affect the validity of contracts for the purchase of unprocessed timber from any state which were entered into before the effective date of the Secretary's order. Subsection (d)(4) provides that nothing in this section shall affect section (7)(i) of the Export Administration Act of 1979.

Section 204(e) authorizes the President, after suitable notice and a public comment period of not less than 120 days, to suspend the provisions of this section if the President finds them to be in violation of international treaties or trade agreements to which the United States is a party.

Section 204(f) clarifies that no provision of federal law enacted before the enactment of this Act which imposes requirements with respect to the generation of revenue from state timberlands will not affect in any way any action of a state taken pursuant to this Act. The State of Washington holds a substantial portion of its lands in trust for the benefit of its educational institutions under the 1889 Act granting statehood. This section clarifies that neither the 1889 Act nor any other federal law requires the State of Washington to sell any timber for export.

Senate Bill

Section 7001 establishes a process for states to regulate the export of state-owned logs with the approval of the Secretary of Commerce. The Secretary of Commerce shall prohibit or otherwise restrict the exportation from the United States of any unprocessed timber harvested from land owned or administered by a state, provided that the Governor of the state has certified that the state has certified that the state supports such prohibitions based on:

- (1) a statute enacted by the state legislature;
- (2) a Statewide voter initiative; or
- (3) an existing state statute.

For approval to be granted, a federal log export ban must be in effect. In addition, each state may adopt provisions with respect to substitution.

Conference Agreement

The conferees agree to merge the House amendment and Senate bill. Section 491(a) directs the Secretary of Commerce to issue an order to prohibit the export from the United States of unprocessed

timber harvested from lands owned or administered by a state or any political subdivision of a state, subject to certain conditions.

Section 491(b)(1) applies to states with annual sales of 400 million board feet or less. The subsection prohibits the export of unprocessed timber originating from state lands within 21 days of enactment of this Act.

Section 491(b)(2) applies to states with annual sales of 400 million board feet or more. For states with annual sales volumes greater than 400 million board feet, the bill establishes a schedule for the issuance of orders by the Secretary. The schedule is based upon one and two year periods, and beginning in 1996 does not have a specific termination date.

Section 491(b)(3) requires the Secretary of Commerce to report to Congress by June 1, 1995, on the effects of the provisions relating to exports of unprocessed state timber.

Section 491(c) permits the Secretary, for those states with annual sales volumes greater than 400 million board feet, to increase the amount of unprocessed state timber prohibited from export above the minimum amount required by this bill if the domestic log supply is insufficient to meet the demand of domestic mills. In making such a determination, the bill sets forth the several factors that the Secretary must consider. Such factors include the effects of log exports on the price of logs and the operating margins of domestic processors, whether the volume of public lands timber under contract has increased or decreased by an amount greater than 20 percent within the previous 12 months, and whether and to what extent restraints on exports of unprocessed timber from public lands enhance or diminish the competitive position of the timber industry west of the 100th meridian.

Section 491(d)(1) sets forth administrative provisions. These provisions establish requirements if the Secretary's order under subsection 491(a) is delayed for any reason, and establish a system for administration by the states of the Secretary's order under subsection 491(b). In administering the Secretary's order, the states shall insure a substantial increase in the supply base of unprocessed timber for domestic processors. Furthermore, they shall insure that the increase in available supply is comprised of all grades and species proportional to the state's annual sales. In carrying out the intent of this Title, the Congress recognizes that each individual state affected should be in control of its own regulations and that its legislature should be given an opportunity to act on regulations independent of actions taken by other affected states.

Section 491(d)(2) requires each state to consider the species, grade and geographic origin of its public timber so that the restrictions of the Title will be allocated in a representative and equitable manner. The conferees recognize that the states must also take into account other laws to which they are subject. For example, much of the timber affected by this Title is held by the states in trust for counties or schools. It is not the intent of the Conferees that the allocations made by the states discriminate against timber held in trust, or discriminate among different trusts. Rather, the concept of representative and equitable treatment should extend across all forms of public timber ownership in each state.

Section 491(d)(3) provides that each state shall develop its own regulations to implement the state export restrictions.

For states with annual sales of 400 million board feet or more, the Governor, after consultation with appropriate state officials and with a State Board of Natural Resources, if any, shall within 120 days of enactment issue regulations. The intent of Congress is that any regulations issued by the Governor under this subsection take into consideration a complete range of options applicable in meeting the purposes of this Title. Such options may include the treatment of substitution; state timber purchasing caps for individual companies; small business state timber sales allocations; or any other regulatory remedy the Governor deems appropriate. Such regulations shall remain in effect until such time as the legislature of that state enacts requirements as it deems appropriate to carry out this section.

For states with annual sales of 400 million board feet or less, the Governor shall within 120 days of enactment issue regulations to carry out this section. The states are authorized, in administering the Secretary's order, to adopt regulations restricting the practice of substituting state timber for exported unprocessed private timber. Until such regulations are developed, the federal substitution rules will apply.

Section 491(d)(4) provides that nothing in this section shall apply to any contracts for the purchase of unprocessed timber from any state which were entered into before the effective date of the Secretary's order.

Section 491(d)(5) provides that nothing in this section effects section (7)(i) of the Export Administration Act of 1979.

Section 491(e) authorizes the President, after suitable notice and a public comment period of not less than 120 days, to suspend the provisions of this section if a GATT panel, or a ruling issued under the formal dispute settlement proceeding provided under any other trade agreement, finds that the state export restrictions are in violation of, or inconsistent with U.S. international obligations.

Section 491(f) authorizes the President to remove or modify any state export restrictions if a state petitions, and the President determines it is in the national economic interests to remove or modify such restrictions.

Section 491(g) clarifies that no provision of federal law enacted before the enactment of this Act which imposes requirements with respect to the generation of revenue from state timberlands will affect in any way any action of a state taken pursuant to this Act. The State of Washington holds a substantial portion of its lands in trust for the benefit of its educational institutions under the 1889 Act granting statehood. This section clarifies that neither the 1889 Act nor any other federal law requires the State of Washington to sell any timber for export.

Section 491(h) establishes that the prohibitions on state timber exports shall not apply to specific grades and species of unprocessed timber from federal lands that the Secretaries of Agriculture and Interior determine to be surplus to domestic processing needs. Congress expects the Secretaries to hold hearings to determine whether species currently designated as surplus have no domestic

markets. The Secretaries should not declare species or grades to be surplus unless no domestic markets for such species or grades exist.

Section 491(i) provides that, beginning in 1997, the President may suspend the restrictions on the export of unprocessed timber from state lands if they are determined to no longer meet the intent of this Title.

Section 491(j) provides that nothing in this Act shall be construed to limit the authority of the President or USTR to take appropriate action to respond to any measure taken by a foreign government in connection with this Act.

Monitoring and Enforcement (section 205 of House amendment; sections 6102, 6201 and 6202 of Senate bill; section 492 of conference agreement.)

Present Law

Requires purchasers of federal timber to identify the disposition of such timber on an annual basis. The purchaser must identify to whom the timber will be delivered. New owners of timber sign an agreement with the timber purchasers agreeing to process the timber domestically. Present law has no reporting requirements for third party purchases of federal timber. The Forest Service reports annually to the Congress on the disposition of federal timber.

Under current law, there are no civil fines or penalties mandated by statute for violation of timber export regulations. However, the Forest Service has the authority to prohibit persons from entering into contracts to purchase unprocessed federal timber for not less than 6 months and not more than 3 years for violating timber export regulations.

House Amendment

Section 205(a) requires each person who acquires or transfers to another person unprocessed federal timber to report the origin and disposition of such timber to the Secretaries of Agriculture and Interior and to any person receiving such timber.

Section 205(b) requires the Secretaries of Agriculture and Interior to submit to Congress not later than June 1, 1995, a report and recommendations concerning the practice of indirect substitution.

Section 205(c) provides for civil penalties against any person who has knowingly and willfully exported unprocessed federal timber in violation of this title or violated any other provision of this title or any regulations issued under this title.

Section 205(d) establishes the conditions under which the appropriate federal department or agency may debar any person who violates this title, or any regulation or contract issued under this title, from entering into any contract for the purchase of unprocessed timber from federal lands.

Senate Bill

Section 6102 requires that persons acquiring federal timber report the disposition of the timber to the appropriate Secretary administering the relevant federal lands on a quarterly basis. The section also requires that person conveying the timber must identify the origin of such timber to the purchaser, who must then

submit written acknowledgment of receipt of the identification and sign an agreement to comply with the prohibitions in Section 6101. The appropriate U.S. Secretary shall report annually to the Congress on the dispositions covered by these reporting requirements.

Section 6201 imposes civil penalties for violations of the Act.

Section 6202 directs the appropriate Secretary to prohibit persons violating these provisions from entering into any contract for the purchase of unprocessed federal timber for not more than 5 years. Such a person shall also be precluded from taking delivery of federal timber purchased by another party during the period of debarment.

Conference Agreement

The Senate recedes with an amendment requiring greater reporting requirements. Under Section 492(a), the conferees intend that the Secretaries of Agriculture and Interior have a complete accounting of transactions relating to the acquisition and disposition of unprocessed timber originating from federal lands. The provision requires each person who acquires, directly or indirectly unprocessed federal timber, to report the receipt and disposition of such timber to the Secretaries of Agriculture and Interior. Additionally, each person who transfers to another person unprocessed timber is required to exchange written information with such person. The subsection provides that the transferor must provide the transferee with a written notice identifying the origin of the timber, and receive from the transferee a written acknowledgement of such notice and a written agreement that the transferee will comply with the requirements of this title. The transferor is required to provide the appropriate Secretary copies of all notices, acknowledgements and agreements required under this section.

Section 492(b) requires the Secretaries of Agriculture and Interior to submit to Congress not later than June 1, 1995, a report and recommendations concerning the practice of indirect substitution.

Section 492(c) provides for civil penalties against any person who has violated this title or any regulations issued under this title.

Section 492(d) establishes the conditions under which the appropriate federal department or agency may debar any person who violates this title, or any regulation or contract issued under this title, from entering into any contract for the purchase of unprocessed timber from federal lands.

Definitions (section 206 of House amendment; sections 6204 and 7002 of Senate bill; section 493 of conference agreement)

Present Law

Several terms associated with the export of timber are currently defined by regulation. The interpretations of the definitions of substitution and unprocessed timber have been the subject of substantial disagreement.

House Amendment

Section 206 contains definition of "federal lands", "private lands", "public lands", "person", and "unprocessed timber".

Senate Bill

Section 6204 contains definitions of “acquire”, “affiliate”, “federal lands”, “person”, “private lands”, “Secretary concerned”, “substitution”, and “unprocessed timber”.

Section 7002 contains definitions of “state”, “state lands”, and “unprocessed timber”.

Conference Agreement

The conferees agree to merge the House amendment and Senate bill. Section 493 contains definitions of “acquire”, “substitution”, “federal lands”, “private lands”, “public lands”, “person”, and “unprocessed timber”. Substitution definition reflects on activity in the same geographic & economic area. In adopting this definition of unprocessed timber, the conferees intend to resolve any divergent interpretations of the definition of unprocessed timber. It is the intent of the conferees that domestic pulp mills should retain the ability to purchase federal pulp-grade logs for use in their operations. All definitions are effective upon date of enactment of this Act, but shall not apply to contracts entered into prior to date of enactment of this Act.

Effective Date (section 207 of House amendment; sections 6205 and 7003 of Senate bill; section 494 of conference agreement)

Present Law

No provision.

House Amendment

Section 207 of this Title contains specific time lines for the implementation of various provisions. Where time lines are not specified, the House intends that the effective date be upon enactment.

Senate Bill

Section 6205 provides that the federal ban is effective one year after date of enactment.

Section 7003 provides that the state ban is effective upon enactment of this Act.

Conference Agreement

Except as otherwise specified in this Title, the effective date shall be date of enactment.

Regulations and Review (section 208 of House amendment; section 6203 of Senate Bill; section 495 of conference agreement)

Present Law

No provision.

House Amendment

Section 208 provides that, except as otherwise specified in this Title, the regulations are to be completed no later than 1 year after enactment.

Senate Bill

Section 6205 requires that regulations are required to be completed no later than 1 year after enactment.

Conference Agreement

Except as otherwise provided in this Title, regulations shall be completed no later than 9 months after enactment.

Section 495(b) provides that the Secretaries of Agriculture and Interior shall review the definition of unprocessed timber and within 18 months report any recommended changes of the definition to Congress.

In particular, the report shall focus on the effect of having two size standards for timber under sections 493(7)(B)(ii) and (iii).

The conferees are particularly concerned about:

1. the confusion for government officials and U.S. producers resulting from two different size standards; and

2. the potential for harassment by government officials who—while inspecting timber bundled in large containerized shipments—may unreasonably require the unloading of the containers.

In developing the report and formulating the recommendations, the conferees expect the Secretaries to provide notice to, and solicit comments from all interested parties. In addition to general recommendations about the definition of unprocessed timber, the report shall summarize the comments received from the interested parties and examine the advantages and disadvantages of having two size standards under 493(7)(B)(ii) and (iii).

Authorization of Appropriations (Section 209 of House amendment; section 496 of conference agreement)

Present Law

No provision.

House Amendment

Section 209 authorizes such appropriations as are necessary to carry out this Title.

Senate Bill

No provision.

Conference Agreement

Senate recesses.

Savings Clause (section 210 of House amendment; section 497 of conference agreement)

Present Law

No provision.

House Bill

Section 210 provides that no timber sales contract entered into before the effective date of this Title shall be altered or affected by any provision of this Title.

Senate Amendment

No provision.

Conference Agreement

Senate recesses.

Eastern Hardwood Study (sec. 498 of conference agreement)

Present Law

No provision.

House Amendment

No provision.

Senate Bill

No provision.

Conference Agreement

Section 498 directs the Secretaries to study the effects and merits of the exportation of hardwood sawlogs from federal and state lands east of the 100th meridian. The conferees believe the data necessary to complete this study could be collected as an addition to the Shipper's Export Declaration (SED). This would provide both the government and business a clear understanding of how this provision should be implemented; it would help ensure the data is treated confidentially; and it would extend the enforcement procedures of the SED process to the additional data collected.

Authority of the Export Administration Act of 1979 (sec. 499 of conference agreement)

Present Law

The Secretary may currently exercise authority under this Act to prohibit the export of domestic raw materials deemed to be in short supply due to domestic shortage or the inflationary effects of foreign demand.

House Amendment

No provision.

Senate Bill

No provision.

Conference Agreement

Section 499 clarifies that, by approving this Title, Congress does not intend to influence one way or another the outcome of any pending or prospective petition filed under section 7 of the EAA of 1979 with respect to the export of unprocessed timber. Furthermore, Congress does not intend that this Title be implemented under authority of section 7 of the EAA of 1979. This Title establishes new authority for the Secretaries with respect to regulating the export of unprocessed timber.

From the Committee on Ways and Means, for consideration of the House amendment to the Senate amendment, and the Senate amendment, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
ED JENKINS,
TOM DOWNEY,
DONALD J. PEASE,
MARTY RUSSO,
FRANK J. GUARINI,
BILL ARCHER,
GUY VANDER JAGT,
PHIL CRANE,
BILL FRENZEL,

As additional conferees, solely for consideration of title II of the House amendment to the Senate amendment, and for title II of the Senate amendment, and modifications committed to conference:

J.J. PICKLE,
RICHARD T. SCHULZE,

From the Committee on Agriculture, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference:

E DE LA GARZA,
HAROLD L. VOLKMER,
GEORGE E. BROWN, Jr.,
JIM OLIN,
RICHARD STALLINGS,
SID MORRISON,
ROBERT F. SMITH,
WALLY HERGER,

From the Committee on Interior and Insular Affairs, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference:

MO UDALL,
BRUCE F. VENTO,
PAT WILLIAMS,
PETER DEFazio,
J. McDERMOTT,
DON YOUNG,
LARRY E. CRAIG,
DENNY SMITH,

From the Committee on Foreign Affairs, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference:

DANTE B. FASCELL,
HOWARD WOLPE,
SAM GEJDENSON,
PETER H. KOSTMAYER,
EDWARD F. FEIGHAN,
WM. BROOMFIELD,
TOBY ROTH,

JOHN MILLER,
Managers on the Part of the House.

LLOYD BENTSEN,
DANIEL PATRICK MOYNIHAN,
BOB PACKWOOD,
BOB DOLE,
Managers on the Part of the Senate.

